

AGENDA

Regulatory Committee

Date: **Friday 6 December 2013**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Tim Brown, Democratic Services Officer

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Agenda for the Meeting of the Regulatory Committee

Membership

Chairman

Councillor JW Hope MBE

Vice-Chairman

Councillor RC Hunt

Councillor CM Bartrum

Councillor PL Bettington

Councillor BA Durkin

Councillor Brig P Jones CBE

Councillor PJ McCaull

Councillor SM Michael

Councillor C Nicholls

Councillor GA Vaughan-Powell

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 25 June 2013.	7 - 8
5.	PROCEDURAL ARRANGEMENTS To note the procedural arrangements for the meeting.	9 - 10
EXCLUSION OF PUBLIC AND PRESS		
In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.		
RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.		
1	Information relating to any individual.	
6.	DETERMINATION OF WHETHER A PERSON CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE To determine whether a person continues to be a fit and proper person to hold a dual driver's licence.	11 - 26

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 25 June 2013 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillor RC Hunt (Vice Chairman)

Councillors: CM Bartrum and PL Bettington

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, RC Hunt, Brig P Jones CBE, FM Norman, GA Vaughan-Powell.

2. NAMED SUBSTITUTES (IF ANY)

There were no substitute members present at the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED: That the Minutes of the meetings held on 12 March 2013 and 30 April 2013 be approved as correct records and signed by the Chairman.

5. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS

Prior to the report being presented, the Head of Trading Standards and Licensing advised the Committee that as of 1 August 2013 he would be switching portfolios with Mike Pigrem.

The Head of Trading Standards and Licensing presented a report about the main regulatory activities of Environmental Health & Trading Standards service during the past year.

The Committee expressed their appreciation for the work which was undertaken by the Department.

RESOLVED

THAT the report be received and noted and that the Environmental Health and Trading Standards Team be thanked for the important work they were undertaking.

6. HEREFORDSHIRE COUNCIL'S PROPOSED 2013/14 FOOD HYGIENE INSPECTION PROGRAMME

The Committee debated agenda items 6 and 7 together as they were inextricably linked.

The Head of Trading Standards and Licensing presented the report and advised the Committee of the background to the proposal to reduce the food hygiene inspection programme. He added that the proposal did not meet the Food Standard's Agency requirements and put the Council at risk of direct action being taken by the FSA, although he

noted that he was not aware of this happening as the FSA recognised the difficult situation local governments found themselves in.

He advised that following a programmed audit of Herefordshire Council's Food Law enforcement specifically in relation to Food Hygiene, Internal Audit reported that the Council was not fully compliant with the requisite statutory Codes of Practice in relation to food safety and food hygiene when carrying out its food law enforcement role, As a consequence, a 'Limited Assurance' rating was issued.

The main reason for this 'Limited Assurance' rating being issued, was because a revised Food Hygiene Inspection programme had being implemented by management which had not previously been reported to Regulatory Committee for information and approval. This revised programme was based on undertaking a limited number of programmed inspections to align with the staffing resources and budget allocated. It set out to achieve 100% of high risk categories classed as 'A' & 'B' and 'C1' and a lesser percentage for those premises risked as 'C2' & 'D', with no proactive inspections for those premises low risked as 'E'.

The proposed programme would result in all high risk premises being inspected. The Regulatory Committee had asked for updates in respect of inspections and these would be done through the existing quarterly updates. It was considered that the FSA would be satisfied as the decision had been made through a Committee resolution.

In response to a series of questions, the Head of Trading Standards and Licensing advised that the differences between the proposed and current inspection programmes were summarised in table 1B. He added that the criteria used to allocate a premise to category A, B, C1 or C2 was set out in the code of practice. Finally he advised that risk rating E premises would be extremely low risk establishments such as B&B's, very well run factories and low risk food, ie packaged goods. The Team Manager - Environmental Health Commercial added that the failure rate of such premises was likely to be under 5%.

Members discussed the matter and had concerns. They wished it to be noted that they were willing to approve the proposed inspection programme reluctantly. They noted that under the new proposals 1464 establishments would not be inspected, and that these premises would be aware of this and could easily let standards slip.

RESOLVED

THAT the Regulatory Committee reluctantly approves the implementation of the proposed revised Food Hygiene Inspection programme as detailed in the report.

7. HEREFORDSHIRE COUNCIL'S PROPOSED 2013/14 FOOD STANDARDS ENFORCEMENT PROGRAMME

The Committee debated agenda items 6 and 7 together as they were inextricably linked.

RESOLVED

THAT the Regulatory Committee approves the implementation of the proposed Food Standards Enforcement programme as detailed in the report.

The meeting ended at 3.35 pm

CHAIRMAN

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Committee or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw when they have finished their presentation. All officers, other than the Legal Adviser to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is one of refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second and subsequent applications in the same way.

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