

Environment and Living Scrutiny Committee

22 SEPTEMBER 2015

PRESENT: Councillor M Winn (Chairman); Councillors S Jenkins (Vice-Chairman), M Bateman, A Bond, S Chapple, A Cole, S Cole, B Everitt and A Hetherington

APOLOGIES: Councillors T Hunter-Watts

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 23 June 2015 be approved as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

The Licensing Act 2003 required the Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The first licensing policy was published in January 2005, the second in January 2008 and the current policy for Aylesbury Vale District Council was published in 2011. Although it was not necessary for the policy to be reviewed until 2016, there had been significant changes in legislation and the statutory guidance to justify a review before 2016.

Members were informed that the saturation policy had been in place since 2005, due to a high density of licensed premises. Aylesbury was organised in squares, which increased loitering and localised points of disorder. Currently there were no issues near Waitrose or on the outskirts of Aylesbury. The hotspots for disorder were Kingsbury and Market Square. The policy prevented any new high risk premises, or late night extensions, which supported police resources. Members questioned whether the Council had considered introducing a late night levy on premises that traded beyond a certain time with the levy being used to support police resources. It was advised, however, that the levy would have to be imposed on a Vale wide basis, so may have a negative impact on other areas.

Councillors sought further information regarding the prevention of anti-social behaviour, which was stated to be an inevitable consequence of the late night economy in Aylesbury. There were different types of legislation that council be used to try to curb unlawful behaviour. No drinking zones were currently in place, which enabled police to confiscate open containers of alcohol. These abilities had been extended through the Public Spaces Protection Orders (PSPO), and this would allow spot fines for unlawful behaviour in the town centres.

Consultation evenings were held in both Aylesbury and Buckingham regarding the review of the Licensing Policy. All licensees in the areas were invited. Weatherspoons were the only licensee to attend the consultation evening in Aylesbury. The Buckingham consultation evening was better attended, and it was thought that this was due to the proposed introduction of a restraint policy in Buckingham. The proposed restraint policy in Buckingham was to refuse any applications beyond a 1.30am closing time. It was noted that noise complaints in Buckingham were not limited to the immediate area surrounding a licensed property. Buckingham University had its own penalty system for private parties that resulted in a noise or disturbance complaint.

While there was building pressure for premises with a 2am or 3am closing time in Buckingham, it was stated that a club premises existed on the university campus, and students would be likely to go to Milton Keynes for extended opening hours.

Following further consideration, it was –

RESOLVED –

- (1) That the draft 2016 Aylesbury Vale District Council Licensing Policy Statement be noted.
- (2) That the Scrutiny Committee supports the Licensing Committee, in recommending that the Council adopts the reviewed Licensing Policy Statement.

4. FOOD SERVICE PLAN 2015-2016

The Environment and Living Scrutiny Committee received a report outlining the Council's Food Service Plan for 2015-16. It was noted that under European food law, the Food Standards Agency (FSA) were deemed to be the competent authority, and that local authorities had to work within a framework developed by the agency. Part of the framework agreement included production of a food service plan. Plans were required to contain the following information:

- Service aims and objectives
- Background
- Service delivery
- Resources
- Quality assessment
- Review

Members were advised that there were 1714 registered food businesses in Aylesbury Vale. These included restaurants, and also shops, food manufacturers, child minders and egg packers. All premises were given a risk rating from A to E, with A being a high risk classification, and E low. This enabled resources to be focused at those premises with a high risk rating. It was also noted that the Council had a limited ability to change how the service was delivered due to the requirements of the Food Standards Agency.

It was questioned how the risk rating for each business was decided. The risks examined by inspectors included the number of people served, the type of food, and the processes in place. Some food processes could be complex, but could be deemed to be a low risk due to the processes put in place by the business. Other aspects of the business that would be examined were food hygiene concerns, the cleanliness of the property and any complaints that had been received by the Council. The food hygiene rating score was also derived from the same scheme. It was not compulsory for businesses to display the food hygiene rating score, and this was not something that could be required locally, as the regulations surrounding food hygiene rating decided nationally. It was noted that businesses were required to display their ratings in Wales from October 2014, and that this was about to come into force in Northern Ireland. The Food Standards Agency were monitoring any improvements to the standards of businesses in Wales to see if an improvement results from this.

Members were advised that all food service complaints received by the Council were investigated within three days. Complaints were monitored on an hourly basis, and if a complaint were deemed to be high risk then it could be dealt with on the day the complaint was received. Resources in the department were stretched. There had been no increase in resources for three years and there had been an increase of 30 businesses during this time. A restructure of the department had recently taken place,

and this should increase resilience for the team. It was noted that out of hours inspections would need to take place. All visits to properties were unannounced, but it may be necessary to return to the business in order to complete the full inspection.

Some of the inspections carried out by the Council were outsourced. The annual budget for this was a maximum of £10,000, and the total cost in the last financial year was £8,000. The company that carries out the outsourced inspections is audited by the department, and would only carry out inspections on the low risk businesses. It was noted that outsourcing was common amongst the Buckinghamshire authorities. The consultant uses the same documentation as Aylesbury Vale Officers when carrying out the inspections, and is assessed against the same competencies. If a revisit were required, this would be carried out by the Council's Officers.

Members questioned what the process was for closing a premise. It was noted that this was unusual, and that only one or two were closed each year. Premises can only be closed when they were a risk to public health. If there was some non-compliance then businesses would be given a timetable to comply. Businesses can offer to close. They would need to confirm this in writing, and this process would remove their right to compensation. If the Council closed down a premise, the business could apply to the Magistrates Court and receive compensation if it were decided that the business had been closed in error. It was noted that the Council did not publicise any closures, but it was likely that the local papers would report on a closure. If a business were prosecuted this would be publicised. Support and coaching would be available to some businesses with poor performance, and this was funded nationally. Businesses could only be kept closed while there remained to be a significant issue.

RESOLVED –

That the Food Service Plan 2015-16 be endorsed by the Committee.

5. WORK PROGRAMME

The Committee was provided with a work programme outlining the items that would be considered at future meetings. During discussions, it was agreed that the following items should be included onto the work programme:-

3 November

- Update report on the flooding on the Willows Development
- VAHT Update
- Aylesbury Homelessness Action Group

8 December

- Community Safety Partnership Update
 - Anti-Social Behaviour
 - Domestic Violence

11 February

- Five Ways to Wellbeing and Mental Health Update
- Encouraging the use of parks and open spaces

23 March

- Right to Buy Policy

To be timetabled

- Update on the rivering corridor and the status of its adoption in Fairford Leys
- Maintenance of the floor and fauna in Aylesbury Vale

- Anti-social behaviour and the ability to launch a community trigger

RESOLVED –

That the work programme of the scrutiny committee as discussed at the meeting be agreed.