

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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## AGENDA

**This meeting will be webcast live and the video archive published on our website**

**Regulatory Committee**  
**Thursday, 6th June, 2024 at 6.31 pm**  
**Council Chamber - The Guildhall**

**Members:**

- Councillor Jim Snee (Chairman)
- Councillor Mrs Mandy Snee (Vice-Chairman)
- Councillor John Barrett
- Councillor Trevor Bridgwood
- Councillor Liz Clews
- Councillor David Dobbie
- Councillor Eve Bennett
- Councillor Mrs Angela Lawrence
- Councillor Paul Lee
- Councillor Maureen Palmer
- Councillor Baptiste Velan

**1. Apologies for Absence**

**2. Public Participation**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**3. Declarations of Interest**

Members may make declarations of Interest at this point or may make them at any point in the meeting.

**4. Minutes of Previous meetings**

i) For Approval

- Minutes of the previous Regulatory Committee held on 14 March 2023 (PAGES 3 - 4)

- ii) For Noting
  - Minutes of the Regulatory Sub-Committee held on 19 March 2024 (PAGES 5 - 6)

5. **Matters Arising**

There are no Matters Arising for the last Committee meeting to report.

6. **Public Reports for approval**

- i) Food, Health and Safety Work Plan 24/25 (PAGES 7 - 31)
- ii) Pavement Licensing - Review of Sub Delegation (PAGES 32 - 37)
- iii) Committee Work Plan (PAGE 38)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

24 May 2024

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 14 March 2024 commencing at 6.30 pm.

**Present:** Councillor Jim Snee (Chairman)  
Councillor Mrs Mandy Snee (Vice-Chairman)

Councillor John Barrett  
Councillor Trevor Bridgwood  
Councillor David Dobbie  
Councillor Mrs Angela Lawrence  
Councillor Paul Lee  
Councillor Maureen Palmer  
Councillor Stephen Bunney

**In Attendance:**  
Andy Gray Housing & Environmental Enforcement Manager  
Kimble Enderby Senior Licensing and Community Safety Officer  
Ele Snow Senior Democratic and Civic Officer

**Apologies:** Councillor Eve Bennett

**Membership:** Councillor Stephen Bunney was appointed substitute for  
Councillor Eve Bennett

### 20 PUBLIC PARTICIPATION

There was no public participation.

### 21 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

### 22 MINUTES OF PREVIOUS MEETING(S)

**RESOLVED** that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 7 December 2023 be confirmed and signed as an accurate record.

### 23 HEMSWELL CLIFF PUBLIC SPACE PROTECTION ORDER DECISION

The Committee heard from the Housing and Enforcement Manager regarding the extension of the Public Space Protection Order (PSPO) at Hemswell Cliff. It was explained that PSPOs were made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A

minimum 30 day consultation period was required by legislation, with the Committee then required to make the final decision. Members heard that the response rate to the consultation had been good, at double the number of responses compared to the previous consultation. The Parish Council had also been involved. It was explained that 80% of respondents raised ongoing issues and 90% said the PSPO should be extended. Comments from the consultation were summarised in the appendix, with Officers using the information to assess how aspects could be improved.

Based on the information received, it was recommended that that the PSPO at Hemswell Cliff be extended for a further three years. A copy of the order was appended to the report, although a decision by the Committee taken at this point would not come into effect until June 2024, with steps to be taken at that time to enact the order.

Members of the Committee were pleased with the response rate to the consultation with further discussion regarding the raised issues of parking and littering. It was explained that there was evidence to support that these issues had improved, although it was accepted there was continued work regarding both aspects. It was highlighted that there were parking and littering problems in areas that were not covered by the PSPO, which could cause confusion for residents, however Officers worked with other teams to ensure reported problems were addressed in a timely manner, for example fly-tipping or abandoned vehicles.

It was enquired as to whether the new Enforcement Officers would be based at Hemswell Cliff, and this was confirmed to be the case. Instead of there being one Enforcement Officer to cover the area, there would be three. They would be monitoring the PSPOs and would be visible in the associated areas. A Member of the Committee also noted that the Hemswell Cliff Neighbourhood Plan had been presented at Full Council, demonstrating the community were also doing what was in their power to help improve the area.

Having been proposed and seconded, the Chairman took the vote and it was unanimously

**RESOLVED** that the Hemswell Cliff Public Space Protection Order proposals be approved and as such the Order be extended for a three-year period from 14 June 2024 to 13 June 2027.

## 24 WORK PLAN

With no comments or questions, the Workplan was **NOTED**.

The meeting concluded at 6.48 pm.

Chairman

Regulatory Sub-Committee- 19 March 2024  
Subject to Call-in. Call-in will expire at 5pm on

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Sub-Committee held in the Council Chamber -  
The Guildhall on 19 March 2024 commencing at 10.30 am.

**Present:** Councillor Stephen Bunney  
Councillor Mrs Angela Lawrence  
Councillor Maureen Palmer

**In Attendance:**  
Andy Gray Housing & Environmental Enforcement Manager  
Kimble Enderby Senior Licensing and Community Safety Officer  
Tracy Gavins Licensing Enforcement Officer  
Martha Rees Legal Advisor  
Katie Storr Democratic Services & Elections Team Manager  
Maisie McInnes Democratic and Civic Officer

**Also in Attendance:** The licence holder

### 7 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY.

The Democratic and Civic Officer opened the meeting and invited Councillors to appoint a Chair of the Regulatory Sub-Committee. It was proposed by Councillor Maureen Palmer and seconded by Councillor Stephen Bunney that Councillor Mrs Angela Lawrence be appointed Chair of the Sub-Committee Hearing.

**RESOLVED** that Councillor Mrs Angela Lawrence be appointed Chair of the Regulatory Sub-Committee.

### 8 MEMBERS DECLARATIONS OF INTEREST

There were no declarations of interest.

### 9 PROCEDURE

The Chairman confirmed the Principles of Natural Justice were to be followed.

The Procedure to be followed was summarised by the Legal Advisor.

The Licensee confirmed he had been made aware he was entitled to representation at the meeting

### 10 EXCLUSION OF PUBLIC AND PRESS.

**RESOLVED** that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

## 11 'FIT AND PROPER' STATUS OF A LICENSED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER

The Senior Licensing Officer presented his report which set out the circumstances leading to the review by the Licensing Sub-Committee. Further information regarding the application was set out in the confidential appendices. The Senior Licensing Officer summarised the incident and set out the options available for the Sub-Committee as set out in paragraph 6.2 of the report.

Members of the Sub-Committee, and the Licence Holder were given the opportunity to ask questions of the Senior Licensing Officer.

The Chairman invited the Licence Holder to present his case to the Regulatory Sub-Committee. The Licence Holder presented his case to the Licensing Sub-Committee and Members were given the opportunity to ask questions of the Licence Holder.

The Chairman invited the Senior Licensing Officer and the Licence Holder to sum up their case and asked if there were any further comments they wished to make.

The Chairman of the Regulatory Sub-committee thanked the Licence Holder, the Senior Licensing Officer and officers for attending and advised that all parties would be notified of the decision in writing within five working days of today's hearing and reminded those present of the right to appeal to the Magistrates' Court within 21 days of receiving such notice.

The Chairman adjourned the meeting at 11:00 for the Sub-Committee to make their decision.

The meeting re-adjourned at 11:15 when it was: -

**RESOLVED** that having considered all the representations and information before the Hearing and giving due weight to the evidence presented the Committee were unanimous in their decision that the licence be revoked, for the reasons outlined to the Applicant in the decision notice.

The meeting concluded at 11.30 am.

Chairman



**Regulatory Committee**

**Thursday 6<sup>th</sup> June 2024**

**Subject: Food and Health and Safety Work Plan 2024/2025**

Report by:	Director - Change Management, ICT and Regulatory Services
Contact Officer:	Andy Gray Housing and Enforcement Manager  andy.gray@west-lindsey.gov.uk
Purpose / Summary:	To provide Committee with the Food, Health and Safety Work Plan 2024/2025 for approval.

**RECOMMENDATION(S):**

Committee are asked to:

- a) Approve the Food, Health and Safety Work Plan as detailed at Appendix 1.
- b) Approve that an update on progress against the plan is brought to Regulatory Committee at its December 2024 meeting.

## IMPLICATIONS

### Legal:

The Council is required to produce and approve a work plan that is in line with both the Food Standards Agency Framework Agreement, and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive.

The Food Act 1990 as amended by the Food Safety act 1990 provides the legal background for the provision of these services by the Council.

### Financial: FIN/23/25/SSC

There are no financial implication arising from this report.

The table below summarises the Medium-Term Financial Plan budget for Food Safety approved by Committee in March 2024.

Ledger Code Food Safety	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
	Base Budget	Base Budget	Base Budget	Base Budget	Base Budget	Base Budget
Employees	255,300	262,600	271,200	277,500	284,600	293,500
Supplies & Services	12,000	12,100	10,000	10,500	11,100	11,100
Support Services	67,600	68,100	70,300	70,900	72,000	72,000
Transport	200.00	200.00	200.00	200.00	200.00	200.00
Income & Fees	(7,300.00)	(7,400.00)	(7,400.00)	(7,400.00)	(7,400.00)	(7,400.00)
<b>Grand Total</b>	<b>327,800</b>	<b>335,600</b>	<b>344,300</b>	<b>351,700</b>	<b>360,500</b>	<b>369,400</b>

### Staffing :

The report identifies the staffing resource available to the service and how they are deployed in order to meet the Council's statutory responsibilities.

The report also outlines the resourcing challenges that may arise as a result of the number of routine food hygiene inspections required.

### Equality and Diversity including Human Rights :

There are no implications noted.

### Data Protection Implications :

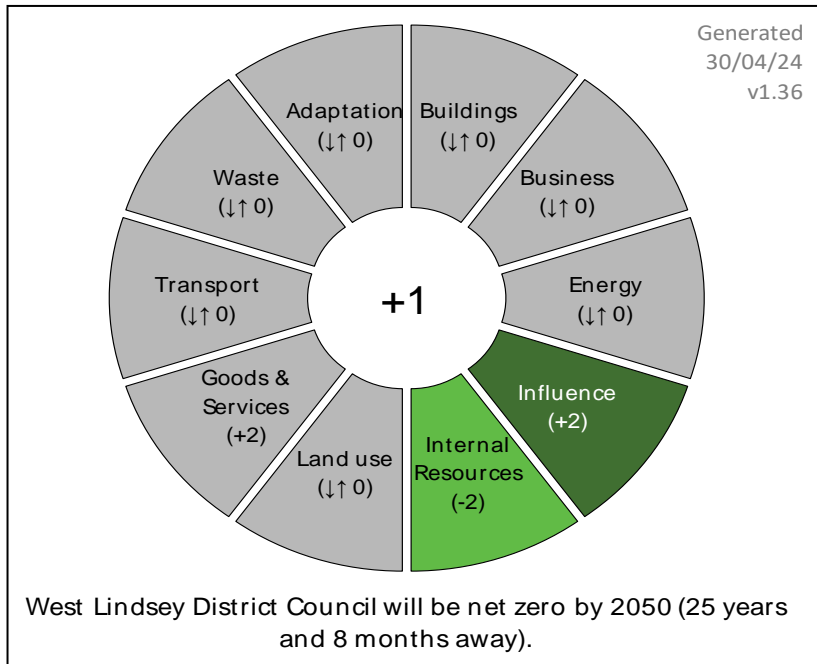
There are no implications noted.



**Climate Related Risks and Opportunities :**

In relation to the climate, this work plan seeks to deliver a number of the Council’s statutory obligations focussed on food and health and safety. Within this there are opportunities to positively impact climate related risks through advice and engagement that can be provided to food businesses. Officers will also provide advice and guidance in regard to minimising food waste.

This mainly relates to advice and guidance in regard to waste and the appropriate practices for its disposal and storage.



**Section 17 Crime and Disorder Considerations :**

There are no direct implications within this report. In line with the Council’s Corporate Enforcement Policy this work area seeks to ensure that other agencies are engaged where necessary to address specific concerns.

**Health Implications:**

The delivery of an effective Food and Health and Safety Work Plan has a clear and direct impact on the health of the Districts residents. The plan seeks to ensure that Food Hygiene Standards are maintained in line with legislation and that Health and Safety incidents are investigated accordingly.

**Title and Location of any Background Papers used in the preparation of this report:**

None noted.

**Risk Assessment :**

Maintaining Food Hygiene Inspection Requirements – the ability to deliver statutory obligations will continue to be impacted by Covid-19 and the Council will continue to work to the FSA guidance in relation to this.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**

## 1. Introduction

1.1. The Council is required to produce and approve a work plan that is in line with the Food Standards Agency Framework Agreement and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive (HSE). This plan covers all work undertaken within the Housing and Environmental Enforcement work area relating to Food and Health and Safety.

1.2. The purpose of the work plan (shown in appendix 1) is to set out how the Council delivers its official controls and fulfils its duties under food, health and safety, public health and drinking water legislation.

## 2. Context

2.1. There are currently 978 food businesses registered within the district, an increase from 937 in 2023. Since 2010/11 the average number of registered food businesses annually has been 955.

2.2. This slight increase sees the overall number of food businesses return to pre-covid 19 levels, whereby it had increased to over 1,000 mainly due to the increase of “home based” businesses and takeaway style food during this period. It is generally seen as a positive sign that the numbers have returned to these levels and have not reduced further given the current economic challenges that businesses and customers are facing.

## 3. Service Demand in 23/24

3.1. The table below shows the demand placed on the service over the last 4 years.

Service Provision	2020/21	2021/22	2022/23	2023/24
<b>Total Routine Planned Food Hygiene Inspections (A to D, &amp; Unrated)</b>	291	198*	447	228
<b>Completed Food Hygiene Inspections</b>	18 n/a Covid 19	172 (87%)	418 (91%)	229 (100%)
<b>Food Inspection Visits (inc. abortive)</b>	39	210	542	355
<b>Food Inspection Revisits (additional)</b>	4	26	131	50
<b>Request for Revisit (FHRS)</b>	0	2	17	3
<b>Health &amp; Safety Intervention Visits</b>	n/a	n/a	32	5
<b>Health &amp; Safety Targeted Interventions</b>	n/a	n/a	20	0
<b>Food / H&amp;S Complaints and Service Requests (NB: note 2020/21 figure includes Covid related complaints and service requests)</b>	875	395	247	247
<b>Service Requests Requiring a Premises Visit (additional)</b>	5	28	39	51
<b>Service Provision</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>

<b>Accident Investigations</b>	12	2	1	0
<b>RIDDOR Reports</b> (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations)	50	64	50	51
<b>Infectious Disease Reports</b>	23	50	47	29
<b>Sampling Undertaken</b>	4	0	24	1

3.2. The figure of 228 total routine planned food hygiene inspections (A to D) reflected the number of inspections required from the FSA within the 23/24 period. The higher volume delivered in 2022/23 reflects the increased inspections that were required in order to return to the normal food hygiene inspection regime following on from the Covid-19 pandemic, which generated a significant backlog.

3.3. There is a level of uncaptured demand that relates to general advice and queries that arise as part of the day-to-day work relating to food and health and safety. The total number of visits in 23/24 was 355. The offering of advice provides additional value and support to businesses in the district and help to ensure that strong relationships are in place and maintained.

#### 4. Approach to Food Hygiene Inspections in 24/25

4.1. The Food Law Code of Practice (March 2021) provides opportunity for a range of interventions in relation to food premises. The approach that the Council takes regarding these interventions is linked to its Corporate Enforcement Policy, which officers have regard for when making any decision. The planned programme of intervention is shown in the table below:

<b>Category</b>	<b>Inspection Frequency</b>	<b>No. of Premises</b>
<b>A</b>	6 months	1
<b>B</b>	12 months	24
<b>C</b>	18 months	89
<b>D</b>	24 months	214
<b>E</b>	36 months	74
<b>UNRATED</b>		48

4.2. The above table represents the scheduled normal routine inspection program for the 24/25 financial year of 450. Of these, 376 require a physical food hygiene inspection, and 74 category E are inspected via an Alternative Enforcement Strategy. The alternative enforcement strategy is a paper based exercise for premises that do not require a physical inspection due to their E rating.

4.3. Food hygiene inspections undertaken, which do not form part of the routine inspection program, are estimated to increase this number by 20 to 30% to these figures.

Non-routine inspections include: -

- Paid for food hygiene inspections undertaken as part of the Food Hygiene Rating Scheme.
- Food hygiene inspections undertaken as part of a complaint investigation.
- New food businesses opening after 1st April 2024.
- Changes to the risk rating, resulting in more frequent inspection.

4.4. Therefore, the true food inspection program, comprising of both the routine planned and unplanned inspection program's is estimated at between 451 and 489 food hygiene inspections required in the current financial year 24/25 which would be between a 27% to 38% increase on 23/24

4.5. With the existing staffing resources in place, which when compared to 22/23 where an additional 1 FTE was in place, the number of scheduled inspections of 450 is a significant increase.

## **5. Resources**

5.1. There are currently 5 officers authorised to undertake food and/or health & safety related work within the Council. Four directly employed by the Council and 1 on a temporary agency contract. This equates to 3.2 FTE to deliver the food and health & safety service plan. This translates to:

- 1 FTE Senior Environmental Health Practitioner
- 2 FTE Food and Health and Safety operational inspecting officers
- 0.2 FTE fixed term contract food and health & safety inspection officers (until July 2024)

A further 0.3 FTE, towards delivery of the food and health & safety function, is provided by administrative support.

5.2. The 0.2 FTE fixed term contract is an inspecting officer who picks up a small number of out of hours or hard to reach inspections on behalf of the Council and they are currently scheduled to remain with the Council until the end of July 2024. This arrangement could continue beyond July depending on the remaining available budget.

5.3. The service has successfully recruited to an Environmental Health Officer post within the last year, which was made vacant due to an existing staff member leaving the organisation.

5.4. There is sufficient resource within the Support Officer roles across the broader work area to assist with the administrative functions relating to food and health and safety.

## **6. Service Risks**

6.1. As we have moved into the 24/25 inspecting year, there are a number of risks within the service, which are expected to have an impact on its delivery moving forward. These risks are outlined below:

- Increased likelihood that the inspection target of 90% may not be achieved within the current resources available.
- Additional demand on Senior EHOs reducing availability to complete inspections.
- Inability to complete proactive health and safety inspections.

## **7. Proposed Way Forward**

7.1. It is believed that moving forward that additional resources will be needed to ensure that the Council's food hygiene requirements can be met. The volume of inspections required is unlikely to be achieved with existing resources available.

7.2. The service review work, completed in early 2024 is likely to bring about some efficiencies in relation to the systems and processing within the work area but is not expected to yield efficiencies that will immediately increase the resources available for food hygiene inspections and related work. The recommendations made within the review are as follows:

- Review effectiveness of Sugar CRM (functionality, development resource and timescale) as replacement system to deliver new ways of working requirements for FH&S processes.
- Review of Support Office function to support a proposed new way of working.
- Explore cost / benefit case for transferring manual print and post tasks (e.g., inspection follow up letter, infectious disease questionnaire) to virtual mail room.
- Short term review of 'planned inspections due' system report (Flare) to identify and undertake interim improvements.
- Short term review of inspection follow up letter template (MS Word via Flare) to identify and undertake interim improvements.

7.3. The service review recommendations are very much system and process based and are all in the process of being delivered, in line with the transfer of the currently used system to the new CRM. When this transfer occurs it is likely to have an impact on the teams ability to deliver inspections and this will need to be considered at that point in time within the project planning process.

7.4. A contingency budget to address this issue was identified as part of the ongoing service pressures for 24/25 and as the volume for inspections is increasing and a further report will be brought to the Council's Management Team to consider the utilisation of this.

7.5. This report commits to provide a mid-year update to Regulatory Committee, at which point a better understanding of the risks will be known. By September, a real sense of scale in terms of inspections will be in place and if required a plan to meet any shortfall can be implemented.

**END**

# Food, Health and Safety Work Plan 2024/2025



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## **1. Introduction**

- 1.1. The Council is required to produce and approve a work plan that is in line with both the Food Standards Agency Framework Agreement, and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive (appendix A). It covers all work undertaken within the Housing and Environmental Enforcement work area relating to Food and Health and Safety.
- 1.2. The purpose of the work plan is to set out how the Council delivers its official controls and fulfils its duties under food, health and safety, public health and drinking water legislation.
- 1.3. The Service has now returned to a normal operating model following the Covid-19 Pandemic and is now working back in line with the Food Standards Agency Routine Planned Inspection Programme, which commenced in April 2022 and is ongoing. Specifically, local authorities should be planning to:
  - Carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice (the Code). This is in line with the expectation in the Recovery Plan that establishments should revert to Code frequencies once subject to an intervention as part of the Plan.
  - Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource. Please note, services should be resourced to ensure they can meet the requirements of the Code.
- 1.4. The Food and Health & Safety Team will continue to provide the Council's response to any future coronavirus pandemic, should it return. Providing advice, education and ultimately, enforcement, to both businesses and residents. The reduction of 1 FTE temporary resources at the end of June 2023, coupled with the loss of 1 FTE permanent position for approximately 2 months have impacted on the ability of this service to deliver against the expectations and obligations of the 2023-24 plan.
- 1.5. The reduction in temporary resources in the 2023/24 financial year have impacted service delivery. The service has not been able to implement a targeted programme of proactive health & safety interventions, identified as a priority based on those previously undertaken in the 2022/23 financial year. Furthermore, the service has been unable to implement a full food sampling programme. The above are still seen as a priority of the service to ensure that West Lindsey is a great place to be where people, businesses and communities can thrive and reach their potential.

## **2. Service Aims and Objectives**

- 2.1. The Food and Health & Safety work areas play a key role in ensuring that the district is safe and healthy.

The work of the service:

- Protects and improves the health, wellbeing and safety of all persons who live in, work in, or visit the district
- Enables economic development and prosperity
- Protects and improves the local environment
- Ensures that a proportionate and risk-based approach to enforcement is delivered

### **3. Links to the Corporate Plan and Other Functions**

- 3.1. The Councils Corporate Plan 2023 – 2027 has the following vision: “West Lindsey is a great place to be where people, businesses and communities can thrive and reach their potential.”

In order to deliver the Councils vision, it will focus on three key areas: Our Council, Our People and Our Place.

- 3.2. This work plan supports this vision and specifically contributes to a number of key strategic aims such as:

- To create a safer, cleaner, and greener district in which to live, work and socialise.
- To reduce health inequalities, promote healthy lifestyle and improve wellbeing across the district.
- To create strong, resilient communities and promote positive life choices for disadvantaged residents.

- 3.3. The Councils Corporate Enforcement Policy was reviewed and updated in 2022 and provides the framework under which these functions operate.

- 3.4. The work across the wider Housing and Environmental Enforcement service area seeks to broaden the scope of the food and health and safety work areas. This particularly relates to food premises that may present wider issues relating to housing or environmental health.

- 3.5. The work areas also contribute and influence work relating to development management and policy, growth, licensing, and community safety.

### **4. Authority Profile**

- 4.1. The West Lindsey District is one of the largest and most rural in England. It covers 1,156km<sup>2</sup> (446 square miles), with the administrative center in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.

- 4.2. The 2021 Census revealed that the population of West Lindsey is at its highest ever recorded level having grown from 89,300 in 2011 to 95,200 in 2021. This is an increase of 6.7%, which is a higher increase than the

national average. The districts population is ageing and continues to age at a faster rate than the population nationally.

- 4.3. Across the district there are wide variations in the levels of deprivation. Some areas experience the highest levels of deprivation in the country, while others are amongst the most affluent.

## **5. Scope of the Service**

- 5.1. The Food and Health & Safety functions sit within the wider Housing and Environmental Enforcement work area. The main functions of the work area are as follows:

- Inspection of registered food premises
- Investigation of food poisoning and infectious disease notifications
- Investigation of food related complaints
- Responding to national and local food alerts
- Inspection of businesses in relation to health and safety compliance
- Investigation of statutory reportable incidents
- Provision of advice and guidance in relation to the matters above
- Maintenance of a register of cooling towers and food premises

- 5.2. Some functions within the food safety work area come with an associated fee. These fees are reviewed annually and detailed on the Councils website.

## **6. Service Delivery**

- 6.1. There are a number of elements within the service delivery aspect of this plan:

### 6.1.1. Staff Development / Internal Monitoring

We are committed to ensuring that we have a high standard of competency for Authorised Officers working within the Food / Health and Safety Team. We will ensure that resources are available to allow Authorised Officers to meet their obligations of Continued Professional Development. Training needs will be reviewed as part of the appraisal process to identify any competency deficiencies and further staff development.

Internal monitoring of food interventions / complaints / service requests will be conducted by the Food Team Manager / Lead Food Officer. Verification of the above will be undertaken at regular 1-2-1 meetings with Authorised Officers. Review of Competency Assessments, required under the Food Law Code of Practice / Practice Guidance will form part of the appraisal process. Subject to the findings of the internal monitoring at 1-2-1 meetings accompanied food hygiene inspections will be undertaken as a minimum, yearly.

### 6.1.2. Food Complaints

We will investigate all complaints about food / complaints about food premises received, where we have the authority and jurisdiction to do so. Food complaints will be investigated by Authorised Officers, demonstrably competent to do so, in accordance with the requirements of the Food Law Code of Practice: Statement of Competence for Authorised Officers. Officers will use their Professional Judgment, coupled with available guidance, to determine the nature and scope of the investigation. Advice may also be obtained from colleagues. All complaints may trigger a food hygiene inspection, at the professional discretion of the Authorised Officer.

#### 6.1.3. Home Authority Principle & Primary Authority Scheme

The Council supports the Primary Authority Scheme and Home Authority Principle. However, the Food Service does not have any formal Home Authority arrangements with individual businesses. Currently there are no food related Primary Authority relationships in place.

#### 6.1.4. Advice to Businesses

The Council provides advice and education to food businesses, to support them in complying with their legal requirements, whilst also helping them to adopt good practices. The Council supports businesses by providing information on the Council webpage. Advice is readily available by contacting Officers directly. The Council also operates one to one advice visits for the benefit of food businesses, although this is a paid service.

#### 6.1.5. Control of Infectious Disease

The service will investigate all outbreaks of food or water borne disease. All suspected cases will be followed up and confirmed cases will be contacted by telephone or by questionnaire to try and ascertain if there are any common factors.

#### 6.1.6. Food Safety Incidents

Food safety alerts notify the public and food authorities of incidents concerning food which does not meet food safety or composition standards. Alerts are received via the FSA alert system into the Commercial Team shared e-mail inbox which is monitored during office hours. Any alert marked "for action" is referred to the Team Leader to determine the most appropriate course of action.

#### 6.1.7. Sampling

West Lindsey District Council shall comply with all relevant UK and assimilated EC legislation to ensure food within the district is appropriately sampled for microbiological safety. Each year a food sampling policy and programme will be produced and published to be available to local businesses and consumers. This will outline our general sampling strategy and approach relating to specific local situations.

Sampling within the district will be carried out in accordance with this policy, programme and following a set documented procedure.

West Lindsey District Council has access to Senior Microbiologists from the Food, Water and Environmental Microbiology Laboratory (York) Laboratory as Food Examiners.

West Lindsey District Council aims to participate in all sampling programmes organised nationally through the Food Standards Agency and UK Health Security Agency. As agreed through Lincolnshire Environmental Health Manager's Group all programmes organised through Lincolnshire Food Sampling Group will be participated in.

Locally, West Lindsey District Council will have regard to sampling from food businesses and manufacturers, particularly those premises producing high risk foods of animal origin. The Council will also sample businesses which produce and distribute foods outside the area. Food sampling and swabbing of food premises may be included as part of food hygiene inspections to help assess hygiene standards and processes. Food sampling will also be used as an important tool, when appropriate, in the investigation of food complaints and food poisoning incidents.

#### 6.1.8. Food Sampling Policy

This policy will set out West Lindsey District Council's general approach to food sampling and its approach in specific situations such as process monitoring, Home Authority Principles, inspections, complaints, special investigations, and national, regional, and locally co-ordinated programmes.

Sampling makes an important contribution to the protection of public health and the food law enforcement function of the Local Authority. It is a useful tool for:

- Investigating complaints
- Investigating food poisoning or food contamination incidents
- Assisting in measuring compliance with food safety legislation when undertaking food hygiene inspections.

These matters are demand driven and samples will be taken as required.

Local Authorities have a duty to ensure food meets legally prescribed standards and routine sampling will monitor compliance.

West Lindsey District Council will ensure appropriate action on non-compliance with food safety legislation is taken in accordance with relevant Food Safety Legislation, Food Standards Agency Codes of Practice, and the Enforcement Policy.

A procedural document details the method for taking samples, continuity of evidence and preventing deterioration or damage to samples whilst under the Authority's control.

Samples for examination are sent by courier to UK Health Security Agency, Food Water and Environmental Microbiology Laboratory (York). Other accredited laboratories may be used for specialist projects.

West Lindsey District Council's sampling programme will reflect the manufacturing, retail, and catering premises within the district to ensure locally produced foods meet legal requirements and to assist those businesses in monitoring compliance. This will also reflect our Home Authority and any future Primary Authority responsibilities.

West Lindsey District Council will participate in UK Health Security Agency and local co-ordinated sampling programmes with other Local Authorities.

Figures relating to food sampling undertaken by the Authority will be returned to the Food Standards Agency via the Food Surveillance System and LAEMS returns.

West Lindsey District Council will follow documented procedures to ensure consistency following results of sampling and consider the Enforcement Policy before deciding what action to take.

During routine sampling if unsatisfactory results are found the manufacturer or if relevant the local retailer/caterer will be notified of the results to discuss the proposed course of action.

If formal samples are taken in accordance with the FSA Code of Practice the local business will be notified and action taken in accordance with the Code of Practice, the Council documented Food Sampling Procedure and the Enforcement Policy in consultation with the Senior Environmental Health Officer/Environmental Health Manager as appropriate.

The sampling programme will be reviewed and updated annually and as required to reflect local and national priorities.

## 7. Profile

7.1. The current profile of food premises and timescales for inspections are as follows:

Category	Primary Producers	Manufacturers & Packers	Importers / Exporters	Distributors / Transporters	Retailers	Restaurants & Caterers	Totals
A (6 months)	0	0	0	0	0	1	1
B (12 months)	0	4	0	0	2	18	24
C (18 months)	0	17	0	1	5	98	121
D (24 months)	0	3	0	2	39	262	306
E (36 months)	7	10	0	29	104	328	478
Unrated	1	0	0	2	7	38	48
<b>Total</b>	<b>8</b>	<b>34</b>	<b>0</b>	<b>34</b>	<b>157</b>	<b>745</b>	<b>978</b>

7.2. The total number of food premises is 978 and there are currently 9 approved premises which may require 2 inspections per year.

7.3. The food hygiene rating system (FHRS) extends to businesses supplying food directly to consumers. The overall aim of the scheme is to reduce the incidence of food borne illness and the associated costs of this to the economy. The system helps to inform members of the public in regard to places they wish to eat or purchase food from. This in turn helps to raise food hygiene standards. The rating of premises across the district as of March 2024 is shown below;

FHRS Rating	Description	Number	%
5	Very Good	566	84.1%
4	Good	61	9.1%
3	Generally Satisfactory	35	5.2%
2	Improvement Necessary	0	0%
1	Major Improvement Necessary	11	1.6%
0	Urgent Improvement Necessary	0	0%

\*\* Please note. These figures come from the Food Standards Agency website and includes premises that may have been rated but that may no longer require rating

## 8. Service Demand

8.1. The table below shows the demand placed on the service over the last 4 years



	2020/21	2021/22	2022/23	2023/24
<b>Total Routine Planned Food Hygiene Inspections (A to D, &amp; Unrated)</b>	291	198*	447	228
<b>Completed Food Hygiene Inspections</b>	18 n/a	172 (87%)	418 (F3 + F5)	229 (F3 + F5)
<b>Food Inspection Visits (inc abortive)</b>	39 (M38)	210	542 (M38)	355 (M38)
<b>Food Inspection Revisits (additional)</b>	4 (M24)	26	131 (M24)	50 (M24)
<b>Request for Revisit (FHRS)</b>	0	2	17 (MFV)	3 (MFV)
<b>Health &amp; Safety Intervention Visits</b>			32	5
<b>Health &amp; Safety Targeted Interventions</b>			20	0
<b>Food / H&amp;S Complaints and Service Requests (note 2020/21 figure includes covid related complaints and service requests)</b>	875	395	247 (SRR com)	247 (SRR com)
<b>Service Requests Requiring a Premises Visit (additional)</b>	5	28	39 (M29)	51 (M29)
<b>Accident Investigations</b>	12	2	1	0
<b>RIDDOR Reports</b>	50	64	50	51
<b>Infectious Disease Reports</b>	23	50	47	29
<b>Sampling Undertaken</b>	4	0	24	1

\*the figure of 198 total routine planned food hygiene inspection in 21/22 reflects the number of inspections required within the FSA recovery plan. In a normal inspecting year, the programme would have required 554 inspections.

- 8.2. There is a level of uncaptured demand that relates to general advice and queries that arise as part of the day-to-day work relating to food and health and safety. The offering of advice provides additional value to businesses in the district and help to ensure that strong relationships are in place.
- 8.3. Further uncaptured demand relates to technical advice provided to the wider Council, as the technical lead to the Council for both food and health & safety.
- 8.4. Additional uncaptured demand is generated from attendance, by the service, at site specific events throughout the year. For example. Five Officer attendance at the two-day Lincolnshire Show to ensure public safety at the event.
- 8.5. There is a specific charging schedule in place for various aspects of food safety work such as food hygiene re-inspections, under the food hygiene rating scheme, and advice and guidance provided to new businesses.

## 9. Planned Inspection Programme

9.1. An inspection programme is established and maintained for all food premises within the district. Inspections are undertaken in accordance with the Food Safety Act 1990, Code of Practice. The frequency of inspection is determined by the risk that is presented. The Council has no formal Home/Lead/Primary Authority Agreement with any business operating in the district.

In 2024/25 the service aims to:

- Provide advice and support to businesses and residents.
- Maintain an effective food inspection program, comprising both routine planned & unplanned inspections seeking to achieve a total of 100%, in line with the requirements of the Food Law Code of Practice.
- To investigate and instigate an action plan should this figure fall below 90%.
- Ensure that any high-risk complaints are addressed.
- Maintain a level of 97% of premises rating 3\* or above.
- Maintain and improve service delivery of health & safety provision within the district to capitalise on advances made in the 2022/23 financial year.
- Maintain and improve service delivery at site specific events within the district.
- Respond to and implement the proposed changes to the Food Law Code of Practice (and Practice Guidance), and their effect on food service delivery.

9.2. The Food Law Code of Practice (March 2021) provides opportunity for a range of interventions in relation to food premises. The approach that the Council takes regarding these interventions is linked to its corporate enforcement policy, which officers have regard for when making any decision. The planned programme of intervention is shown in the table below.

Category	Inspection Frequency	No of Premises
<b>A</b>	6 months	1
<b>B</b>	12 months	24
<b>C</b>	18 months	89
<b>D</b>	24 months	214
<b>E</b>	36 months	74
<b>UNRATED</b>		48

9.3. The above table represents a normal routine inspection programme for the Year 2024/25 of 450. Of these, 376 require a physical food hygiene inspection, and 74 category E are inspected via an Alternative Enforcement Strategy.

- 9.4. Food hygiene inspections undertaken which do not form part of the routine inspection programme are estimated to add a further 20 to 30% to these figures. Non-routine inspections include: -
- Paid for food hygiene inspections undertaken as part of the Food Hygiene Rating Scheme.
  - Food hygiene inspections undertaken as part of a complaint investigation.
  - New food businesses opening after 1<sup>st</sup> April 2024.
  - Changes to the risk rating, resulting in more frequent inspection.
- 9.5. The true food inspection programme, comprising of both the routine planned, and unplanned inspection program, is estimated at between 451 and 489 food hygiene inspections required in the current financial year.
- 9.6. Food sampling is an important aspect of food safety enforcement, providing information about the microbiological safety of food available within the district. Sampling will be undertaken in accordance with the relevant guidance and may be taken during a routine inspection, in response to a complaint or as part of a national sampling programme.
- 9.7. The Council ensures that a risk-based approach to inspections occurs in regard to its health and safety obligations. Reference is made to targeting advice produced by the Health and Safety Executive contained within Local Authority Guidance LAC 67/2 version 12, ensuring we are aligned with wider national priorities, and other relevant guidance. Programmed work focuses on reports that are received from members of the public or reports that are received via the Health and Safety Executive.
- 9.8. The Council is required to undertake accident investigations relating to fatalities and life changing injuries as a result of poor health and safety practice. We also investigate cases of occupational ill health and dangerous occurrences as defined by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.
- 9.9. The Council works in partnership with the UK Health Security Agency to identify, control and prevent the spread of infectious diseases.

## **10. Resources**

- 10.1. There are currently 5 officers authorised to undertake food and/or health & safety related work within the Council. Four directly employed by the Council and 1 temporary contractor. This relates to 3.2 FTE posts to deliver the food and health & safety service plan. A reduction of 1 FTE on the previous year. This translates to:
- 1 FTE Senior Environmental Health Practitioner
  - 2 FTE Food and Health & Safety operational inspecting officers
  - 0.2 FTE temporary food and health & safety inspection contractors

A further 0.3 FTE, towards delivery of the food and health & safety function, is provided by administrative support.

- 10.2. There is sufficient support officer resource in place to assist with the administrative functions relating to food and health and safety. These resources are shared across the broader work areas.
- 10.3. All relevant officers are delegated and authorised to carry out their functions. The level of authorisation is determined by their specific role, responsibility and competency level. Specific competency assessments for individual officers are in place relating to the work areas.
- 10.4. Financial Allocation - Food Safety Budget 2024- 2025

Ledger Code Food Safety	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
	Base Budget	Base Budget	Base Budget	Base Budget	Base Budget	Base Budget
Employees	255,300	262,600	271,200	277,500	284,600	293,500
Supplies & Services	12,000	12,100	10,000	10,500	11,100	11,100
Support Services	67,600	68,100	70,300	70,900	72,000	72,000
Transport	200.00	200.00	200.00	200.00	200.00	200.00
Income & Fees	(7,300.00)	(7,400.00)	(7,400.00)	(7,400.00)	(7,400.00)	(7,400.00)
<b>Grand Total</b>	<b>327,800</b>	<b>335,600</b>	<b>344,300</b>	<b>351,700</b>	<b>360,500</b>	<b>369,400</b>

## 11. Liaison with Other Organisations

- 11.1. Alongside working within the Council, officers liaise with a number of other local authorities, agencies, and organisations to ensure that consistency is maintained, develop best practice and to share learning. The groups engaged with as are as follows:
- Lincolnshire Environmental Health Managers Group
  - Lincolnshire Food and Health and Safety Group
  - Food Standards Agency (East Midlands, Yorkshire, and Humber Region)
  - Health and Safety Executive
  - UK Health Security Agency
  - Lincolnshire County Council
  - Lincolnshire Police
  - Drinking Water Inspectorate
  - Anglian Water

## 12. Review

- 12.1. The Food and health and Safety Work Plan will be reviewed on a yearly basis

# HSE

## Statement of commitment between: Local Authority and HSE Regulatory Services

This joint statement of commitment (SoC), agreed by local authority (LA) representative bodies and the Health and Safety Executive (HSE) in March 2019, sets out our shared vision for an ongoing LA/HSE co-regulatory partnership. Ensuring LAs and HSE work together as effective, modern and professional regulators - delivering the positive benefits of efficient, world leading workplace health and safety, to achieve:

- Sustainable arrangements for the enforcement of work related health and safety.
- Established joint working arrangements resulting in effective engagement, consultation and communication.
- Consistency of high quality regulation across HSE and LA enforced businesses.

This shared SoC is aimed at Councillors, LA Chief Executives and their Heads of Regulatory Services. It outlines how LA senior managers and HSE will work together, to achieve sustainable future delivery of effective workplace health and safety enforcement in Great Britain (GB).

### Current position

LAs are a key part of the health and safety system in GB. They have a statutory duty under Section 18 of the Health and Safety at Work etc. Act 1974 to 'make adequate provision' for health and safety enforcement in their area, as set out in the 'National LA Enforcement Code' (the Code) ([www.hse.gov.uk/lau/la-enforcement-code.htm](http://www.hse.gov.uk/lau/la-enforcement-code.htm)).

LAs enforce workplace health and safety in two thirds of all business premises, around half of the total GB workforce. LAs predominantly cover the retail, consumer services, entertainment and warehousing/supply chain sectors.

Currently failures in the management of health and safety in LA enforced business sectors result in around 10 deaths, 5000 major injuries and over 100,000 new cases of ill health a year. Many of those harmed are members of the public/children, or vulnerable workers not provided with reasonable workplace protection.

HSE provides national direction via the Code and its supporting documentation e.g. annually updated targeting advice ([www.hse.gov.uk/lau/lacs/67-2.htm](http://www.hse.gov.uk/lau/lacs/67-2.htm)) supports LAs to develop locally responsive sustainable delivery plans, using the most current intelligence and regulatory practice.

Effective management of health and safety brings direct benefits to the local community, by:

- Reducing work related death, injuries and ill health.
- Reducing the need for local public health and support for those recovering from injury and ill health.
- Reducing the rate of business failure due to business outages caused by incidents and harm to staff, or the loss of reputation.

This SoC was developed as part of the on-going work of the strategic group overseeing the HSE/LA co-regulatory partnership (HELA) and the supporting Practitioner's Forum. It also has the endorsement of the Local Government Association ([www.local.gov.uk/](http://www.local.gov.uk/)), Welsh Local Government Association ([www.wlga.gov.uk/](http://www.wlga.gov.uk/)) and Society of Chief Officers of Environmental Health in Scotland ([www.socoehs.com/](http://www.socoehs.com/)) and recognises that:

- LAs must target and prioritise regulatory resources to meet their legal duty to enforce health and safety;
- Continued delivery of effective co-regulation will require ongoing evolution in both the LA and HSE approaches to regulatory delivery, and
- The HSE and LA co-regulatory partnership plays a vital role in delivering the 'Help GB Work Well' strategy. ([campaigns.hse.gov.uk/hgbww/](http://campaigns.hse.gov.uk/hgbww/))

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This SoC does not relate to an LA's own responsibilities as a health and safety dutyholder. Information to support LAs as employers, service providers and procurers/commissioners of goods and services can be found on the HSE website ([www.hse.gov.uk/services/localgovernment/index.htm](http://www.hse.gov.uk/services/localgovernment/index.htm)).

# Joint LA/HSE Commitments to Targeted Sustainable Health and Safety Enforcement

## What LAs & HSE will do together as co-regulatory partners to #HelpGBworkwell

LAs & HSE will provide an effective regulatory framework by:

- Sharing information, to make sure we take decisions on the best available evidence.
- Delivering risk based, targeted frontline interventions.
- Maintaining liaison and effective two-way communication via joint representation at county liaison groups as well as the joint LA/HSE HELA and Practitioner forums.

LAs & HSE will secure effective management and control of risk by:

- Delivering a consistent approach to the enforcement of work related health and safety across GB in line with the principles of the Regulator's Code ([www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)).

LAs & HSE will lead and engage with others to improve workplace health and safety by:

- Promoting the benefits of proportionate health and safety in their frontline engagement.
- Working together as co-regulatory partners to influence businesses as part of a national strategy.
- Using the latest in behavioural insight to develop new ways to change business behaviour.

## What LAs will do as independent co-regulators to #HelpGBworkwell

LAs will provide an effective regulatory framework by:

- Providing the competency, capacity, resource and support to fulfil their delivery plans.
- Working with other LAs to peer review activities and promote better health and safety outcomes.

LAs will secure effective management and control of risk by:

- Developing and implementing local delivery plans which clearly link to national and local priorities.
- Using national and local intelligence to effectively target poor performing sectors.
- Annually reporting their health and safety enforcement activity to HSE.

LAs will lead and engage with others to improve workplace health and safety by:

- Leading and engaging with their local business community to promote health and safety priorities and adopting the "Better Business for All" approach where relevant and sustainable.
- Sharing relevant local intelligence with HSE to inform the national perspective.
- Championing their role as health and safety regulators.

## What HSE will do as the national policy lead and a co-regulator to #HelpGBworkwell

HSE will provide an effective regulatory framework by:

- Reviewing the effectiveness of GB's occupational health and safety system.
- Providing LA regulators with access to topic specific materials and technical / forensic support.
- Monitoring and reporting on LA regulatory activity to the HSE's Board and other stakeholders.

HSE will secure effective management and control of risk by:

- Setting national regulatory priorities and the overarching strategic direction.
- Sharing expertise, practice and supporting materials to promote consistent/proportionate regulation.
- Supporting LAs to develop effective intervention plans by providing targeting guidance based upon up-to-date information and intelligence via targeting guidance which accompanies the Code.

HSE will lead and engage with others to improve workplace health and safety by:

- Co-ordinating national engagement and promotion of proportionate health and safety and using feedback from LAs to inform the development of national priorities in the LA enforced sectors.
- Providing support for LA local and national regulatory liaison and industry sector working groups.
- Championing the LA role as health and safety regulator.



# Agenda Item 6b



**Regulatory Committee**

**Thursday 6<sup>th</sup> June 2024**

**Subject: Pavement Licenses - Extension of Sub- Delegation to  
Lincolnshire County Council**

Report by:

Director – Change Management, ICT &  
Regulatory Services

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

[andy.gray@west-lindsey.gov.uk](mailto:andy.gray@west-lindsey.gov.uk)

Purpose / Summary:

To seek approval to extend the existing sub-  
delegation in regard to pavement licenses until  
September 2026.

## **RECOMMENDATION(S):**

Regulatory Committee are asked to approve that:

- a) The Districts Council's function in relation to "Pavement Licenses" under the Levelling Up and Regeneration Act 2023 be delegated to Lincolnshire County Council until September 2026.
- b) The County Council, under this delegation, will look to issue licenses for a two year period, unless there is good reason to issue them for a shorter time period.
- c) A summary of the delegation relating to Pavement Licenses will be presented to Regulatory Committee bi-annually and any further delegations considered within this.



**Legal:**

The Business and Planning Act 2020, in relation to Coronavirus, gave powers to District and Borough authorities to determine and issue pavement licenses. This power was not a power that had been previously held by those authorities and had always previously been a power held by County Council's.

The original regulations came into effect until September 2021, were extended until September 2022 and were further extended until September 2023 here. The process for this is set out here

<https://www.gov.uk/government/publications/pavement-licences-draftguidance/draft-guidance-pavement-licences-outdoor-seating-proposal>

The Levelling Up and Regeneration Act 2023 came into effect in October 2023 [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/55/enacted#schedule-22)

The Act and made the provisions within the Business and Planning Act 2020 permanent. The schedule for the modification of the Business and Planning Act can be found here

<https://www.legislation.gov.uk/ukpga/2023/55/enacted#schedule-22>

The Levelling Up and Regeneration Act also included provision for the administering authority to charge a fee of up to £500 for a new application and £350 for a renewal.

**Financial: FIN/21/25/SSC**

There are no direct financial implications for the Council.

In June 2023, the Council agreed to continue to delegate its power to the County Council for this function, who in turn confirmed that they would charge the maximum fees for new applications and renewals.

If the Council chose not to delegate authority and administer the function itself, there would be staffing costs associated with setting up and administering the function. The volume of applications is currently minimal and can be difficult to predict in terms of determining how to resource a service.

Therefore, it is not possible to quantify the financial implications at this time if this option was taken forward, but it is suggested that the resource implication is one factor that will be taken into consideration when determining the preferred solution.

**Staffing :**

None noted.

**Equality and Diversity including Human Rights :**

No equality implications have been identified as this report relates to the implementation of legislation, which concerns the licensing of businesses.

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**Data Protection Implications:**

None noted

**Climate Related Risks and Opportunities:**

None noted

**Section 17 Crime and Disorder Considerations:**

The approval of pavement licences with appropriate local conditions provides a framework for enforcement (remediation notices and revocation provisions) should poor behaviour associated with the licence be experienced.

**Health Implications:**

None noted.

**Title and Location of any Background Papers used in the preparation of this report:**

Delegated Decision: Dated 21 July 2020 "Street Licenses"

[Officer decisions | West Lindsey District Council \(west-lindsey.gov.uk\)](https://www.west-lindsey.gov.uk/officer-decisions)

Regulatory Committee Report: Dated September 16<sup>th</sup> 2021: <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=262&MId=2907&Ver=4>

Regulatory Committee Report: dated Dated September 22<sup>nd</sup> 2022: <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=262&MId=3340&Ver=4>

Regulatory Committee Report: Dated June 2023: <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=262&MId=3438&Ver=4>

**Risk Assessment:**

**Non-renewal of sub delegation:** there are limited resources within the authority to set up and deliver the pavement licenses provision. Even with the additional fee, there is still not believed to be a viable business case given the number of licenses issued and renewed annually.

**Existing Expertise:** The County Council already determine licenses such as this therefore have the required resource and expertise to deliver the function.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1 Introduction

- 1.1 In September 2022, Regulatory Committee agreed to delegate the District Councils function under the Business and Planning Act 2020 for “Pavement Licences” to Lincolnshire County Council for a further 12 months up until the 30<sup>th</sup> September 2023. The Committee also agreed to delegate the same function until 30<sup>th</sup> September 2024, subject to the provisions within the bill remaining in place.
- 1.2 Prior to this Act pavement licences (also known as “street café licences” and “tables and chairs licences”) which allow businesses such as cafes, restaurants and bars to place furniture on the highway were determined by Lincolnshire County Council (LCC) under the Highways Act 1980.
- 1.3 Within the time that has passed since the June 2023 decision, the Government have confirmed the Levelling Up and Regeneration Act 2023, which has made the provisions for pavement licensing with the Business and Planning Act permanent.
- 1.4 The revised legislation within the Act now enables the Local Authority to charge an increased fee for the issuing of and the renewal of a Pavement Licence. These fees are set at £500 for a new application and £350 for renewal.
- 1.5 The County Council are charging the fees stated within the Act for new applications at the maximum amounts. Previously the service was offered for a fee of £100 and the new fees will be charged from the 10<sup>th</sup> of June 2024 (subject to approval).
- 1.6 Licenses will also be issued for a two year period unless there is good reason to issue them for a shorter time period. If a licence is issued for a shorter time period then the fee will reflect that pro-rata.

## 2 Current Licenses

- 2.1 To date there are only four active licenses within West Lindsey, which the County Council have determined. These are shown below.

NAME	DATE REC'D	EXPIRES	LOCATION
Canute	02/10/2023	30/09/2024	12-14 Silver Street, Gainsborough, DN21 2DP
The Plough	20/10/2023	30/09/2024	1 The Green, Nettleham, Lincoln, LN2 2NR
Stokes Coffee Shop	17/01/2024	02/02/2025	2a Ropery Road, Gainsborough, DN21 2NL
Alfie's Gainsborough Ltd	26/03/2024	22/04/2025	2 Market Place, Gainsborough, DN21 2BY

- 2.2 When the report was presented to Regulatory Committee in June 2023 there were two active licenses.
- 2.3 The District Council and other stakeholders (i.e., The Police and Ward Councillors) are consulted with as part of any new application and the Council is responsible for notifying parties that an application has been received. Any comments on the application are made directly to the County Council.
- 2.4 The new streamlined process detailed in the Act means that applications are subject to 14 days (previously 7) of consultation and then a decision has to be taken within a further 7 days, otherwise the licence is deemed to have been granted.

### **3 Options Available**

- 3.1 It is believed that the Council have two options in relation to pavement licenses.
- Continue with and extend the sub-delegation.
  - Cease the sub-delegation and deliver the service in house.
- 3.2 Given the extent of the licenses issued and the role the County Council already play in regard to pavement licenses (they are the statutory enforcement body), it is not believed to be viable to deliver the service in house. The Licensing work area currently covers all of the Councils statutory licensing functions, alongside dealing with Public Health Funerals and elements of the cemetery's operation. Pavement licensing would be an additional and new function for the team and additional resource would be required to be allocated if it were to be set up as a new service. If the demand increased significantly it could potentially be implemented at a future point in time.
- 3.3 This would also be a new function for the Council there are currently no processes in place, limited knowledge or experience of this function. If the above provisions are not in place there is a risk of deemed licences as a result of non-determination.
- 3.4 The Council will retain the ability to review and amend this delegation as required during this time period. Officers will also continue to monitor the application levels to enable continual consideration of whether the service could be delivered in house. These considerations will include those in relation to the developments in Gainsborough relating to Levelling UP, which are likely to provide more opportunities.

**END**

**Regulatory Committee Workplan as at 29 May 2024**

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**Purpose:**

This report provides details of reports and items due at the Regulatory Committee scheduled for the upcoming meetings of the Committee.

**Recommendation:**

1. That Members note the content of the workplan.

Date	Title	Lead Officer	Purpose of the report
<b>6 JUNE 2024</b>			
6 June 2024	<i>Food, Health and Safety Work Plan 2024/25</i>	<i>Andy Gray, Housing and Environmental Enforcement Manager</i>	<i>To update the Committee on the work plan for the 2024/25 electoral year</i>
6 June 2024	<i>Pavement Licenses – Review of Sub delegation</i>	<i>Andy Gray, Housing and Environmental Enforcement Manager</i>	<i>To review and update on the existing sub-delegation to Lincolnshire County Council.</i>
<b>12 SEPTEMBER 2024</b>			
<b>No business Currently Scheduled</b>			
<b>5 DECEMBER 2024</b>			
<b>No business Currently Scheduled</b>			

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