

Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Regulatory Committee

Thursday, 5th December, 2024 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members:

- Councillor Jim Snee (Chairman)
- Councillor Mrs Mandy Snee (Vice-Chairman)
- Councillor John Barrett
- Councillor Eve Bennett
- Councillor Liz Clews
- Councillor David Dobbie
- Councillor Mrs Angela Lawrence
- Councillor Paul Lee
- Councillor Maureen Palmer
- Councillor Mrs Diana Rodgers
- 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. **Minutes of Previous Meeting**

(PAGES 3 - 6)

To confirm and sign as a correct record the Minutes of the Meeting of the Regulatory Committee held on 6 June 2024.

4. **Members Declarations of Interest**

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

5. **Matters Arising Schedule**

There are no Matters Arising from the previous Committee meeting to report.

6. **Public Reports for Consideration**

- i) Food, Health and Safety Work Plan - Mid Year Update (PAGES 7 - 13)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Wednesday, 27 November 2024

Regulatory Committee- 6 June 2024
Subject to Call-in. Call-in will expire at 5pm on

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 6 June 2024 commencing at 6.31 pm.

Present: Councillor Stephen Bunney (Chairman)

Councillor John Barrett
Councillor Trevor Bridgwood
Councillor Karen Carless
Councillor Maureen Palmer
Councillor Baptiste Velan

In Attendance:

Andy Gray Housing & Environmental Enforcement Manager
Maisie McInnes Democratic & Civic Officer

Apologies:

Councillor Jim Snee
Councillor Mrs Mandy Snee
Councillor David Dobbie
Councillor Eve Bennett
Councillor Mrs Angela Lawrence
Councillor Paul Lee

25 APPOINTMENT OF CHAIRMAN

Members were invited to appoint a Chairman for the Regulatory Committee meeting. It was proposed by Councillor John Barrett and seconded by Councillor Maureen Palmer that Councillor Stephen Bunney be appointed Chairman.

RESOLVED that Councillor Stephen Bunney be appointed Chairman for the Regulatory Committee meeting.

26 PUBLIC PARTICIPATION

There were no public speakers.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 MINUTES OF PREVIOUS MEETINGS

RESOLVED that the Minutes of the

a) Meeting of the Regulatory Committee held on Thursday, 14 March 2024 be

- confirmed and signed as an accurate record.
- b) Meeting of the Regulatory Sub-Committee held on Tuesday, 19 March 2024 were noted.

29 MATTERS ARISING

There were no matters arising from the previous Committee meeting.

29a FOOD, HEALTH AND SAFETY WORK PLAN 24/25

The Housing and Environmental Enforcement Manager presented the Food, Health and Safety Work Plan 2024/25 and explained the report outlined how the service area performed and the service demand over the last 12-month period. The work plan was a statutory requirement from the Food Standards Agency and was attached at Appendix 1. In addition to food safety inspections, there were other premises that the Environmental Health team inspected such as car sales premises, garages, and leisure facilities.

The Housing and Environmental Enforcement Manager highlighted the table in section 3 which demonstrated the number of inspections required and completed over the last 4 years. There was a routine inspection programme of 450 inspections of which 376 required a physical food hygiene inspection. The team were aiming for a minimum of 90% completion rate for 2024/25. Following the Covid-19 Pandemic, there were a significant number of premises that did not have an inspection during the lockdown period and the programme was being reworked to ensure premises that were not inspected fall part of the regime. Members heard the potential risk to the service area as the inspection programme for 2024/25 would be a challenge with the level of demand and resources available. There were plans to improve efficiencies in the team, such as the implementation of a Sugar CRM system and moving manual exercises online to help speed up administrative processes. There was a potential risk that the service area would need additional budget to meet the service demand and employ temporary workers as extra resources to undertake food, health, and safety inspections. The Housing and Environmental Enforcement Manager would continue to monitor the rate of inspections and an update report would be brought back to the Committee in December 2024.

Members discussed the report and referred to the café culture and regeneration work in Gainsborough and asked if the forecast considered new businesses opening. The Housing and Environmental Enforcement Manager explained that he was aware and with new businesses the type of food business and the impact would need to be considered and this would determine the inspection period. Members asked if the team were able to employ an officer on a permanent basis. The Housing and Environmental Enforcement Manager assured Members that all available options were being considered at present and he would continue to monitor the situation and bring an update to the December meeting. Members discussed the Food Standard Agency's proposal to increase the length between inspection periods and asked if notice was given to premises prior to inspections. It was confirmed that no notice was given prior to inspections, and it was felt that there was a risk of food standards slipping between longer inspection periods. Members questioned the resourcing required for hard to reach inspections and if these would continue. The Housing and Environmental Enforcement Manager confirmed these would continue and there was an officer within the team who was able to fit this in their working arrangements, conducting

inspections later into the evening.

The Chairman thanked the Housing and Environmental Enforcement Manager for his report and highlighted the recommendations contained in the report.

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

RESOLVED that the Committee:

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

29b PAVEMENT LICENSING - REVIEW OF SUB DELEGATION

Members heard from the Housing and Environmental Enforcement Manager that Pavement Licensing under the Business and Planning Act 2020, also referred to as a café licence, had been revised to allow Local Authorities to charge a fee for issuing and renewing a Pavement Licence. These licences were introduced during the Covid-19 Pandemic, as a gesture of goodwill, to allow premises to extend their offer to outdoor dining. The power was delegated to District and Borough councils to administer the licences, working with County Councils as the Highways Authority. West Lindsey District Council has worked closely with Lincolnshire County Council on this, and the County Council had agreed to set fees at £500 for a new application and £350 for a renewed licence. The Pavement Licence would be valid for a 2-year period and there would be a determination period of 14 days for the licence. Members were requested to approve the recommendations to continue to sub-delegate to Lincolnshire until September 2026 and there were no changes in legislation expected for this period and any updates would be brought back to the Committee for consideration.

Members discussed the small number of premises with Pavement Licences in West Lindsey and suggested that the Council produce more publicity to make businesses aware of the offer. The Housing and Environmental Enforcement Manager explained that the licence only applied to businesses operating on the public highway and for private landowners it was a planning matter. The Council could provide advice to businesses interested in the scheme and if there were any premises that Members felt may require a Pavement Licence, they could contact the team who would refer these to Lincolnshire County Council.

The Chairman thanked the Housing and Environmental Enforcement Manager for his report and highlighted the recommendations contained in the report.

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

RESOLVED that the Committee approved:

- a) The Districts Council's function in relation to "Pavement Licences" 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 Licences will be presented to Regulatory Committee bi-annually and any further delegations considered within this.

Regulatory Committee- 6 June 2024
Subject to Call-in. Call-in will expire at 5pm on

29c COMMITTEE WORK PLAN

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

The meeting concluded at 19:00

Chairman



Regulatory Committee

**Thursday 5th December
2024**

Subject: Food, Health and Safety Work Plan - Mid Year Update

Report by:

Director of Change Management, ICT &
Regulatory Services

Contact Officer:

Andy Gray
Housing & Environmental Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To provide Regulatory Committee with a mid-year update on food hygiene inspections.

RECOMMENDATION(S):

Committee are asked to:

- a) Receive the update report, as requested by Regulatory Committee meeting on 6th June 2024 to update on current progress against the food, health and safety work plan 2024/25.
- b) Agree that further updates are provided to the Chair and Vice Chair of Committee at Chairs Brief for the remainder of 24/25.

IMPLICATIONS

Legal:

The Council is required to complete a Food, Health and Safety Work Plan annually and it is completed in line with the Food Standards Agency Framework Agreement.

The Council has a statutory obligation to ensure that it meets the requirements of the framework agreement and any other such plans produced by the Food Standards Agency such as the current recovery plan.

Financial : FIN/97/25/RC/SSC

The report refers to a contingency budget (£53,100) which was made available through the 24/25 Medium Term Financial Plan (MTFP) to respond to any shortfall in food hygiene inspections. This contingency is now being utilised for an initial 6 months, which will enable an existing staff member within the team to act as an Environmental Health Officer. This initial 6-month period will utilise £26.2k of the contingency and could be extended to 12 months based on the progress that is made in relation to inspection numbers.

The reasons for utilising the contingency are set out in the body of this report.

Staffing :

The report refers to the current staffing situation within the service in terms of its ability to meet the statutory requirements.

There is a staffing implication regarding an existing staff member, however this is for noting as it is not a decision that committee are required to take. An existing staff member will be carrying out additional duties for a 6-to-12-month period as an Environmental Health Officer to assist with increasing the numbers of inspections that will be undertaken. This does not impact upon their substantive role with the Council and the funding for these additional duties has previously been agreed as a contingency for this purpose.

Equality and Diversity including Human Rights :

None noted.

Data Protection Implications :

None noted.

Climate Related Risks and Opportunities :

None noted.

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 service 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:

Food Health and Safety Work Plan 2024/2025

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=262&MIId=3677&Ver=4>

Risk Assessment :

See section 4 of the report

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

X

Key Decision:

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

Yes

X

No

1. Introduction

- 1.1. At its meeting on Thursday 6th June 2024, Regulatory Committee approved that an update on performance against the Food Standards Agency inspection regime be submitted to the Committee in December 2024 in order that the Committee has assurance on what progress has been made. The original committee paper can be found in the background papers section of this report.
- 1.2. This report seeks to provide that update and give reassurance to committee regarding the Councils current position.

2. Background

- 2.1. The 2024/25 food, health and safety work plan identified that 376 food premises would require a physical inspection within that year. This increase in number from the 228 in the previous year related to the number of premises that were being reintroduced into the inspection programme following on from the change to the regime during the Covid-19 pandemic.
- 2.2. Alongside the usual inspections, there is also an anticipated 20% to 30% increase on planned inspection numbers. This is due to inspections undertaken that are not part of the routine programme (i.e., reinspection's) or because of complaints from the public or where an additional paid for visit is requested. Therefore, it is estimated that the true total food inspection programme figure, comprising of routine planned and unplanned inspections is more likely to be in the region of 451 and 489 inspections. This number of inspections has not been achieved previously by the Council.
- 2.3. The work plan also identified that with the existing resources in place there may be a challenge in meeting the level of inspections required in 24/25.

3. Current Position

- 3.1. As of the end of October 2024
 - 147 (39%) planned inspections have been undertaken.
 - There have been an additional 75 new business registrations and 50 businesses have ceased trading.
 - The estimated rolling number of FSA inspections now stands at 404, an increase of 7% on the 376 scheduled in April 24.
- 3.2. The service area has also been required to undertake inspections of funeral parlours on behalf of the Government. Nine inspections were undertaken with two officers attending each. All premises were operating effectively and for each inspection a proforma was completed and a submission made back to the relevant Government department to confirm the Councils findings. These inspections, whilst not-

mandatory were completed based on the potential risk that could have occurred and were done so at the expense of food hygiene inspections. Each inspection took around 6.5 hours in total and given the nature of them required two officers to be in attendance in most cases. This also included an inspection of the Council's own Lea Fields Crematorium.

3.3. In June 2024, the work area undertook proactive food hygiene enforcement checks at the Lincolnshire Showground on the days prior to and during the Lincolnshire Show. These were undertaken to ensure that the major catering establishments were compliant with food law and good practice. Approximately 46 spot checks were undertaken where food hygiene and health and safety issues were considered. Four of these were full inspections of West Lindsey registered food businesses and one business ceased trading due to identified issues, whilst one other was made to dispose of a large amount of stock. The attendance at this event continues to be a very worthwhile exercise for both the Council and its partners.

4. Estimate

4.1. The Council normally has a target to achieve 90% of the required food hygiene inspections per annum from the FSA. Based on the 376 start of year target, this would require the Council to complete 338 inspections in 24/25. If in the remaining 5 months 30 inspections per month are completed, this will leave the Council in a position whereby around 300 (80%) inspections will have been completed. This is a realistic estimate. This includes the additional FTE resource cited below.

4.2. The Council would then have to set out to the FSA how it would recover its position, and the additional six-month contingency resource) if retained for a total of 12 months, would provide part of this solution. At this stage, there is not an estimation for the number of inspections that are to be scheduled for the 25/26 reporting year.

5. Staffing Resources

5.1. The resources available to complete inspections are as stated in the food, health and safety work plan. In 2023, given the potential large number of inspections required in 23/24, The Council agreed a contingency budget for staffing, which could be utilised should there be a concern regarding meeting the required number of inspections in 24/25. This contingency is now being utilised.

5.2. The contingency budget has been allocated to enable an existing staff member, to step into an Environmental Health Officer role for a six-to-twelve-month period. This individual currently works within the team and has been working towards achieving their full competency, alongside completing the relevant academic qualifications. This approach is helping to meet the Council's needs in a number of ways. The numbers of inspections completed will increase, the individual continues to develop within their profession and the contingency budget amount

required is less than if the Council chose to engage an external agency contractor.

5.3. Alongside this, there have been two periods of long term, unexpected sickness absence within the team of inspecting officers, which has impacted on the Council's ability to deliver inspections. These periods of sickness are now at an end, with both team members back to full time working hours.

6. Service Risks

6.1. In the report presented to Regulatory Committee on the 6th of June 2024, the following service risks were identified.

6.1.1. Increased likelihood that the inspection target of 90% may not be achieved within the current resources available.

6.1.2. Additional demand on Senior EHOs reducing availability to complete inspections.

6.1.3. Inability to complete proactive health and safety inspections.

6.2. To mitigate the risk cited in 6.1.1.

- The measure is recorded within progress and delivery and monitored by officers monthly.
- A temporary resource has been agreed to increase the volume of inspections undertaken.
- The Councils existing 0.1 FTE agency resource, to cover evening and weekend inspections will be extended to the end of March 2025. A previous budget remaining from the covid backlog is already allocated for this work.
- The Council will need to balance the resources it puts into its health and safety obligations versus its food hygiene inspections, dependant on risk. The focus will remain on food hygiene inspections.

6.3. Failure to achieve the required level of inspections could result in intervention from the FSA who would initially ask for a plan of action in relation to how any backlog would be overcome, and inspection numbers increased. The contingency resource, if utilised for 12 months would provide reassurance to the FSA and form part of the Council's action plan response.

6.4. To mitigate the risk cited in 6.1.2.

- A further estimated number of inspections will be undertaken as of the 1st of January 2025.
- The work scheduled to be undertaken as part of the service review, whereby a new system for case management is introduced, will be scheduled to have the least possible time impact.

- The resources required for the new system will also be discussed internally to consider whether additional are available internally to assist with this.
- An apprentice has been approved and recruited into the work area and will undertake some support officer duties in order to relieve some pressure from the existing officer.

6.5. To mitigate the risk cited in 6.1.3.

- The Council will only undertake essential health and safety inspections at this point. No proactive regime will be in place for this period.

7. Summary and Next Steps

7.1. There will be a challenge for the service to meet the estimated number of inspections required in 24/25 within the existing resources that are available. Even with the additional resources, the Council is unlikely to meet the target before the end of March 2025, however should be in a tolerable position to then address this into 25/26 depending on the future scheduled inspection numbers.

7.2. A range of mitigating actions have been identified to assist with the risks that are present within the service, and these will be explored and delivered by officers accordingly. The contingency resource is in place and functioning and provides a broader benefit to the Council in regard to business continuity planning into the future.

7.3. Regular updates will be provided to the Regulatory Committee Chair's briefing and internally, the inspection measure will continue to be reported monthly via progress and delivery reporting.

END