



MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 22 OCTOBER 2024
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

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<https://www.youtube.com/user/EastHertsDistrict>

MEMBERS OF THE COMMITTEE

Councillor M Connolly (Chair)

Councillors S Bull, N Cox, T Deffley, J Dunlop, G Hill, S Marlow, C Redfern, V Smith, R Townsend, F Woolf and J Wyllie

Substitutes

Conservative Group:	Councillors I Devonshire and A Parsad-Wyatt
Green:	Councillors G Williams and D Woollcombe
Liberal Democrat Group:	Councillor M Adams
Labour Group:	Councillor D Willcocks

(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, who, in turn, will notify the Committee service at least 24 hours before commencement of the meeting.)

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- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
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AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 10 July 2024 (Pages 7 - 13)

To approve the Minutes of the meeting of the Committee held on 10 July 2024.

3. Minutes - Licensing Sub-Committee - 11 July 2024 (Pages 14 - 21)

To approve the Minutes of the meeting of the Licensing Sub-Committee held on 11 July 2024.

4. Minutes - Licensing Sub-Committee - 17 July 2024 (Pages 22 - 27)

To approve the Minutes of the meeting of the Licensing Sub-Committee held on 17 July 2024.

5. Minutes - Licensing Sub-Committee - 22 July 2024 (Pages 28 - 33)

To approve the Minutes of the meeting of the Licensing Sub-Committee held on 22 July 2024.

6. Chairman's Announcements

7. Declarations of Interest

To receive any Members' declarations of interest.

8. Environmental Health Regulated and Licenced Activities Performance Update (Pages 34 - 57)

9. Urgent Business

To consider such other business as, in the opinion of the Chairman of

the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
 LICENSING COMMITTEE HELD IN THE
 COUNCIL CHAMBER, WALLFIELDS,
 HERTFORD ON WEDNESDAY 10 JULY 2024,
 AT 7.00 PM

PRESENT: Councillor M Connolly (Chair)
 Councillors T Deffley, J Dunlop, G Hill,
 S Marlow, C Redfern, V Smith and
 R Townsend

OFFICERS IN ATTENDANCE:

Michele Aves	- Committee Support Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

82 APPOINTMENT OF THE VICE-CHAIR FOR 2024/25

It was moved by Councillor Smith and seconded by Councillor Townsend that Councillor Marlow be appointed as Vice-Chair of the Licensing Committee for 2024/2025. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Marlow be appointed as Vice-Chair of the Licensing Committee for 2024/2025.

83 APOLOGIES

There were no apologies for absence.

84 MINUTES - 25 OCTOBER 2023

It was moved by Councillor Dunlop and seconded by Councillor Townsend that the Minutes of the meeting of

the Committee held on 25 October 2023 be confirmed as a correct record and signed by the Chair. After being put to the meeting and a vote taken the motion was declared CARRIED. It was noted that Councillor Redfern abstained from the vote.

RESOLVED – that the Minutes of the Committee meeting held on 25 October 2023 be confirmed as a correct record and signed by the Chair.

85 MINUTES - LICENSING SUB-COMMITTEE 28 NOVEMBER 2023

It was moved by Councillor Connolly and seconded by Councillor Marlow, that the Minutes of the meeting of the Licensing Sub-Committee held on 28 November 2023 be confirmed as a correct record and signed by the Chair. After being put to the meeting and a vote taken the motion was declared CARRIED.

RESOLVED – that the Minutes of the Licensing Sub-Committee meeting held on 28 November 2023 be confirmed as a correct record and signed by the Chair.

86 MINUTES - LICENSING SUB-COMMITTEE 8 APRIL 2024

It was moved by Councillor Connolly and seconded by Councillor Smith, that the Minutes of the meeting of the Licensing Sub-Committee held on 8 April 2024 be confirmed as a correct record and signed by the Chair. After being put to the meeting and a vote taken the motion was declared CARRIED.

RESOLVED – that the Minutes of the Licensing Sub-Committee meeting held on 8 April 2024 be confirmed as a correct record and signed by the Chair.

87 CHAIRMAN'S ANNOUNCEMENTS

The Chair welcomed all to the meeting. She said that although there had recently been limited business for the Licensing Committee, there was a lot of work being undertaken by the Licensing Department.

The Chair said that this work included two decisions made by the Head of Housing and Health. The first resulted in an amendment to the East Herts Council Pavement Policy and associated fees, the second concerned an amendment to the legislative basis for East Herts Council's licensing and regulation of markets.

The Service Manager (Licensing and Enforcement) expanded upon these changes and answered questions from the Committee.

88 DECLARATIONS OF INTEREST

There were no declarations of interest.

89 REVIEW OF ANNUAL LICENSING ACTIVITY IN THE FINANCIAL YEAR 2023-24

The Service Manager (Licensing and Enforcement) introduced the report, he apologised for the absence of Quarter 3 and Quarter 4 data and explained that this was due to the time constraints caused by the current staff vacancies within the Licensing Department. He assured the Committee that future quarterly reports would be forthcoming.

The Service Manager (Licensing and Enforcement) said that despite the reduction in staff, all inspections had been maintained with the assistance of the Environmental - Crime Officer, and that all notices had been checked in

Quarters 3 and 4. He said all performance indicators had also been met for 2023/24.

The Service Manager (Licensing and Enforcement) said that Licensing Sub-Committee hearings which were subsequently withdrawn required as much work as those which took place. He explained that for such hearings liaison still took place, reports were still prepared, and hearings were still organised.

The Service Manager (Licensing and Enforcement) referred to the hearing for AMAFest and said that lessons had been learnt and processes changed. He added that the Licensing Department also now had an improved working relationship with Hertfordshire County Council's Highways Department.

The Service Manager (Licensing and Enforcement) said that the applicant for Ermines Café was unhappy with the conditions attached to their licence. He explained that this resulted the applicant appealing and Legal (in consultation with the Members of the Licensing Sub-Committee) agreeing to a consent order.

The Service Manager (Licensing and Enforcement) referred to Appendix A of the report. He summarised that there were less new premises licences than in 2022/23, and that the number of clubs remained as last year. He said that there had been more Temporary Event Notices (TENS) than in the past two years, with gambling activity remaining consistent.

The Service Manager (Licensing and Enforcement) said that there had been an increase in applications for Private Hire drivers, as well as an increase in the number of new Hackney Carriage and Private Hire vehicles being changed to comply with omissions policies. He said that applications for dual drivers had also increased following a slump last year.

The Service Manager (Licensing and Enforcement) said that the number of Pavement Licenses was low, but as explained, a review of these was to be undertaken following recent policy change.

The Chair thanked the Service Manager (Licensing and Enforcement) for the report.

Councillor Dunlop asked what action was taken against the AMAFest applicant who did not conform with this licence conditions.

The Service Manager (Licensing and Enforcement) said that breaches to the conditions for AMAFest could not be proved. He said that therefore advice was given, and should the applicant reapply, this advice would be considered.

Councillor Dunlop asked for clarification of the £50 fees which related to gaming machines.

The Service Manager (Licensing and Enforcement) said that the £50 fee was set by Government. He said that this applied to a premises without an alcohol licence, which had two or less category C gaming machines.

Councillor Deffley referred to the Ermines Café application and asked if the appeal process could have been concluded more quickly.

The Service Manager (Licensing and Enforcement) said that an appeal takes approximately six months to get to Court. He said that discussion with the Ermines Café applicant and Legal's input with the case was lengthy.

Councillor Marlow asked if applications which were subsequently withdrawn were charged for, and asked if there were any 'serial offenders' who withdrew.

The Service Manager (Licensing and Enforcement) said that the statutory fee for applications had remained at the same level since 2005. He said that the Council received £100 for applications whatever the size of the event, and so the revenue raised was never enough to cover costs. He said that lobbying to change fees had occurred, but this could cause disparity, hitting small businesses.

The Service Manager (Licensing and Enforcement) said that it was unusual to have three applications withdrawn in a six-week period (as had recently occurred), and confirmed that there were no 'serial offenders'.

It was moved by Councillor Deffley and seconded by Councillor Smith that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Members review and comment on the Licensing activity in the financial year 2023-24.

90 URGENT BUSINESS

There were no urgent items.

The meeting closed at 7.35 pm

Chairman
Date

Agenda Item 3

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 11 JULY 2024, AT
11.00 AM

PRESENT: Councillor G Hill (Chair)
Councillors M Connolly and S Bull

ALSO PRESENT:

Councillor B Crystall

OFFICERS IN ATTENDANCE:

Michele Aves	- Committee Support Officer
Peter Mannings	- Committee Support Officer
Katie Mogan	- Democratic and Electoral Services Manager
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Dimple Roopchand	- Litigation and Advisory Lawyer

ALSO IN ATTENDANCE:

Robert Beahan	- Interested Party
Thomas Connolly	- Applicant (DPS and Event Manager)
Kibria Shah	- Applicant (Communications Manager)

1 APPOINTMENT OF CHAIR

It was proposed by Councillor Connolly and seconded by Councillor Bull, that Councillor Hill chair the meeting of the Licensing Sub-Committee.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Hill chair the meeting of the Licensing Sub-Committee.

2 APOLOGIES

There were no apologies for absence.

3 CHAIR'S ANNOUNCEMENTS

The chair welcomed all parties to the hearing, and reminded participants to use their microphones when speaking so that all the proceedings could be heard on the webcast.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 SUMMARY OF PROCEDURE

The chair drew everyone's attention to the summary of procedure document included as part of the formal agenda.

6 APPLICATION TO VARY A PREMISES LICENCE FOR
HERTFORDSHIRE OKTOBERFEST, HARTHAM COMMON PARK,
HARTHAM LANE, HERTFORD, HERTFORDSHIRE
(24/0623/PLV)

The Service Manager (Licensing and Enforcement) presented his report and summarised the application. He advised that there had been 6 representations against the

application to vary the premises which had triggered all four of the licensing objectives.

There were no questions from the Sub-Committee, the applicant or the interested parties. The applicant (DPS) and his communications manager presented the application and questions were answered from the Sub-Committee and the Interested Party. He summarised the content of the egress plan submitted with the application and said the one condition which had been put forward was turn off all music at 22:45.

He applicant said that this condition, in conjunction with existing condition 42b, was winding down time and part of the slow egress strategy for the event. He talked to the egress plan and set out the other steps which he would be taking to promote the four licensing objectives.

There were no questions from officers and the applicant answered questions from the Sub-Committee. Councillor Crystall read out a statement on behalf of the Ward Councillor, Councillor Smith.

The Interested Party made their submission and questions were answered from the Sub-Committee and from the Applicant. In line with procedure, and at the conclusion of closing statements, the Sub-Committee retired to consider the evidence presented to the hearing by the Applicant and the Interested Party. They were accompanied by the Committee Support Officer and the Legal Advisor.

The Sub-Committee reconvened in public session to give its decision.

The Chairman said that the Licensing Sub-Committee had considered the application for the variation of the premises licence for Hertfordshire Oktoberfest, Hartham Common Park, Hartham Lane, Hertfordshire (24/0623/PL)

and had read and listened to the comments of the Service Manager (Licensing and Enforcement), the Applicant, and the Interested parties.

DECISION OF LICENSING SUB COMMITTEE

In determining this matter, the Sub-Committee have made the following decision on the proposed variations within the application:

- 1) To agree the new floor plan layout
- 2) To agree to change condition 23 of the existing licence – The maximum capacity for any event at any one time shall be 2000 people, this is to include all staff and artists on site.
- 3) To refuse the change to condition 42C.
- 4) To remove condition 62 and replace it with the condition offered at point 1 of the operating schedule under the Public Safety Licensing Objective.
- 5) To change to Annex 3, condition 2 to read "Static security to be provided at Thornton Street, Hertford from the event opening time to 30 minutes after the event closing time.
- 6) To refuse the variation for the hours requested for the Supply of alcohol (for consumption on the premises), Live Music, Recorded Music and the hours open to the public.

With regard to the conditions offered up by the Applicant in the operating schedule:

- 1) To remove point 3 from the Prevention of Public Nuisance which reads "All music and entertainment will finish at 22:45 to limit noise pollution".

REASONS FOR DECISION

In coming to its decision, the Sub-Committee is mindful to strike a healthy balance between residents' interests and supporting the local economy. Members have listened to the concerns addressed by the Interested parties following the event last year and have noted the applicant's statement that they have taken on board recommendations provided by Responsible Authorities although no specific detail has been given.

Whilst Members are satisfied that no Responsible Authorities have objected to the variation application, Members are mindful that the increase in capacity and the increase in hours for the sale of alcohol to conclude 15 minutes prior to the time when attendees are required to vacate the event will lead to a compressed exit and dispersal period which will have the potential to cause public nuisance and impact on public safety. By agreeing to increase capacity, security will also be increased in proportion and therefore the current hours for licensable activities will ensure a slow and safe egress and promote the licensing objectives.

It is noted that the applicant offered up static security and Members heard evidence to show it was effective and believe it will continue to be effective. However, Members have noted the applicant may start the event at a later time and therefore Annex 3 condition 2 has been amended to allow for this.

This decision will be sent to you in writing and there is the right of appeal within 21 days to the magistrate's court.

RESOLVED – that the application for the variation of the premises licence for Oktoberfest, Hartham Common Park, Hartham Lane, Hertford, had been determined as follows:

- 1) To agree the new floor plan layout

- 2) To agree to change condition 23 of the existing licence – The maximum capacity for any event at any one time shall be 2000 people, this is to include all staff and artists on site.
- 3) To refuse the change to condition 42C.
- 4) To remove condition 62 and replace it with the condition offered at point 1 of the operating schedule under the Public Safety Licensing Objective.
- 5) To change to Annex 3, condition 2 to read "Static security to be provided at Thornton Street, Hertford from the event opening time to 30 minutes after the event closing time.
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With regard to the conditions offered up by the Applicant in the operating schedule:

- 1) To remove point 3 from the Prevention of Public Nuisance which reads "All music and entertainment will finish at 22:45 to limit noise pollution".

REASONS FOR DECISION

In coming to its decision, the Sub-Committee was mindful to strike a healthy balance between residents' interests and supporting the local economy. Members have listened to the concerns addressed by the Interested parties following the event last year and have noted the applicant's statement that they have taken on board recommendations provided by Responsible

Authorities although no specific detail has been given.

Whilst Members were satisfied that no Responsible Authorities have objected to the variation application, Members are mindful that the increase in capacity and the increase in hours for the sale of alcohol to conclude 15 minutes prior to the time when attendees are required to vacate the event will lead to a compressed exit and dispersal period which will have the potential to cause public nuisance and impact on public safety. By agreeing to increase capacity, security will also be increased in proportion and therefore the current hours for licensable activities will ensure a slow and safe egress and promote the licensing objectives.

It is noted that the applicant offered up static security and Members heard evidence to show it was effective and believe it will continue to be effective. However, Members have noted the applicant may start the event at a later time and therefore Annex 3 condition 2 has been amended to allow for this.

This decision will be sent to you in writing and there is the right of appeal within 21 days to the magistrate's court.

7 URGENT BUSINESS

There was no urgent business.

The meeting closed at 1.25 pm

Chairman

Date

Agenda Item 4

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
LEA ROOM, WALLFIELDS, HERTFORD ON
WEDNESDAY 17 JULY 2024, AT 10.00 AM

PRESENT: Councillor M Connolly (Chair)
Councillors J Dunlop and R Townsend

OFFICERS IN ATTENDANCE:

Michele Aves	- Committee Support Officer
Peter Mannings	- Committee Support Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Dimple Roopchand	- Litigation and Advisory Lawyer

ALSO IN ATTENDANCE:

Ricky Harding	- Applicant for the TENS
Saab Minichiello	- Licensing Officer (Hertfordshire Constabulary)

8 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Townsend and seconded by Councillor Dunlop that Councillor Connolly be appointed Chair for the meeting. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Connolly be appointed Chair for the meeting.

9 APOLOGIES

There were no apologies.

10 CHAIR'S ANNOUNCEMENTS

The Chair welcomed all to the meeting.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 SUMMARY OF PROCEDURE

The Chairman drew the hearing's attention to the Summary of Procedure which was included in the main agenda pack at pages 6 – 12.

13 CONSIDERATION OF FIVE TEMPORARY EVENT NOTICES GIVEN FOR THE DOG AND WHISTLE FESTIVAL, HILLSIDE FARM, PEPPER HILL, GREAT AMWELL, HERTFORDSHIRE (24/0978/TEN, 24/0979/TEN, 24/0980/TEN, 24/0981/TEN AND 24/0982/TEN)

The Service Manager (Licensing and Enforcement) presented his report and summarised how the five Temporary Event Notices (TENs) all requested the same activities and hours for the Dog and Whistle Festival which was due to take place over the Saturday and Sunday of the forthcoming weekend. He confirmed that each of the TENs areas sought licensable activity for up to 499 people (to include staff and performers).

The Service Manager (Licensing and Enforcement) said that only the Police and Environmental Health are required to be consulted for a TENS, and that on this occasion both Responsible Authorities had objected to all

5 of the notices, which could be found at Appendixes G and H of the report.

The Service Manager (Licensing and Enforcement) said that it was within the Sub-Committee's power to allow the licensable activities to take place, or attach conditions to the TENs from the existing premises licence, but that these should be necessary and proportionate. He said that given the proximity of the event, consideration should be given as to whether the premises user could comply with such conditions.

The Service Manager (Licensing and Enforcement) said that as no bespoke conditions for the event could be attached to any of the TENs, and as the wording on the premises licence was unable to be changed, Members should consider if they were suitable for the event. He said that should Members not be satisfied that the Premises User could comply with the conditions which the responsible authorities were seeking to attach, then the TENs should be refused.

The Service Manager (Licensing and Enforcement) said that any steps which the Premises User described would not be binding and would be unable to be conditioned unless they matched the conditions from the premises licence. He said that should Members not believe that the Premises User could operate within these given limits, then the TENs should not be allowed to go ahead.

The Service Manager (Licensing and Enforcement) said that Members must believe that the TENs can go ahead and uphold, rather than undermine, the four Licensing Objectives. He reminded Members that they should reach a decision regarding each individual TEN, giving reasons for each decision.

The Service Manager (Licensing and Enforcement) answered questions from the Sub-Committee. There were

no questions from the Premises User or the Responsible Authorities.

The Premises User gave his submission and answered questions from the Sub-Committee and the Responsible Authorities.

The Responsible Authorities gave their submissions and answered questions from the Sub-Committee, there were no questions from the Premises User.

The Sub-Committee (and Responsible Authorities) were then provided with an updated Site plan from the Premises User. This plan differed from the illustration seen at Appendix F of the agenda and included the walkways which Premises User intended to use to enable and control access between the five TENs areas.

The Premises User then answered subsequent questions from the Sub-Committee and the Responsible Authorities.

In line with procedure, at the conclusion of closing statements, the Sub-Committee retired to consider the evidence presented to the hearing by the Premises User, and the Responsible Authorities. They were accompanied by the Committee Support Officer and the Legal Advisor.

The Sub-Committee reconvened at 13:15 hours, and further questions which they had were answered by the Premises User and the Responsible Authorities. The Sub-Committee were also provided with a copy of the Premises User's Event Management Plan.

The Sub-Committee retired again to consider the further evidence presented to the hearing by the Premises User and the Responsible Authorities. They were again accompanied by the Committee Support Officer and the Legal Advisor.

The Sub-Committee reconvened in public session to give its decision.

The Chair said that the Licensing Sub-Committee had listened to the comments of the Licensing and Enforcement Service Manager and the representations made by the Police and Environmental Health, both written and oral.

The Sub-Committee had decided that the five TENSs applications as noted within the report would be granted subject to the addition of conditions 1, 2, 4, 5, 7, 9, 10, 24, 26, 28, 33, 35, 36, 47, 48, 49, 52, 56, 61, 62, 63 and 64 from the existing premises licence 22/0576/PL.

Reason for decision

The Temporary Event Notice in addition to the conditions noted above satisfied the Licensing Sub-Committee that the four licensing Objectives would be met.

RESOLVED - that the five TENSs applications, as noted within the report, be granted subject to the addition of conditions 1, 2, 4, 5, 7, 9, 10, 24, 26, 28, 33, 35, 36, 47, 48, 49, 52, 56, 61, 62, 63 and 64 from the existing premises licence 22/0576/PL.

14 URGENT BUSINESS

There were no urgent items.

The meeting closed at 2.28 pm

Chairman
Date

Agenda Item 5

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 8

East Herts Council Report

Licensing Committee

Date of meeting: 22/10/2024

Report by: Councillor Sarah Hopewell, Executive Member for Wellbeing

Report title: Environmental Health Regulated and Licenced Activities Performance Update

Ward(s) affected: All

Summary – The council’s Licensing Committee’s remit, as laid out under paragraph 6.5.2 of the council’s Constitution, includes to ‘*address issues relating to the registration and regulatory [oversight] of... food premises*’. Thus, this report presents an overview of the regulated and licenced activities undertaken by Environmental Health in relation to food premises. While not within the remit of the Licensing Committee, to aid members’ understanding of the delivery of the wider range of services across Environmental Health, information pertaining to other activities licensed by the team is also included.

RECOMMENDATIONS FOR Licensing Committee members:

- a) consider and scrutinise the performance of Environmental Health with regards to regulated and licenced activities pertaining to food premises and pass any comments to the Executive Member for Wellbeing for consideration
- b) consider the performance of other activities regulated and licenced activities by Environmental Health and pass any comments to the Executive Member for Wellbeing for consideration.

1.0 Background

- 1.1 The council’s Licensing Committee’s remit, as laid out under paragraph 6.5.2 of the council’s Constitution, includes to ‘*address issues relating to the registration and regulatory [oversight] of... food premises*’. For contextual purposes, information on other Environmental Health functions is also included, although the Licensing Committee’s remit does not extend to address issues relating to these other services.

- 1.2 Thus, this report will principally review the council's activities relating to food premises, with other activities included for context. While the Environmental Health team issues licences, registrations and permits on behalf of the council, for brevity, these will collectively be referred to herein as licences, though each has the following distinct meaning:
- a) **Licence** – an official permission granted by the council that allows a person or entity to engage in a particular activity. These typically require meeting certain qualifications, standards or criteria
 - b) **Registration** – an official recording or listing of a person or activity with the council. This process is mandatory for tracking, identification or legal purposes.
 - c) **Permit** – a formal permission that allows a company to undertake specific activities that would otherwise be restricted. Permits are issued for activities that may impact the environment.

2.0 Environmental Health overview

- 2.1 While this report is focused on activities which the Environmental Health are required to licence, it is important to put this work into context. Within the council, Environmental Health covers a wide range of statutory public health functions; ranging from the air we breathe, the food we eat and the water we drink to the wider impacts on health derived from poor air quality or poor housing conditions.
- 2.2 Below is a list of functions undertaken by the three constituent teams within the Environmental Health – commercial (pertaining to business activities), environment and residential.

Commercial team

- a) Food safety / hygiene
- b) Animal licences (animal boarding, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos)
- c) Private water supplies / private distribution networks
- d) Infectious diseases / outbreaks
- e) Other licences/consents (caravan sites, camp sites and skin piercing)
- f) Smoke-free
- g) Occupational health and safety

Environment team

- h) Nuisances (bonfires, light, noise, odour, smoke)
- i) Drainage (private sewers, cesspools, septic tanks & treatment works)
- j) Exhumations / public health burials
- k) Contaminated land
- l) Air quality monitoring, reporting, declaration of AQMA's, action planning.
- m) Permits to control emissions to air (dry cleaners, petrol stations, roadstone coating, vehicle refinishers)
- n) Asbestos work/removal in domestic premises (complaints)

Residential team

- o) Housing standards
- p) Housing complaints (disrepair, overcrowding, lack of facilities, pests within the property)
- q) Houses in Multiple Occupation (HMO) investigation, inspection and licensing
- r) Grants and loans (decent homes loans, overseeing disabled facilities grants (DFG) and discretionary DFGs)
- s) Immigration inspections
- t) Filthy & verminous people and/or premises
- u) House condition survey
- v) Illegal eviction and harassment
- w) Tenant protections including electrical safety standards and tenant fees act

2.3 The Chartered Institute of Environmental Health (CIEH) in their latest workforce survey, the findings from which were published in 2021, identified that that across local authorities there is a shortage of environmental health staff, with 56% of local authorities reporting they have had vacancies left unfilled for six months or more. The full survey can be found on the [CIEH website](#).

2.4 East Herts Council is not immune to the challenges faced by Environmental Health services up-and-down the country; we have struggled to recruit and

retain staff, for example our Senior Technical Officer (Commercial) post has been vacant for the past 10 months simply because of the paucity of suitably qualified and experienced officers in the jobs market.

- 2.5 Operating with a high number of vacancies has a significant impact on the team's performance and ability to deliver statutory services. To help mitigate some of these risks, we tend to use underspends arising from vacancies to fund temporary agency cover. We match agency spend to underspend in the staffing budget so as not to incur overspend pressures.
- 2.6 Another unforeseen and indeed unseen impact on the team is the fall-out from the COVID-19 pandemic. From 2020 to 2022, the Environmental Health team's focus was diverted to dealing with the pandemic meaning most other work during this time was put on hold. This was the case nationally. Between 2022 and 2024 the team have worked to recover the backlog of work which had built up over this time.
- 2.7 Despite the pressures on the team outlined above, over the last 12 months, the Environmental Health team have been recognised externally for the quality of its working, notably for:
 - a) **Air Quality Action Plan** – As a result of having air quality management areas within the district, the council is required to produce a detailed plan of how it and its partners plan to tackle these problem areas and improve air quality. The action plan has been recognised by the Department for Environment, Food and Rural Affairs (DEFRA) as an example of good practice and is published on their [website](#) to help other councils develop their own approaches to improving air quality.
 - b) **RSPCA PawPrints Awards** – Having previously been recognised with Bronze-level awards, Environmental Health achieved the Gold-level in the Animal Activities Licence category in this year's [RSPCA PawPrints Awards](#), recognising its outstanding commitment to animal welfare.

3.0 Summary of licences issued by Environmental Health

3.1 The table below provides a summary of the licences issued by Environmental Health, the type of licence, their duration and the current number of licences issued by the council. The table demonstrates that food premises licences are by far the large single area of licensing activity within the service.

Licensable activity	Licence type	Licence duration	Number as of 20/09/24
Food premises <i>See table in paragraph 4.2</i>	Registration / Approval	In perpetuity	1,658
Skin piercing <i>See table in paragraph 0</i>	Registration	In perpetuity	485
Houses in multiple occupation	Licence	Up to 5 years	102
Animal activities <i>See table in paragraph 0</i>	Licence	Up to 3 years	60
Environmental permits <i>See table in paragraph 0</i>	Permit	In perpetuity	34
Mobile homes sites	Licence	In perpetuity ^[1]	11
Cooling towers	Registration	In perpetuity	6
Dangerous wild animals	Licence	Up to 2 years	1
Zoos	Licence	Up to 6 years	1
Camp sites	Licence	In perpetuity ^[1]	0

3.2 Some of the licensable activities listed in the table in paragraph 3.1 have been grouped together, based on their similarities. Where this is the case additional tables have been included in the following paragraphs expanding these groupings.

^[1] Or until planning permission for the site expires.

4.0 Food hygiene interventions

- 4.1 As noted above, the Licensing Committee has a specific remit within the council's Constitution with regard to activities relating to food premises.
- 4.2 Food businesses need to be registered with the council. In addition, certain businesses which process meat, fish or animal products will need approval and are subject to additional regulatory control. The table below shows the number of different businesses in the district under categories used by the Food Standards Agency (FSA).

Category of food premises	Number as of 20/09/24
Restaurants and catering	1,247
Retail	322
Manufacturers and packers	41 ^[2]
Distributors and transporters	22
Primary producers	15
Importers and exporters	11

- 4.3 An overview of the workflow regarding our work with food premises is as follows.
- Food businesses need to register with the council at least 28-days before they begin to operate. In addition, certain businesses which process meat, fish or animal products will need approval and are subject to additional regulatory control.
 - Once a food business has registered, the council will undertake an initial appraisal of the business based on the information provided. This appraisal stage will identify a business as either a higher, medium or lower risk to public health. This initial appraisal helps the team to focus its limited resources on higher risk activities in the first instance.
 - After the initial appraisal the team aim to undertake a formal inspection of the business within 28-days. The outcome of the formal inspection will determine a business' hygiene rating as part of the national Food Hygiene Rating Scheme. It will also be used to determine when the next routine inspection is due.

^[2] Figure includes three approved premises consisting of two dairy products producers and one meat products producer.

- 4.4 The council has attempted over the years to make best use of its staffing resources by focusing work on those areas of work which pose the biggest risk to public health. The limited pool of resources, competing demands and the shortage of qualified environmental health professionals that we, like other councils, are experiencing have combined to mean the council struggles to meet the statutory demands put on it. This position has been noted over the past eleven years in audits undertaken by the Food Standards Agency (FSA) and our own internal audit service.
- 4.5 Over time, attempts have been made to address these pressures. Of note, in 2019, the Leadership Team (LT) agreed a restructure within Environmental Health, part of which used vacancies elsewhere in the team to increase the overall staffing available for food hygiene work and improve opportunities for career development across Environmental Health to help increase staff retention.
- 4.6 On the 23rd February 2024, however, following a focused audit by the FSA, the council was placed on 'Stage 1' of the FSA's four-stage performance improvement process (PIP). The FSA had been unable to determine to its satisfaction that the council was able to deliver its statutory duties with regards to inspections and reporting. The FSA issued the council with a series of actions which it had to address. The council was required to draw up an action plan to address the shortfalls. This was signed-off on behalf of the council by the Chief Executive on the 22nd March 2024 and was approved by the FSA on the 3rd April 2024. Following approval of the action plan, the FSA de-escalated the council and committed to scrutinise our progress against the action plan.
- 4.7 In order to address the backlog of food premises inspections and thus recover acceptable performance levels, the council has appointed several temporary contractors to accelerate the rate of food hygiene inspections.
- 4.8 The action plan, together with an update on progress against each action, can be found in **Appendix A**. Of the 21 actions within the action plan, 12 have been completed, eight are on track to be completed within target times and one has been delayed. To reassure members, it is worth noting that the delayed action does not relate to a customer-facing issue, it is concerned with training officers on the new performance monitoring software.
- 4.9 **Appendix A** shows that while good progress is being made to recover the inspection plan and gain performance data on the service, we are yet to identify how best to maintain the performance gains. As part of the council's ongoing budget reviews and transformation work, officers are considering how best to ensure another backlog does not build up once the additional short-term injection of resources come to an end.

4.10 The next report to the FSA on the performance of the food safety and hygiene service is due later this month (October 2024). In light of the recent audit, we expect this return to be closely scrutinised by the FSA.

5.0 Overview of other activities regulated and licensed by Environmental Health

5.1 Our IT system has not allowed the team to extract meaningful management information for the past six plus years. At the end of 2023, the council got new software which allowed it to create management reports.

5.2 The initial focus of the new reports has been related to the council's food safety and hygiene work owing to this being one of the team's largest areas of work and because of the outcome of the FSA audit in 2024 (see paragraph 4.6 above). Reports for other functions within the service will be developed as needed over time.

Skin piercing activities

5.3 These activities include ear piercing, tattooing, acupuncture and electrolysis. To operate a skin piercing businesses both the business and the skin piercer need to be registered with the council. The table below shows our current registrations.

Type of skin piercing registration	Number of premises as of 20/09/24	Number of operators as of 20/09/24
Acupuncture	38	60
Cosmetic piercing including ear piercing	34	86
Derma-rolling	2	2
Electrolysis	16	17
Microneedling	5	10
Semi-permanent skin colouring	60	68
Tattooing	38	49

5.4 An overview of the workflow in this area is as follows.

- a) Businesses and skin piercers who undertake skin piercing activities, including ear piercing, tattooing, acupuncture and electrolysis need to register with the council before they start the activity.

- b) Once a business has registered, the council will undertake a formal inspection of the business as soon as possible after registration. The council aims to undertake an inspection of the premises and issue a certificate of registration within 42 calendar-days of a completed application form being received.
- c) Unlike food businesses, the inspection of a skin piercing businesses does not generate a future inspection date. Any additional inspection of the premises will occur if the business is identified as needing an inspection as part of either local or national intelligence gathering exercises; this includes responding to complaints.

5.5 From the summer of 2024, our new IT reporting system has allowed us to access more detailed performance data with regards to skin piercing. Reports are still being verified and checked to ensure the statistics are robust. Our report writing and data validation to date has been focused on food safety and hygiene work, however, we have indicative data (which is yet to be verified) that between 40% and 50% of skin piercing applications are processed within target times.

Animal activity licences

5.6 This covers a range of different activities. The table below breaks these down into each type of activity, not the number of premises who operate these licences; a premises may operate with more than one licence type.

Type of animal activity licence	Number as of 20/09/24
Animal boarding (dogs)	22
Animal boarding (cats)	12
Animal boarding (home boarding for dogs)	6
Pet shops	5
Animal boarding (day care for dogs)	4
Dog breeding	4
Riding establishments	4
Performing animals	3

5.7 An overview of the workflow in this area is as follows.

- a) Businesses who undertake certain activities involving animals are required to be licenced by the council before they start the activity. The

legislation covers activities such as selling pets, dog breeding, animal boarding and offering horse riding lessons.

- b) Once a business has registered, the council will undertake a formal inspection of the business as soon as possible after registration. The council aims to undertake an inspection of the premises and issue a licence within 42 calendar-days of a completed application form being received.
- c) In addition to the inspection as part of the licencing process, businesses need to be inspected once during the life of the licence. Riding establishments must be inspected annually.
- d) Where necessary, the council will take a suitably qualified vet to an inspection to provide specialised advice. This is routinely the case for riding establishments.

5.8 Since the introduction of the new reporting software, reports developed in July 2024 show 100% of the licences have been processed within target times. We have yet to develop a report to enable a comparison of current performance with that in previous years.

5.9 Owing to historic legislation, a sizable number of licences fall due for renewal on 31st December which will put pressure on the team and take time away from other areas such as food safety and hygiene during this period.

Environmental permits

5.10 These permits are needed where a business’s activity could pollute air, water or land. These permits set out the monitoring that needs to be undertaken by the business and the levels at which the business must operate below. The table below shows the current permits issued by the council.

Type environmental permit	Number as of 20/09/24
Stage 1 & Stage 2 – Petrol vapor recovery	12
Bulk cement	6
Dry cleaning	6
Vehicle refinishing	4
Mobile crushing and screening	3
Crematorium	1
Road coating	1
Vehicle coating	1

- 5.11 The council aims to undertake an inspection of the process and issue a permit within 42 calendar-days of a completed application form being received.
- 5.12 The council has permitted 34 processes within the district.
- 5.13 Performance statistics are currently unavailable for this function as it is further down the priority list of reports to be written and data verification.

Houses in Multiple Occupation (HMOs)

- 5.14 An overview of the workflow in this area is as follows.
- a) Landlords who rent out a property to five or more people (who form more than one household) with shared amenities need to be licenced by the council.
 - b) Once a landlord has registered, the council will undertake a formal inspection of the premises to determine if / what works are required to bring it up to standard.
 - c) The council will consult Hertfordshire Fire Service on applications, to ensure the correct fire safety works have been identified.
 - d) The council will then perform a fit and proper persons check. This involves consulting other local authorities, internal departments, the police and the rouge landlords' database.
 - e) Once completed, the landlord, together with any mortgage companies and the tenants will be consulted on the proposed licence, including any conditions being attached to the licence. These consultees have the right to make representations.
- 5.15 The council aims to undertake an inspection of the premises and issue a licence within six months of a completed application form being received.
- 5.16 From the summer of 2024, our new IT reporting has allowed us to access more detailed performance data with regards to HMOs. Reports are still being verified and checked to ensure the outputs are robust. Our report writing and data validation has been focused on food safety and hygiene work, however, we have indicative data (which is yet to be verified) that the majority of applications are processed *outside* of target times. The performance-report writing and initial data verification process has highlighted that the way we monitor this work is inconsistent with other licences we process, leading to erroneous long processing times being recorded. Therefore, the process and recording will be reviewed ready for 2025/26.
- 5.17 The residential team within Environmental Health are still recovering from an exceptionally busy year in 2023/24. In addition to receiving nearly double the

number of licence applications, the team were also dealing with the additional damp and mould work generated as a result of “Awaab’s law”. Awaab's Law is a part of the Social Housing (Regulation) Act 2023 that aims to improve the safety of tenants in social housing.

Mobile homes sites

- 5.18 The council aims to undertake an inspection of the premises and issue a licence within 84 days of a completed application form being received.
- 5.19 The council currently has 11 registered sites with a further one under investigation for operating without a site licence.
- 5.20 Performance statistics are currently unavailable for this function as it is further down the priority list of reports to be written and data verification.

Cooling towers

- 5.21 The council aims to register cooling towers within 21 days of receiving a complete application.
- 5.22 The council currently has six sites registered with cooling towers.
- 5.23 Cooling towers are not only registered by the council for premises where the council enforces health and safety legislation, they also register those sited on premises where the Health and Safety Executive (HSE) have enforcement responsibility.
- 5.24 All cooling towers have been registered within target times.

Dangerous Wild Animals

- 5.25 The council aims to undertake an inspection of the premises and issue a licence within 42 days of a completed application form being received.
- 5.26 The council currently has one dangerous wild animals licence holder.
- 5.27 Performance statistics are currently unavailable for this function as it is further down the priority list of reports to be written and data verification.

Zoos

- 5.28 The council aims to undertake an inspection of the premises and issue a licence within 90 days of a completed application form being received.
- 5.29 The council currently has one zoo licenced within the district.
- 5.30 Performance statistics are currently unavailable for this function as it is further down the priority list of reports to be written and data verification.

Camp sites

- 5.31 The council aims to undertake an inspection of the premises and issue a licence within 84 days of a completed application form being received. The council currently has no licensed camp sites.

6.0 Performance overview

- 6.1 Unfortunately, the council's IT system has not allowed the team to extract consistent and robust management information for the past few years. At the end of 2023, however, the council updated its software which has allowed officers to now create reliable management reports.
- 6.2 The initial focus for designing the new reports has been related to the council's food safety and hygiene work owing to this being one of the team's largest areas of work and because of the outcome of the FSA audit in 2024 as discussed above. Reports for other functions within the service will be developed as needed over time. These reports will help the Head of Housing and Health along with the Service Manager (Environmental Health) identify trends and pressure points within the service.

7.0 Conclusion

- 7.1 Given the current staffing and financial challenges of the council as well as the backlog from the unprecedented COVID-19 pandemic, the Environmental Health team are correctly focusing their work on higher-risk activities, most notably food safety and hygiene work, along with housing standards, planning consultations and statutory nuisances.
- 7.2 The team will continue to review working practices to ensure they are making best use of their time and technology as it becomes available and actively participate in any review proposals as a result of the council-wide structure review.

8.0 Implications/Consultations

- 8.1 Community Safety
 - a) None arising directly from this report.
- 8.2 Data Protection
 - a) None arising directly from this report.
- 8.3 Equalities
 - a) None arising directly from this report.
- 8.4 Environmental Sustainability
 - a) None arising directly from this report.
- 8.5 Financial

- a) None arising directly from this report although the need to ensure capacity to avoid a reemergence of a food premises inspection backlog is being kept under close review.

8.6 Health and Safety

- a) None arising directly from this report.

8.7 Human Resources

- a) None arising directly from this report.

8.8 Human Rights

- a) None arising directly from this report.

8.9 Legal

- a) None arising directly from this report.

8.10 Specific Wards

- a) N/A

9.0 Background papers, appendices and other relevant material

9.1 Background Information:

- a) None

9.2 Appendices

- a) Appendix A – Update on the 2024 FSA action plan.

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Action plan for East Hertfordshire District Council

Updated 20/09/2024

What? Issue to be addressed	How? Planned action to secure improvement	By whom? Name of lead officer	By when? Date	Notes	Status
<p>Service plan</p> <p>A new service plan will be needed for 2024/25.</p>	<p>1. 2024/25 service plan submitted to FSA, reflecting the actions detailed in this action plan.</p>	<p>Head of Housing and Health</p>	<p>April 2024</p>	<p>11/06/2024 Action achieved.</p> <p>Service plan agreed by the Head of Housing and Health through delegated authority.</p>	<p>Completed</p>
<p>Preparation</p> <p>Actions needed to facilitate the action plan being delivered in a timely manner.</p>	<p>2. The Chief Executive and Deputy Chief Executive briefed and support given to remedial action plan to clear the backlog.</p>	<p>Service Manager (Environmental Health)</p>	<p>March 2024</p>	<p>22/03/2024 Action achieved.</p> <p>Draft action plan considered and finalised with CEO and DCEO. Approval given to submit action plan to the FSA.</p>	<p>Completed</p>
	<p>3. Seek agreement to appoint competent contractors from agencies other than Matrix due to the urgency of the work.</p>	<p>Service Manager (Environmental Health)</p>	<p>March 2024</p>	<p>14/03/2024 Action achieved.</p> <p>CEO agreed for the outsourcing of inspections outside of Matrix.</p>	<p>Completed</p>

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	4. Contractors appointed to assist current staff to clear the backlog of inspections.	Service Manager (Environmental Health)	March 2024	<p>March 2024 Action achieved.</p> <p>Reputable agencies approached and contractors assessed, appointed and work started on backlog.</p>	Completed
	5. Raise with the Executive Member for Wellbeing (portfolio holder for environmental health) the contents of the recent performance report from the FSA and our action plan.	Head of Housing and Health	March 2024	<p>11/04/2024 Action achieved.</p> <p>Meeting with the Executive Member for Wellbeing where we went through the requirements of the legislation and code of practice then reviewed the FSA findings and action plan.</p>	Completed
<p>Backlog of new unrated food business</p> <p>Recovery of the backlog of new food businesses which have not yet be risk assessed under the</p>	6. Backlog of unrated businesses to be cleared by March 2025, or sooner if possible. Inspections will be spread evenly over the next twelve months.	Service Manager (Environmental Health)	March 2025	<p>20/09/2024</p> <p>On track to achieve target.</p> <p>There are currently 68 uninspected premises that were registered before 1st April 2024.</p>	On track

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Food Law Code of Practice.				In addition, there are a further 84 premises which have registered since 1 st April 2024 to be inspected.	
<p>Backlog of inspections for existing risk rated premises</p> <p>Recovery of the backlog of established food businesses which are overdue for an inspection under the Food Law Code of Practice. This excludes category 'E' premises which are detailed separately below.</p>	7. Backlog of category 'A' inspections to be cleared by April 2024.	Service Manager (Environmental Health)	April 2024	<p>09/04/2024 Target achieved.</p> <p>Although the backlog has been cleared, there is one category 'A' inspection due in Quarter 3 of 2024/25.</p>	Completed
	8. Backlog of category 'B' inspections to be cleared by April 2024.	Service Manager (Environmental Health)	April 2024	<p>09/04/2024 Target achieved.</p> <p>Although the backlog has been cleared, there are 18 inspections due in Quarter 3 and Quarter 4 of 2024/25.</p>	Completed
	9. Backlog of category 'C' inspections to be cleared by December 2024, or sooner if possible. Inspections will be spread evenly	Service Manager (Environmental Health)	December 2024	<p>28/09/2024 On track to achieve target.</p> <p>There are currently 19 category 'C' premises</p>	On track

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	over the next nine months.			which remain over-due for inspection. In addition, there are a further 14 due in Quarter 3 and Quarter 4 of 2024/25.	
	10. Backlog of category 'D' inspections to be cleared by July 2025, or sooner if possible. Inspections will be spread evenly over the next sixteen months.	Service Manager (Environmental Health)	July 2025	<p>28/09/2024 On track to achieve target.</p> <p>There are currently 47 category 'D' premises which remain over-due for inspection. In addition, there are a further 37 due in Quarter 3 and Quarter 4 of 2024/25.</p>	On track
<p>Backlog of inspections for existing 'E' risk rated premises</p> <p>Recovery of the backlog of established food businesses which are overdue for an</p>	11. Develop a questionnaire as part of an alternative enforcement strategy which will encourage the lowest risk businesses in the district to self-assess against food hygiene standards in line with	Service Manager (Environmental Health)	April 2024	<p>29/08/2024 Target achieved.</p> <p>Questionnaires have been developed and deployed on the council's website.</p>	Completed

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inspection under the Food Law Code of Practice.	the Food Law Code of Practice.				
	12. Use existing staff and agency staff (where needed) to target those businesses where the questionnaire indicates further intervention may be needed (such as a change in processes or a new business is operating from the premises) or where the questionnaires have not been returned.	Service Manager (Environmental Health)	May 2024 onwards	28/09/2024 – On track to achieve target.	On track
	13. Backlog of category ‘E’ inspections to be cleared by March 2027, or sooner if possible. Inspections will be spread evenly over the next thirty-five months.	Service Manager (Environmental Health)	March 2027	29/08/2024 On track to achieve target. While we have been delayed developing the questionnaires, we are still in a position to be able to recover this overall target of clearing the backlog of	On track

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				category 'E' premises by March 2027. The current number of outstanding inspections is 570.	
Interventions due 2025/26 onwards	14. Following the current council-wide review (anticipated to be completed by September 2024), undertake a specific service review of Environmental Health to identify resources and structures to meet food hygiene statutory duties.	Head of Housing and Health and Service Manager (Environmental Health)	March 2025	28/09/2024 Target unlikely to be met. Preliminary work is underway to compare us to other local authorities, however the DMA review is on-going. Until the DMA has concluded we are unable to review the structure.	On track
	15. Work with HR to assess the environmental health team's eligibility to benefit from the council's recruitment and retention options.	Service Manager (Environmental Health)	March 2025	28/09/2024 On track to achieve target. HR have confirmed there is no corporate approach to this. Research started to identify what other local authorities offer	On track

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				and have had success with.	
Communication of risk to the portfolio holder	16. Review and, if necessary, amend the performance indicators to ensure they accurately reflect the performance against the Food Law Code of Practice.	Service Manager (Environmental Health)	April 2024	09/04/2024 Target achieved. New departmental targets agreed with the Head of Housing and Health.	Completed
	17. Schedule regular updates to the Executive Member for Wellbeing (portfolio holder for environmental health) who has responsibility for overseeing food safety and hygiene work. Reports to update progress on the action plan.	Service Manager (Environmental Health)	April 2024	11/04/2024 Target achieved. It has been agreed to update the Executive Member for Wellbeing on a quarterly basis via email.	Completed
Provision of data / information to the FSA	18. Ensure regular dialogue with the FSA and ensure	Service Manager (Environmental Health)	March 2024 onwards	28/09/2024	On track

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	prompt response to any communications from them.			On track to achieve target. The FSA have been kept informed of progress on the action plan. Emails responded to ASAP after they are received.	
	19. Review the new template for the annual return, develop a report to extract this information from Uniform.	Service Manager (Environmental Health)	April 2024	24/04/2024 Target achieved. Power BI reports produced to enable the council to extract the data needed for the annual return.	Completed
	20. Arrange for Power BI licences to be issued to key officers. Officers currently using a free trial which expires in April.	IT service	April 2024	29/04/2024 Target achieved. IT have issued the correct licences to the team.	Completed.
	21. Arrange for suitable Power BI training.	Service Manager (Environmental Health)	Summer 2024	08/04/2024 Target not met. IT have confirmed this would be part of a	Delayed

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				council-wide project which is being scoped out at the moment.	
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