

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 FSAs 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 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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