

# ***Report to the Council***

**Committee:** Cabinet  
**Date:** 28 October 2021  
**Subject:** Commercial and Regulatory Services Portfolio Holder  
**Portfolio Holder:** Councillor Aniket Patel

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## **Recommending:**

**That the report of the Commercial and Regulatory Services Portfolio Holder be noted.**

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## **Regulatory services:**

### **Environmental Health: Private Sector Housing and Grants**

**Fit and Proper Person Test:** the team have introduced a F&PP test for mobile home sites in accordance with new requirements imposed under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

This legislation applies to all 'relevant protected sites', which in simple terms means all our permanent residential park home sites but not our holiday caravan sites. The fit and proper person requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of park home-owners living on the site.

The Council will charge a fee of £95.00 per application. Applicants had until 30 September 2021 to submit their application and persons deemed to be fit and proper may be included in the register, for a maximum period of 5 years with any relevant conditions attached.

I am pleased to advise that applications and full payment have been received from all site operators and officers are currently verifying them before processing and deciding on suitability for inclusion on the register.

### **First Tier Tribunal**

An appeal has been lodged with the First Tier Tribunal against Civil Penalty Notices issued to the manager of 3 large unlicensed HMOs which were created as a result of unlawful sub-letting in a "rent to rent" scam uncovered by Environmental Health Officers in the Private Sector Housing Team. The properties in Buckhurst Hill and Chigwell had been rented as single-family occupation by gentlemen masquerading as the tenants, who then sub-let the rooms without the property owner's permission, creating overcrowded unlicensed HMOs without adequate fire precautions.

Following an extensive investigation Civil Penalty Notices on the person having control and the HMO manager (totalling £90k & £135k) were issued in accordance with our fees and charges policy. Had the unlawful renting continued the annual rental income would have been

£112,000 therefore the fines were considered proportionate but also of a level to provide a deterrent.

The hearing was set for 20<sup>th</sup> & 21<sup>st</sup> September and our officers and their legal team were ready to defend the case. Unfortunately, the appellant requested an adjournment as he was in hospital and so the appeal is now due to be heard on 8<sup>th</sup> & 9<sup>th</sup> November 2021.

### **Energy Efficiency**

**LAD2:** I am pleased to inform that the Council is working in partnership with the Great East Energy Hub and Warmworks to deliver more energy efficiency improvements for our residents. We have a budget of approximately £360K which will enable us to install measures in 30-50 properties. The primary purpose is to raise the energy efficiency of low income and low EPC rates homes (those with EPCs of E, F or G, although D is also in scope subject to a cap of Band D homes upgraded across each region). The project is to be delivered by March 2022.

Whilst the scheme is available to all tenures, certain conditions apply, including a £10,000 cap per privately owned property and a £5,000 cap per rented property with the landlord required to meet 33% of the total costs. The works may include, but not is not limited to:

- Wall insulation
- Loft insulation
- Underfloor insulation
- Low carbon technologies
- Solar photovoltaics

Officers are currently working hard to arrange meetings between Warmworks and external agencies working in the Epping community who can assist in the promotion and take-up by residents.

### **Safeguarding:**

I am proud to inform you of the results of our involvement with 2 recent Safeguarding cases. The first was initiated following neighbour complaints about a foul smell from a home within a block of flats. Our officers investigated and, unable to get support from the residents GP or district nurses, they spent 2 days talking and winning over the confidence of the gentleman, in order to gain access. They found him to be terribly poorly and immediately called an ambulance. The gentleman had lymphoedema and hadn't had his leg dressings changed in over 6 months, having been lost/dropped out of the system during Covid-19. Whilst he was in hospital, officers arranged for his flat to be deep cleaned under the provisions of the Public Health Act 1936 and he returned home in much better health. Officers have since visited him to see that he is ok and still doing well. He was so very grateful for our intervention, that it is suggested, may well have saved his life.

The second case involves a leaseholder in a council owned block of flats. The gentleman has mental health issues and is known to the council. Neighbours were complaining about an accumulation of rubbish sacks and a very overgrown garden (some trees are taller than the 3-storey building). Following several attempts, officers were allowed access and the flat was found to be badly cluttered from hoarding, there was no heating or hot water, and the occupier slept on the floor with his 2 dogs and was living on bread, cold beans etc. which he stored in a trolley outside his front door. To date, the team have arranged for all the rubbish to be taken away and they are supporting the leaseholder, in stages, and with the assistance of our Grounds Maintenance Team, towards the cutting back and overhaul of his gardens to make more manageable in the future.

This leaseholder has previously refused to engage with the Council but by ensuring that we kept him fully informed and involved at all stages, officers have been able to build his trust in them and the Council, so that he is more likely now to cooperate and carry out works that will ultimately improve his health and lifestyle outcomes.

In both cases, our officers liaised throughout with our Council's Safeguarding Team.

### **Grants Team:**

I am pleased to advise that we have been able to end a temporary contract in the team which was created 12 months ago to deal with a backlog of cases caused by Covid-19. This will lead to cost savings for the council.

Officers have received some very complex DFG cases for young children recently; these are quite challenging but rewarding and officers work with health professionals to develop a project/scheme of works to meet the needs of the child which also provide help, support and comfort for parents and other siblings whose lives are also affected.

I am pleased to update on the following grant expenditure. From 1<sup>st</sup> April to 31<sup>st</sup> August, there have been:

- DFG Approvals £369,089.70
- DFG Payments £239,858.59

These figures are slightly lower than hoped for this point in the year, but it is proving very difficult currently, for our contractors to source materials due to national supply-chain issues which is holding up works and therefore affecting our spend/payments.

### **Environmental Health**

#### **Covid**

With the emphasis moving away from compliance and enforcement of covid restrictions and towards prevention, our covid marshals are active across the district distributing Lateral Flow Tests and giving positive messaging and information about vaccination. This is particularly targeted where vaccine take-up is lowest, such as Waltham Abbey, Grange Hill and Loughton and Debden. They also continue checks that residents that have tested positive and have been notified by the NHS, are self-isolating as required.

For the Environmental Health Team, there has been a return towards 'business as usual'. I am pleased to report that Food Inspections have re-commenced, and the Food Standards Agency have provided a structured restart to the inspection programme which they expect will take two years before full recovery. It is considered that this time frame is reasonable for our district to achieve based on current staffing levels.

I am pleased to report that applications for Special Treatment Registration (Tattooing, cosmetic piercing, micro-blading etc) are now fully automated at the application stage, including payment of Registration fees, leaving Environmental Health Officers to determine the application with either physical or virtual inspections prior to the issuing of the Registration certificate. The process has been streamlined such that the Licencing Team no longer have to undertake the administration of this process and the applicant now deals with just one officer.

New food businesses are also now able to register their business on- line. Due to the current version of our data base, we are unable at this stage to fully integrate this process with the

Food Standards Agency as they request, but this will be established in due course and there is a workaround for the time being.

The new allergen labelling for foods which are 'prepacked for direct sale' (PPDS) (Natasha's Law), came into force on the 1<sup>st</sup> October 2021. Whilst food labelling regulation resides with Essex Trading Standards, the Environmental Team have supplied social media materials from the Food Standards Agency to our comms team to promote and raise awareness with the public and businesses.

### Licensing

I am pleased to inform that the Licensing team and Environmental Enforcement Team successfully prosecuted the owner of 29 Orchard Gardens, in Waltham Abbey on 18 August 2021, for selling kittens in the course of a business without the necessary licence granted by the Council, and for breaching a Noise Abatement Notice that had been issued on 17<sup>th</sup> July 2020.

Officers across Planning, Licensing and Environmental Enforcement have together, been investigating for many months, allegations of illegal structures, animal breeding and selling without a licence and noise and odour nuisances. This has been, and continues to be, a challenging case because, whilst successfully prosecuting for the above, the level of penalty issued has not been an effective deterrent and the issues continue. Residents are justifiably unhappy and continue to complain. Officers continue with their investigations towards further enforcement action and a final solution.

### **Commercial services:**

#### **North Weald Airfield:**

**Aviation:** I would like to report that 2 of the NPAS aircraft have now been relocated to Lippitts Hill which has resulted in a large reduction in helicopter movements at NW.

I am pleased to report that the official opening of the new Essex & Herts Air Ambulance base takes place next week with the Chairman of Council and Chief Executive representing EFDC.

General aviation continues to be very busy with the flight training schools and landing fees bringing in good levels of income, approximately £4-5k per month.

**Market:** I am pleased to report that the negotiations with the operator have started with regards to the renewal of their lease. It can be anticipated that there will be an increase in revenue for the Council.

**HMRC site:** I am pleased to report that the HMRC site continues to operate without disruption to any of the local road networks as the number of vehicles attending the site remains low.

**General:** Casual bookings for activities such as driver training have picked up significantly in the last 2 months with income at almost pre-pandemic levels.

I am pleased to report that the Airfield is due to host 2 public events in the coming months, subject to contract, that will attract £8k in income.

**NWA Master Plan:** I am pleased to report that the latest master plan will be discussed at Cabinet on Oct 11<sup>th</sup>.

#### **Building Control:**

Amy Pretty joined Epping Forest Building Control as a Graduate Surveyor at the end of September. Amy completed her initial training with Harlow and is on a career development programme with Epping Forest that will bring her knowledge and experience up to that of a Senior Surveyor over a three-year period.

I am pleased to report that Zoe Tolley has now moved from the Technical Officer role to that of a Trainee Building Control Surveyor and has commenced an apprenticeship degree programme through the University of Wolverhampton which has an end point assessment accredited by the Chartered Association of Building Engineers. The cost of the degree programme is funded from the Council's Apprenticeship levy contributions. As a first-time trial of this scheme we will be closely monitoring how effective it is compared to the traditionally funded placements at Anglia Ruskin University.

Income through fees and charges in Q2 have been at approximately 86% of 2019 figures (£142,000 vs £165,000). Stronger performance in Q1 partly offsets this putting overall income to date at around 97% pre-covid levels by month 6 of the financial year (£271,000 in 2021 vs £278,000 seen in 2019).

The service became subscribed to an ISO9001 Quality Management system at the end of September having implemented procedural changes to align to a national operating model for Local Authority Building Control. Several opportunities for improvement remain to be implemented. The majority of these are tied in with the replacement of the back-office software system, as the incumbent system is currently unable to report on certain key performance indicators. The service can now expect regular quality audits from both LABC's performance and standards team and the external auditor Alcumus Isoqar.

As secondary legislation is being drafted to support the Building Safety Bill, LABC are also preparing a second inspection regime for Local Authority Building Control teams which will include technical competency assessments. This aims to support teams as they become subject to external reporting on effectiveness by the newly formed Building Safety Regulator. Investment in structured training of Building Control professionals and focus on enforcement against breaches of Building Regulations is a priority across the sector.

The project to implement a new digital system for Planning and Building Control is ongoing with a target implantation date of March 2022. The main challenges with this project include the migration of data and configuration of the system with the suite of communications issued by each service.