

Report to the Council

Committee: Cabinet
Date: 25 July 2023
Subject: Regulatory Services Portfolio Holder
Portfolio Holder: Councillor Ken Williamson

Recommending:

That the report of the Portfolio Holder be noted.

1. Regulatory & Technical Services:

Environmental Health

15th June was Clean Air Day and the team visited Alderton Hall School in Loughton to promote the event and to speak to those idling their vehicle outside the school. The school has set up its own Eco Warrior Group and the visit was to support them in their awareness raising and campaigns. The team did have to approach one person idling their vehicle who only switched their car off once they were informed they could receive a fixed penalty notice. The team were joined by the Environment Enforcement Team who were on hand to deal with any littering issues and NEPP to deal with any parking related matters.

The team will undertake further events during the year as stated in the recently adopted EFDC Air Quality Action Plan and seek requests from other schools where idling of vehicles is a particular problem.

Licensing

150 Metre Consultation

Due to cost and resource implications, on 1st June 2023 Epping Forest District Council ceased undertaking direct consultation with residential and business properties within 150 metres of premises that are subject to an application submitted under the Licensing Act 2003. Under the Licensing Act 2003, applications for the grant and variation of a premises licence are subject to statutory consultation which includes; a public notice being placed at the premises, in a local newspaper and being advertised on the Councils website. It is also a requirement that responsible authorities (Police, Fire, Trading Standards, Environmental Health, Child Protection Board, Planning, Home Office Immigration and Public Health) are directly consulted.

In addition to the statutory consultation, the Councils Licensing Team also notify Town/Parish Councils, Councillors via the weekly Members bulletin and in recent years all residential and business properties within 150 metres of premises that are subject to an application submitted under the Licensing Act 2003. This additional consultation is over and above what the Council is legally required to do and is inconsistent with other similar regimes (planning etc.). It also places an unnecessary financial and administrative burden on the District Council and is inconsistent with other Local Authorities both locally and nationally who follow the statutory consultation only.

Therefore, it was agreed that from 1st June 2023, it would no longer write directly to residents and businesses within a 150-metre radius to advise them of applications. The Councils Licensing Team continue however, to notify Town and Parish Councils electronically of new applications and to include details in the weekly Members bulletin. This is in addition to statutory consultation and Town and Parish Councils have been advised that they may wish to consider if wider consultation through its own methods is warranted and discuss applications with residents should they wish to do so.

There are currently 2 applications due to be considered by the Councils Licensing Committee. The Standard Public House which was received prior to 1st June and therefore subject to the 150-metre public consultation, the Second Bliss Heights which was received after this date and therefore not subject to the wider consultation. The Council has received 10 objections to the Standard Public House and 39 objections to the Bliss Heights applications. The application not subject to wider consultation has attracted more representations, therefore the early indication is that the revised process is not having a negative impact on residents, and they continue to be aware of applications

Gambling Policy

The Gambling Policy has been approved by Full Council, posted on the website and will be subject to its statutory 3 year review in 2026 (although it can be reviewed beforehand if necessary).

Private Sector Housing

The Sustainable Warmth Energy Efficiency Scheme is coming to an end and approximately £335,000 of energy efficiency improvements have been carried out for eligible residents across the district. The team have also completed a Park Homes Pilot Scheme at one of our large Park Homes Sites, Breach Barns. This element of the scheme resulted in a total spend of £423,120 and 62 energy efficiency measures being installed such as external wall cladding and under-floor insulation.

These figures represent an excellent outcome for the residents who were able to benefit and will ensure that their homes are much warmer next winter.

Environmental Enforcement

The team are performing well and enforcement for flytipping and littering continues to increase.

Quarter Period to date April - June	
Offence Type	Issued
Littering	2
Fly-tipping	2
Nuisance parking - selling or repairing vehicles on the street	0
Graffiti and fly-posting	0
Failure to comply with a community protection notice (CPN)	0
Failure to produce waste transfer notes	27
Failure to produce waste carriers licence	0
Failure to comply with Household Duty of Care requirements	2

Failure to comply with a notice requiring the correct disposal of waste relating to trade or commercial waste receptacles	1
Unauthorised leaflet distribution /Flyposting	0
Total	34
Previous Year/Quarter Comparison	2

The team have now completed Duty of Care compliance throughout the district where a number of FPNs have been issued. Fly-tipping and Noise complaints have increased in line with time of the year and year on year figures. Hotspot fly-tipping areas we are currently tackling include Dowding Way where we have two pending prosecutions, and a further 2 FPNs have been issued after being captured by our CCTV system. A blockade has been arranged to stop the ongoing issue. This will be in place early July.

Antisocial Behaviour Team

ASB Awareness Week 3rd – 7th July and the team are carrying a range of activities to raise awareness across the district.

Planning is underway for a 12 month programme with government funding for the ASB Hotspot Project, committing EFDC volunteers to 3 days per week between the hours of 3pm-8pm with high visibility presence in the Debden Broadway area. The project will be supported by the local Policing teams with similar projects across the County.

EFDC Policing Team

In the last month the team have identified a chop shop located on Avey Lane, Waltham Abbey, seven stolen vehicles recovered and evidence of over twenty vehicles found at the site.

On Friday 16th June. a suspect in the Ongar hate crime incident was located and arrested by the team.

CCTV

The Digital Asset Management System (DAMS) supported by Essex & Kent Police which allows for fast provision of video evidence is now fully operational within the CCTV team. There are six new programmes of works to replace CCTV under for maintenance and improvements works. Sites include Limes Farm, Moreton, Cornmill and Oakwood.

Grounds Maintenance

The planned transfer of the Grounds Maintenance service to Qualis Property Solutions successfully took place in May. To ensure a smooth transition was achieved, both Epping Forest & Qualis management teams worked closely with staff to ensure they were kept informed and consulted at all stages of the process. With over 6 weeks since the transfer, staff and operations are now fully embedded into the new working arrangements.

The gardening teams are currently busy with their grass cutting operations to maintain the numerous Council owned verges and green spaces. The wet weather experienced early in the season followed by a very warm spell produced some exceptional growth rates. This in turn, created some challenging mowing conditions. However, staff worked hard to counter this, and the difficulties experienced early on now appear to be easing.

The nursery team have replaced the spring bedding displays with summer flowering plants, including a wide variety of germaniums. The dry ground conditions mean staff keeping a close eye on the bedding to ensure plants are kept well-watered and remain in good condition.

Grounds staff formed part of a wider project team involved in the provision of a new children's playground at Ninefields, Waltham Abbey. After much planning and final installation in May, the playground was officially opened and has been deemed a great success. Ongoing maintenance of this facility will be carried out by qualified playground inspectors from the Qualis grounds team.

2. Planning Services

Building Control

Income and budgets

Net fee earning income at 22/23 year end was £459,000 out of a budget forecast of £530,000 with actual expenditure marginally less than the budgeted £732,000. Building Control charges are set to recover costs of delivering the fee-earning work part of the service and must address any previous years' rolling surplus or deficit. Our accounts at year end show a rolling surplus of £81,000.

April and May saw a slow start to the financial year. The macroeconomic background of high inflation affecting building material prices and high interest rates for borrowers is resulting in slower uptake in householder applications for extension and alteration works. This theme has been echoed around Essex and the East Anglia region at LABC management meetings.

The service fees and charges increased by an average of 12% from April 2024. One knock-on effect of this was the regrettable loss of partnership work to deliver plan approvals of high-volume re-roofing projects around the country with the company choosing to use a private Approved Inspector. Local Authority Building Control delivers these services by checking and inspecting every site and cannot responsibly take a collective decision to inspect only a sample of works. The rise in cost of delivering this service reduced the economic viability of the old charging scheme. Budget income for 23/24 will consequently be lower than anticipated, however this will be partially offset by reduced expenditure on third party inspection fees and a vacant post that will not need to be filled.

Legislative Change

In April the Building Safety Regulator published its final version of the Building Inspector Competency Framework. This sets the expectation of competency requirements for those undertaking Building Control work who will now need to be registered with the Regulator and undertake validation of their own professional competency on a regular basis to deliver the restricted functions of approving plans and inspecting buildings. Inspectors at Epping Forest will need to be registered with the regulator by April 2024 and will need to be examined in the coming months.

New provisions introduced into the Building Act now grant additional powers to issue stop notices and compliance notices to supplement the existing enforcement options of prosecution and removal of offending work notices. The time limit for serving notice to remove offending work has also been increased from two years to ten.

These changes are brought about by the Building Safety Act 2022 which has the intention of improving standards of Building Regulations compliance and increasing the amount of enforcement work Local Authorities undertake. The Regulator becomes a Building Control Body for certain high-risk buildings and an inspectorate with oversight over all other Building Control Bodies and expects Local Authorities to provide competent staff to deliver this function through statute.

Maintaining adequately resourced Building Control teams remains challenging in this competitive field, however Epping Forest has invested in training new entrants to the sector

and is currently applying for a government funded apprentice employed through LABC to be on placement with the Council for the duration of their training. Effective strategies to retain staff at the top of the profession are critical.

On the 15th April 2023, older versions of the guidance to compliance with the Building Regulations for energy efficiency, ventilation, overheating mitigation, vehicle charging and data infrastructure were formally superseded for any new housing developments that had not yet commenced. The new enhanced requirements add significant cost to the design and construction process for developers and additional time for Building Control application checks but will improve the sustainability of future homes.

Service Improvements

Mobile devices have recently been rolled-out to all members of the site inspecting team that enable live access to Building Control cases, plans and site notes in the field. These devices reduce the Council's reliance on the printed format with associated cost and environmental benefits, improve data protection and equip inspectors better to undertake their role. Epping are one of the first Councils to be using the Arcus Global Built Environment solution on mobile devices and have scheduled time with the provider to deliver refinements that will tailor the application to our needs.

Development Management

Planning Appeals

Members are reminded that Planning Appeal details are published in the weekly Bulletin, and links to the appeal documents are now provided to enable members to view a relevant appeal by clicking the link.

Notable Appeal

- 76 Algers Road Loughton IG10 4NF (Ref: EPF/0861/21), written representations appeal decision issued on 31 March 2023. The appeal was allowed with conditions, and a full award of costs against the Council was also awarded on grounds of unreasonable behaviour resulting in unnecessary or wasted expense by the appellant. The application was before AREA PLANNING SUB-COMMITTEE SOUTH on 8 September 2021 with an officer recommendation to grant planning permission. The application was refused on Epping Forest Special Area of Conservation (SAC) grounds, despite the adoption of an Interim Air Pollution Mitigation Strategy (IAPMS) by the Council. The applicant is claiming in excess of £28 000 in costs, a claim currently being disputed by officers.

Successful prosecution: Planning Enforcement

On 14 June 2023 at Chelmsford Crown Court owner and lessee at Sarnia Nursery, Avey Lane Waltham Abbey EN9 3QH pleaded guilty to breaching an Enforcement Notice issued in 2017 requiring the unauthorised use of the land for the storage, sorting and disposal of waste to cease.

After taking relevant matters into consideration, including the guilty pleas by the defendants, Chelmsford Magistrates Court imposed the following:

- The owner: A fine of £6 666 with £30334 costs and a victim surcharge remaining to be calculated;
- The lessee: A fine of £1 333 with £667 costs and a victim surcharge remaining to be calculated.

Unauthorised activities appear to be continuing on site and the team Manager is currently considering the appropriate way forward which could include direct action to secure compliance, further prosecution, injunctive proceedings or a combination of these.