

Report to the Council

Committee: Cabinet

Date: 20 February 2024

Subject: Regulatory & Technical Services Portfolio Holder

Portfolio Holder: Councillor Ken Williamson

Recommending:

That the report of the Portfolio Holder be noted.

Regulatory & Technical Services

Private Sector Housing

The Team have recruited a new Environmental Health Officer to the team, she will support the team in regulating private sector housing conditions, licensing of Houses in multiple occupation, mobile home sites, empty homes, and public funerals. The team has successfully dealt with complaints about property leaks, defective boilers and have also responded to a number of complaints regarding potential illegal evictions.

As a reminder to members if their constituents approach them about any issues with privately rented accommodation in a poor state of repair or issues related to their landlords our team is happy to offer help and advice and can be contacted on:

privatesectorhousing@eppingforestdc.gov.uk

Private Sector Grants

The team have entered a partnership with Castle Point Borough Council (CPBC) to deliver their Disabled Facilities Grants. This partnership has the potential to earn additional income for RFDC of circa £100K per annum for subject to receiving sufficient referrals from CPBC.

The partnership went live in December and to date the team have received and registered 33 cases from CPBC. The team are working hard to process cases efficiently whilst also continuing to process EFDC cases without impact. Two CPBC DFGs have already been approved with 2 more due to be approved this week. There are a further 12 cases pending the return of tenders, all of which should lead to approvals by CPBC before the end of February.

Licensing

Bliss Heights, 140 London Road, Abridge RM4 1XX

In July 2023 the owner of the property applied for a premises licence to permit regulated entertainment at the premises. During the consultation period the Council received 75 objections from the Councils Community Resilience team, Environmental Health, Lambourne Parish Council, Abridge Park Residents Association and local residents. At a hearing of the Councils Licensing Sub-Committee on 1 August, the decision was made to refuse the application.

An appeal was subsequently lodged by the applicant against the decision and the matter was due to be heard at Romford Magistrates Court on 5 & 6 March 2024. Following

discussion between the applicant and the Council, the applicant has withdrawn the appeal and in doing so, has agreed to pay the Councils costs incurred so far.

As the appeal has been withdrawn, the Councils Licensing Sub-Committee decision to refuse the application, remains in place.

Taxi Tariff

On 9 October 2023 Cabinet agreed to the public consultation on the proposed taxi tariff increase and to reconsider the proposal, in light of any objections received.

The consultation began on 30 November 2023 and ended on 31 December 2023 and during this period the Councils Licensing team consulted widely on the proposed tariff increase. This included a public notice being published in the Epping Forest Guardian on 30 November, on the Councils website and at Civic Office. All taxi drivers, operators, Councillors, Town and Parish Councils were directly consulted, a press release was issued, it was included on the EFDC mailing list (made up of mostly residents) and posted on our social media accounts (Facebook, Instagram, LinkedIn and Twitter) throughout December.

During the consultation the Councils Licensing Team received 27 responses from residents, taxi drivers/operators, Epping Town Council, Loughton Town Council and a ward Councillor. Having considered the responses received, it is Cabinet's view that the tariff detailed in the consultation, represents what it believes to be fair increase for drivers, whilst maintaining a reasonable fare that passengers can be expected to pay. However, it acknowledged the concerns expressed by those respondents who believe the starting fare for the first mile to be too low, and it is agreed that the fare will be subject to further review in 12 months' time following the implementation of the new tariff and at regular intervals going forward to ensure that fares remain reasonable and fair to both the licensed taxi trade and the fare paying public. The new tariff will come into effect on 28 February 2024.

Environmental Enforcement

The district has seen heavy fly-tipping during the January period and the team are extremely busy responding and investigating the incidents, mobile and covert cameras have been deployed at various sites, some images have been captured and are under further investigation. The Trial hearing date for the Cartersfield fly-tipping has been set for February 2025.

Noise complaints have reduced in line with the current time of year.

Antisocial Behaviour Team

The team continue their work with Project Minerva- Violence against women and girls' project. The work in our first zone started in December with an engagement event at New City College, Loughton and three self-defence sessions. Officers from the team attended the engagement event, gave out crime prevention materials and offered advice around keeping yourself safe whilst out in the community. Areas we are covering at present are Debden Broadway, Ninefields and Ongar.

Op Dial patrols continue with some useful linking in to the overlapping Police patrols. The patrols have been dealing with shoplifting, a dog attack, rough sleeper assistance, ASB at Barrington Hall. Some excellent work by the team engaging with both local businesses and residents.

Community Protection Notices have been issued for:

- Cannabis odour in Matching Tye; and
- Shouting and screaming in public in North Weald.

An ASB surgery was held at Hyde Mead, Waltham Abbey which is an independent living scheme. The team will be holding surgeries at all the schemes in the district throughout the year.

EFDC Policing Team

In the first week of January the team ran an operation under “Op-Avenge” and throughout the evening found and recovered 1 stolen vehicle, coordinated an area search in company with METPOL for a vehicle linked to knife point carjacking travelling through our area which led to it being located and occupants arrested. No burglaries or theft of motor vehicles were reported in our area during the time of the operation.

Operation District is taking place week beginning 22 January, this is where students walkaround with the Police handing out leaflets around knife crime.

CCTV

The team have supported BTP following the serious stabbing in December and other knife point robberies in the area. Aided Police for the recent Pharmacy raid in Epping High Street and other incidents dealt with include assault, robbery and criminal damage.

Environmental Protection

During the recent weather warnings and heavy rain in January the team have been busy responding to flood calls from residents. Whilst we only have a limited stock of sandbags and are not an emergency service, we provided sandbags to residents in Ivy Chimneys, Epping at risk of flooding and in the aftermath have assisted in identifying causes of flooding and referring residents to appropriate agencies. Whilst a small number of properties were affected by internal flooding, there has been a number of follow-up reports and referrals to other agencies such as Essex Highways for blocked highway systems such as Abridge Road under the M11 bridge near Theydon Bois which remained flooded for a number of days until cleared.

Highway Rangers

Recent jobs completed include installing several new finger posts including at the Mole Trap in Tawney Common, hedge cutting and pavement clearances, offensive graffiti clearances and removing extensive fly posting on lamp columns and signs. Recently new historic oak gates fitted at Waltham Abbey Sun Street market entrance, the gate had been damaged by a vehicle driving into it and needed repaired and reset. At the other end of the market square several bollards had been knocked over by vehicles which were also reset and replaced. In recent wind and storm conditions the Rangers have assisted in keeping paths clear with minor tree branch clearances that have come down in winds. They have also repaired and made good roundabout signage ready for new sponsorship contracts, currently Four Wantz and the Talbot are available for businesses to express their interest to sponsor.

Countrycare

The Countrycare Team have been working to continue managing Local Nature Reserves across the district owned by EFDC or as charged work to parish council's or other owners. Some upcoming include a proposed separate pond at Nazeing Triangle to help Great Crested Newts breed without fish eating the eggs. Landowners are to be made aware of a proposed price increase for managing sites with volunteer days from April 2024. The team have also been looking at commercial ideas to increase revenue with projects such as a proposed woodland path clearance for the Woodland Trust.

Grounds Maintenance

The Qualis grounds maintenance teams are nearing the end of their winter-works programme, which includes the annual pruning of the roses, shrubs and hedgerows. A

number of ornamental beds are being topped up with a layer of wood-chippings, this acts as a mulch to help suppress weed growth, retain moisture and enrich the soil. These wood-chippings are a byproduct of the Council's tree service and so as well as being environmentally friendly, it is an excellent way of recycling this surplus material.

To ensure grounds maintenance operations remain on track, and that work standards are consistent across the district, regular monitoring is undertaken. Planned joint inspections are carried out by EFDC and Qualis contract managers that focus on different parts of the district. Recently, these visits have been broadened to include relevant ward Members. This provides the opportunity to explain the various operational tasks and provide general information on the grounds service. This offer has been well received, with various Members keen to take part.

The fleet of ride-on mowing machines used to maintain the green spaces and highway verges are being returned from the workshops following their winter service. As well as the annual service, there are scheduled daily, and weekly maintenance inspections undertaken throughout the mowing season. This ensures the machinery functions correctly and remains reliable throughout the long grass cutting period. Other machinery such as tractors, trailers and hand-held mechanical equipment such as leaf-blowers and strimmers are also serviced at this time of year.

A new tractor-mounted mowing machine has been purchased for the GM contract to maintain the Council's various nature reserves, flood storage sites and wildflower areas. These sites are managed specifically to promote biodiversity and provide wildlife habitat. As part of the management, certain areas will only be mown once a year, with the grass needing to be cut, collected, and removed from site. The new machinery will prove invaluable with this operation and provide greater flexibility in the timing of these works.

Tree Team

During the recent weather warnings and heavy rain the team have been busy responding to fallen trees and calls from residents. With Winter beginning in earnest, we are currently undertaking our winter works programme for this cycle. We have now completed this year's planting list, and all of the new trees will be in the ground, throughout the district, with the hope that they will be in a better position to the summer, should it be as warm as last summer. Watering bags will be installed in the near future, in the hope that all of the tree will become established, and increase the canopy cover of Epping Forest District urban heat islands for future generations.

Fleet Operations

MOT bookings and have been very busy over December and January. Third party work income has increased, and the team are receiving increased demand from mot failure repairs. All tyre pairs now in house, reducing expenditure with external supplier.

Business Continuity

Outcome report regarding the tabletop exercise in December is now complete and minor amendments made to the Corporate Business Continuity Plan, Service areas found the exercise useful as some amended their Service Business Continuity Plans. We are on target to finalise all Plans by the end of February 2024.

Planning Services

Building Control

Applications and inspections

Application volumes to the Council in Q3 of 23/24 were 5% behind the same period in 22/23. Notification to private sector Building Control Bodies were down by 19% in the same period. The market share of applications in that period being 51% in favour of the Council compared with all other providers. It continues to be the case that inflation on building materials and higher costs associated with borrowing are impacting the construction industry, although there are indicators that these pressures are now easing.

Legislative Change

The new enforcement powers conferred by the Building Safety Act are now live and grant Building Control Officers powers to issue compliance and stop notices on building sites with serious breaches of Building Regulations. The Council's legal team have been asked to add these to the scheme of delegations. Existing enforcement powers to prosecute for breach of Building Regulations have had the previous limiting period of two years removed, and the service period for notices to remove or correct offending work have been extended from twelve months to ten years.

The legal requirement for all Building Inspectors to be registered with the Building Safety Regulator has been met by the Council's employees, however the additional requirement that this registration includes validation of competency for specific types of building remains in progress. The deadline of 6 April 2024 is likely to be extended into June due to the limited number of schemes by which inspectors can apply for validation and the availability of assessments. Half of the Registered Building Inspectors at EFDC have already sat validation assessments, however the results of these take up to three months to return.

The next substantial piece of work for the team is aligning the data collected and the processing systems involved in assessing plans and inspecting building sites to the new Operational Standards Rules set by the Building Safety Regulator. This will involve implementing changes to the Arcus Global back-office software system that is used to administer the Building Control function within the Council to enable quarterly reporting on Key Performance Indicators.

Staffing Update

A Senior Building Control Surveyor left the authority in October and the service are currently operating with reduced capacity while a replacement is recruited to. Meeting the requirements of the new regulatory regime are of paramount importance for the operation of the service and staff resources to provide the service alongside delivering these changes is critical.

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.

Cost Awards

A number of costs have been awarded against the Council by the Planning Inspectorate, including the following:

- **£12,000** for EPF/1586/21 – Construction of a 4 bed dwelling at Highgrove Close, Hillyfields, Loughton. Overturned by Committee with costs awarded due to “*failure to*

afford significant weight to the previous appeal decision as a material consideration” and due to a lack of substantive reasoning to justify Planning Committee reaching a different decision to the Councils Tree Officer.

- **£2,215** for EPF/2640/22 – Single storey extension, roof alterations with rear box dormer inc. Juliet balcony, and a further Juliet balcony at first floor level at 3 Linkside, Chigwell. Overturned by Committee with costs awarded since *“the Council’s decision was not well founded and was unreasonable”* since it was based on vague assertions and there was no justification that the fallback position had been attributed appropriate weight.
- **Costs not yet agreed.** EPF/1015/22 – Redevelopment of former Barclays Bank to mixed use development. Overturned by Committee with costs awarded since the reason for refusal *“was based on generalised assertions and unevicenced assumptions”* and *“had Members of the planning committee accepted the professional advice of their officers, this could have meant that an appeal was unnecessary, and the costs associated with the appeal could have been avoided”*.

Enforcement action

The following enforcement notices were issued in the last quarter 2023:

Location: Land at Paslow Common Farm, Ingatestone, Essex, CM4 0JZ

Alleged breach of planning control: Without planning permission, the material change of use of the land for storage

Date issued: 27 October 2023

Date compliance due by: 1 March 2024

Appeal received: yes

Location: 14 Upper Park, Loughton, Essex, IG10 4EW

Alleged breach of planning control: Breach of condition notice issued for a failure to comply with condition 4 to permission Ref EPF/1373/19 and carry out a scheme of soft landscaping to the front of the dwellinghouse

Date issued: 1 November 2023

Date compliance due by: 31 January 2024

Appeal received: no

Location: 16 Eleven Acre Rise, Loughton, Essex, IG10 1AN

Alleged breach of planning control: Breach of condition notice issued for a failure to comply with conditions 2 and 5 to permission Ref EPF/1508/18: dwellinghouses constructed to high and not in accordance with the approved plans with respect to their external finishes

Date issued: 23 November 2023

Date compliance due by: 23 February 2024

Appeal received: yes, against the planning committee’s decision to refuse retrospective planning applications seeking retention of the deviations that have occurred.

Location: 33 Forest Lane, Chigwell, Essex, IG7 5AF

Alleged breach of planning control: Breach of condition notice issued for a failure to comply with conditions 2, 5 and 7 to permission Ref EPF/0160/22: French doors instead of windows installed to rear elevation of dwellinghouse, use of a rear extension roof as a balcony and a failure to carry out a scheme of soft landscaping

Date issued: 8 December 2023

Date compliance due by: 29 February 2024

Appeal received: no

Location: 4 Appleton Road, Loughton, Essex, IG10 2HH

Alleged breach of planning control: Without planning permission, the operation of locating a container and installation of an air conditioning condenser unit

Date issued: 10 January 2024

Date compliance due by: 12 May 2024

Appeal received: not at present

Enforcement Appeal Decisions

Appeal site: Leaside Industrial Park, Sedge Green, Nazeing, Waltham Abbey EN9 2BF

Alleged breach of planning control: Without planning permission: the use of the Land for the stationing of caravans/mobile homes for residential purposes

Date notice issued: 27 April 2022

Date of inspector's decision: 2 January 2024

Outcome of appeal: Appeal dismissed, and the enforcement notice upheld with variations

Date compliance due: 2 March 2024

Appeal site: 32 Starling Close, Buckhurst Hill, Essex IG9 5TN

Alleged breach of planning control: Without planning permission: The erection of a raised terrace and side walls onto the rear elevation

Date notice issued: 15 June 2022

Date of inspector's decision: 14 December 2023

Outcome of appeal: Appeal dismissed

Date compliance due: 14 January 2024