

Report to the Council

Committee: Cabinet

Date: 29 October 2020

Subject: Commercial and Regulatory Services Portfolio

Portfolio Holder: Councillor Aniket Patel

Recommending:

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

Regulatory services:

I am pleased to report that the Regulatory Service, with the Community Resilience Team continue to pro-actively and reactively work together to promote and enforce the Corona virus restrictions in order to protect the community.

New enforcement powers, recently introduced around contact and trace and social distancing rules in hospitality premises, makes previous guidance, now a legal requirement. This gives clarity to businesses, the public and enforcement officers.

Environmental Health Officers (EHO) continue to respond to enquiries from businesses and the public and to investigate complaints of alleged breaches of the covid rules. Proactive inspections have been in line with intelligence from the Director of Public Health around particular concerns of noncompliance amongst certain businesses. As a result, we have inspected our trading estates, horticultural nursery sites and barbers and hairdressers across the district. More recently, we have updated information on our website regarding the new legal requirements for hospitality and we have written to the premises on our 'radar of concern' to re-iterate the rules and inform that we will be carrying out enforcement visits, including issuing fixed penalty notices where required. EHOs, community police, Licensing and Environmental Enforcement officers propose intelligence led weekend checks where necessary.

It continues to be the case that most businesses are doing their best to comply, whilst trying to be economically viable. As such, EHOs and other enforcement officers spend considerable time giving advice, guidance and support to local businesses, using enforcement powers only where necessary. However, as the concerns of increased infection rate continue, enforcement officers across the Council and police service will have no hesitation in issuing Fixed Penalty Notices or taking other appropriate action if necessary, to protect the community.

As explained in my previous report, our EHOs are trained in infectious disease control and as such are well placed to carry out a covid-19 outbreak management role, should a local outbreak occur, or be associated with a workplace activity on the district. There have generally been no direct workplace incidents to date apart from a recent outbreak affecting a number of Leyton Football Team, which resulted in EHOs working with the English Football League and Essex Public Health Consultants to ensure safety of the training ground which is on our district.

I advised, in my previous report that I would feed back to you on the progress made by our Private Sector Grants Team, newly structured since this July, for the improved delivery of

Disabled Facilities Grants (DFG) and Loans under our Housing Assistance Policy. For this financial year to date, the figures are as follows:

- 39 DFGs approved with a total value of £251,671.00
- 22 DFGs completed and paid with a total expenditure of £95,033.00
- 3 Decent Homes approvals with a total value of £19,943.00
- 1 Decent Homes Payment for completed works amounting to £5,560.00
- There are a further 115 grants, at various stage of application, being processed

This is significant progress by the Team, particularly, taking account of the covid-19 lockdown that prevented staff from visiting our disabled and vulnerable customers until end of June. The Better Care Fund awarded for Disabled Facilities Grants to the Council for this year amounts to £855,956 and the team are committed to spending as close to this as possible.

Commercial services:

North Weald Airfield

I am pleased to report that the Airfield is now operating on a business as usual basis although all public events have been cancelled for 2020.

The casual bookings are very slowly starting to pick up with a number of regular hirers returning to use the facilities.

General aviation is extremely busy and movements are at pre-pandemic levels.

The market continues to thrive post full lockdown with trader and visitor numbers increasing significantly since re-opening in June. This would indicate that the market operators Covid - 19 precautions are providing confidence to shoppers and stall holders alike.

The staff establishment is now complete with 2 recent appointments to vacant Operations Officer roles.

National Police Aviation Service (NPAS)

I am pleased to report that noise complaints regarding the NPAS operation have reduced significantly over the last 6 weeks. The noise monitoring exercise has concluded and we await the results from the consultant.

Counsel's advice has also been sought following noise complaints and that advice would suggest that the Council has a robust defence against any actions that may or may not be taken.

Essex & Herts Air Ambulance Trust (EHAAT)

I am pleased to report that the construction of the new Hangar is progressing well and is on target to be completed in early 2021.

Building Control

I am pleased to report that Building Control income at the end of the last financial year was around £130,000 above budget, with a notable increase towards the latter part of the year. This positive result should, however, be treated with caution as this was influenced by the new high-volume partnership scheme working with Ken Judge Associates for nationwide conservatory roof replacement approvals. This produces up-front income with tail-off cost liabilities that run into subsequent years which are not typically encountered with other Building Regulations applications. A new accounting process has been instigated to better reflect and ring-fence our ongoing cost commitments resultant from this scheme.

Building control income has been affected by Covid 19. Application numbers received are 30% fewer than the previous financial year discounting the partnership scheme with Ken Judge Associates. As of 31st July 2020, income was approximately £82,000 short of budget forecasts, but around £68,000 less than for the same period in the 2019-2020 financial year. We are awaiting income reports for August and September.

This conservatory partnership income recommenced this financial year only after the easing of Covid 19 restrictions and we have received a total of 522 applications, suggesting performance at or above the level expected.

Since the start of September, inspection requests to active building sites have picked up substantially. The remaining year performance will depend much upon any need for further Covid restrictions and any resultant uncertainty in the wider economy.

A vacant Senior Surveyor post is due to be filled at the end of October and recruitment to fill the recently retired Principal Surveyor is ongoing.

A new Building Safety Bill published in July and awaiting Royal Assent introduces significant changes to the Building Control system by removing competition for Building Control services on high risk buildings and placing increased expectations on competency validation for all professionals involved with Building Control for all building types. These changes are expected to be implemented over a two-year period.

Epping Forest Shopping Park

The Epping Forest Shopping Park is now re-open following the Covid-19 trading restrictions with appropriate social distancing.

External solicitors acting for EFDC are now liaising with the original roofing contractors appointed solicitors and their formal proposals as to substantial roofing and drainage works specification is promised this month with regards rectifying persistent issues on these matters.

Oakwood Hill Industrial Estate

This fully let scheme continues to perform well, given the current economic climate.

North Weald Airfield

Former Gymnastics Centre under offer to a community sports centre, transaction approved by EFDC and with solicitors to progress to completion.

Hanger 1 is under offer for a 10 year lease (this being the minimum term achievable given investment in the building required by any prospective occupant) following an extensive marketing period. Pending EFDC formal approval.

A large number of asset management and lease initiatives are ongoing at the airfield (subject to the outcome of the Master Plan).

HMRC have requested an additional 5 years plus expanded occupation space for customs and transit from 1st January 2021. Negotiations over rent, space, use are ongoing and are also subject to simultaneous stakeholder engagement by HMRC and liaison with Planning over the proposed SDO.

Landmark Building

Units B, C & D were handed back to the Council by the tenant on 24 February 2020 and immediately marketed by our agent. Terms have been agreed with a local boxing gym. Planning for change of use to D2 has been received. Letting to the Boxing gym is expected to complete by the end of October 2020.

Terms were agreed for Unit A with a local fitness centre / gym at the asking rent, but the operator has now decided not to pursue their interest. Property is now being marketed and despite difficult access arrangements, some initial interest has been shown.

On 1 October 2020 the letting of Unit G completed to Wenzel's The Bakers, a good covenant with 60+ stores. The tenant is expected to commence their fit-out very shortly. This will be an excellent addition to The Broadway and will hopefully increase footfall.

There is an offer on Unit E from a local business who wish to open a tanning salon and has submitted a change of use application. Due to size / shape of this unit, subject to planning we intend to agree terms with this operator. Terms agreed with Tenant and draft lease with Tenant for approval. Awaiting planning consent for change of use and external air conditioning.

The lease for Unit F has now completed. The tenants have submitted the necessary planning and building regulations applications. Following the recent refusal at planning committee, the tenant is working with the Council on the best way to secure consent for their M&E works.