

Report to the Council

Committee: Council

Date: 11 October 2022

Subject: Technical Services Portfolio Holder

Portfolio Holder: Councillor Ken Williamson

Recommending:

That the report of the Portfolio Holder be noted.

Regulatory & Technical Services:

Licensing

Epping Forest District Council has adopted 'National Register of Refusals and Revocations' or NR3. The new register allows licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked and allows licensing authorities to check new applicants against the register.

and now details of all applicants are checked during the application process for the grant of new licences or at the point of renewal. In addition, where an application is refused or a licence is revoked, those details are entered onto the register and this information can be accessed by other local authorities nationwide should the individual apply for a licence in their area.

Taxi Tariff

Following concerns expressed by the licensed taxi trade, the team have undertaken a review of taxi fares applied to customers using a Hackney carriage within the district. Before any published fares can be increased the Council must undertake consultation with the trade and public consultation by way of placing a public notice in a local newspaper.

The current fee tariff has not been reviewed for the last 8 years and was scheduled to be reviewed as part of the wider taxi policy review later this year. However, due to the unprecedented fuel increases, it has been necessary to bring that review forward to support our licensed taxi trade.

A draft report has now been prepared providing a number of options. The report will be considered by the Licensing Committee and once agreed, informal consultation will take place with the trade before statutory consultation is undertaken. Once complete the tariff will be subject to Council approval.

Pavement Licensing – proposal to be extended permanently from 2022

For a second time the regulations introduced under the Business and Planning Act 2020 have been extended at short notice and in response, we have followed the same process as before.

All licence holders have been written to and advised accordingly and the majority have already renewed their licence for a further period retaining previous permission.

Applications determined by Licensing Committee & Appeals update

- Crooked Billet, Nazeing, EN9 2LD – Application for a new premises licence, granted
- Tom, Dick & Harrys, Loughton IG10 4LF - Application for a new premises licence, granted

- Toot Hill Golf Course, Ongar CM5 9PU - Application for a new premises licence, granted
- 1 Taxi Driver Application for new licence -refused.

Appeals

- Gardeners Arms, 103 York Hill, Loughton, IG10 1RX – Directions hearing 22nd September at Colchester Magistrates Court to determine timetable for the appeal.

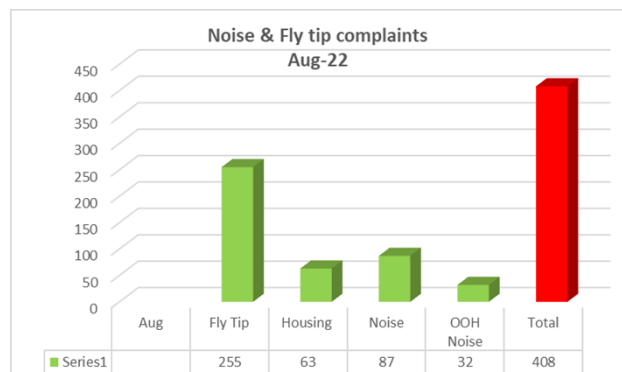
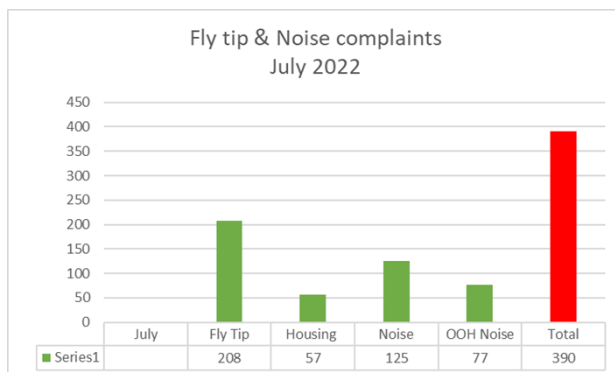
Community Resilience Team

Anti-Social Behaviour

- ASB awareness day took place at Limes Farm Estate, multi-agency partnership working with weapon sweeps, community engagement and proactive enforcement
- Partnership working with NACRO housing association in relation to a possible cuckooed property in Loughton
- Complaint of a party house investigated internal referrals to planning and letters to the owner of the property
- Elgar Close, Buckhurst Hill- report of an assault of an elderly resident. ASB Officer found CCTV relating to the assault, liaising with Police to identify the youths and problem solve the wider ASB issues in the area
- Cornmill carpark- nuisance youths- redeployable camera has been installed to capture ASB and littering, working with CCTV to gather evidence
- Vicarage Lane West, North Weald car park- nuisance youths- joint site meeting with the church to look at target hardening to prevent vehicles from using the car park

Enviro Enforcement

- 7 Fixed Penalty Notices issued (1 x duty of care, 3 x littering, 1 x Fly tipping and 2 x breach of Community Protection Notice)
- 76 Community Protection Warnings issued
- 1 Community Protection Notice issued
- 1 Environmental Protection Act 1990 S.80 Notice served
- 2 Environmental Protection Act 1990 S.108 issued
- 1 Environmental Protection Act 1990 S.34 notice Waste Duty of Care issued
- 1 Environmental Protection Act 1990 S.47 Notice Waste Containment
- 2 Fly poster warnings sent – Posters removed



Gardeners Arms – Enviro Enforcement Officer are continuing to investigate noise nuisance including OOHs and Pre Planned Visits (PPV) whilst awaiting a court date to decide on a condition appeal set out on the new licence conditions.

Sheesh, Chigwell – First Hearing regarding failure to pay FPNs for breach of CPNs set for 20th September. Complainants being kept updated with case progress.

Environmental Protection and Drainage Team

During the recent weather warnings and heavy rains in August into September the team have been busy responding to flood calls from residents. Sandbags were provided to residents at risk of flooding and in the aftermath have assisted in identifying causes and referring residents to appropriate agencies. In August approximately 30 properties flooded in Buckhurst Hill and Loughton with highly localised heavy rains affecting these areas.

The private water supply charging scheme is approaching the end of the first year in recovering 50% of sampling costs and in October will recover full costs from site owners. A new charging scheme for Environmental Information Regulation requests for property and contaminated land searches was implemented at the start of June and has been used successfully.

Highway Rangers

The rangers continue to work on reported issues from both Essex County Council and those reported by Members and residents. Recent jobs completed include installing several new finger posts, hedge cutting and pavement clearances, offensive graffiti clearances and removing extensive fly posting on lamp columns and signs. They have completed paving jobs in Maynard Close, Waltham Abbey, removing trip hazards. They have installed new goalposts for football teams at Waltham Abbey and cleared a heavily overgrown footpath at Daws Hill. New bench timber has been purchased for renewing the built-in benches in Epping.

Grounds Maintenance

During the dry spell grass areas have browned off in places, although the recent wet weather has encouraged the greening up of sites and further growth.

The team undertake the marking and maintenance of the many football pitches located on Roding Valley Recreation Ground on behalf of Loughton Town Council. The specialist team responsible for this work have now completed all the new line-markings required and installed the goal posts to ensure the pitches are ready for the new season.

Tree Team

In partnership with the Forestry Commission, Country Care, and Grounds Maintenance surveys have been carried out of the tree stock for Oak Processionary moth, which has until now grown unimpeded across the district, and have removed hundreds of nests from the council trees. We will continue to undertake the surveys until it is under control.

Countrycare

The Countrycare Annual Report 2022-22 has been published on the Countrycare website.

All woodlands have been visited with visits to Home Mead, Chigwell Row Wood and Roughtally's Wood and chestnut palling fences have been erected around some of the ponds. The annual meadow cutting, and raking has begun with Tree Top Meadow and Thornwood Common Nature Area.

Two events were held for the Tree Wardens, one was a training session for surveying for Oak Processionary Moth in Chigwell Row Wood, the data has been sent to the Forestry Commission to inform future management of the moth. The second was a training session on

surveying hedgerows on Loughton Recreation Ground. The data was sent to The Great British Hedgerow Survey for their records and will also inform future management of the hedges. Butterfly surveys are continuing over the summer, volunteers will take over future surveys.

Building Control:

Income and budgets

Income through fees and charges into the ring-fenced account by the end of August (Month 5) was at approximately £245,000 - on track for the full year budget of £540,000. Performance was strong and consistent through April to July but was typically quiet through the August holiday period. Early indications for September suggest the usual pickup in the building industry after the school holidays is muted and falling well behind September 2021. Influencing factors are likely to be financial pressures from inflation, continued scarcity of building materials since the Covid pandemic and anxiety in households and small businesses over fuel costs for winter heating.

The cost of delivering the Building Control Service is currently tracking marginally below our budgeted expectation. (Full year budget £732,000 – current forecast of £713,000).

Legislative Change

The Building Safety Act became statute on the 28th April 2022. We are currently in an interim period awaiting secondary legislation and phased enactment of all parts of the Act. The main impact on Building Control is the control of certain High-Risk Buildings by the Building Safety Regulator (BSR), the provision of staff by Local Authorities to support the BSR and the mandatory examination and licensing of Building Inspectors. There is also provision to extend enforcement periods to 10 years and introduce prison sentences as the maximum penalty for a breach of Building Regulations.

These new burdens on Local Authorities carry a risk to recruitment and retention policies in what is already a highly competitive sector with private Building Control Bodies. Funded training places have been secured with Government funding and are being utilised, subject to staff availability to manage the service, throughout 2022/23. Epping Forest District has been identified as an area with High-Risk Buildings and will be expected to provide staff to support the work of the Building Safety Regulator. The mechanism for charging and cost-recovery has not yet been determined.

The enhanced scrutiny of all Building Control Bodies has resulted in a significant increase in the number of cases referred to the Council by private Approved Inspectors. Approved Inspectors are not authorised to enforce and may only certify compliance. It was previously an extremely rare event for an Approved Inspector to cancel their notice to control works and revert the site to the local Authority for enforcement of the Regulations, however following several private Building Control bodies failing audits by their regulator and one high profile provider being struck-off for reckless issue of final certificates (currently being challenged by Judicial Review), providers are shedding their more challenging cases by reverting to the Local Authority. This is an additional burden for our service, but one for which we are authorised to recover costs for by setting appropriate charges.

Service Improvements

Building Control became ISO 9001 registered for quality management with Alcumus Isocar. This scrutiny of procedures and quality is intended to demonstrate to the Building Safety Regulator our effectiveness to deliver a Local Authority Building Control Service and give the residents and businesses of the district similar reassurance.

In June 2022, we implemented a new cloud-based back-office solution for Planning and Building Control. This was a substantial and important project to improve our efficiency and ability to measure ourselves against Key Performance Indicators. Initial experience with the system is positive and early, expected teething problems are being engineered out. Our next steps will be to implement mobile working devices to enable Building Inspectors access to plans and calculations on-site to remove the need for the printed format.

Planning - Development Management

SAC Backlog

The Service continues to make good progress in releasing planning decisions held back by the Epping Forest Special Area of Conservation (SAC). As of 20 September 2022, we have issued 189 decisions, delivering 289 dwelling; 23 applications have been withdrawn and 26 applications have been refused. A number of applications (16) are awaiting the completion of S106 agreements and issuing of these decisions are imminent.

Planning Enforcement

The Heritage, Enforcement and Landscaping Team Manager retired in June 2022, and the newly appointed Team Manager (James Stubbs, currently working for Chelmsford City Council) joins the service on 3 October 2022.