

Report to the Council

Committee: Cabinet

Date: 5 October 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

Government has issued a consultation on the Licensing of Non-surgical cosmetic Procedures in England. <https://www.gov.uk/government/consultations/licensing-of-non-surgical-cosmetic-procedures/the-licensing-of-non-surgical-cosmetic-procedures-in-england#introduction> The Licensing is proposed by virtue of the Health and Care Act 2022. Currently, many procedures, such as the use of LASERs, Botox and fillers are undertaken by therapists who work on the high street rather than in medical facilities and are outside the remit of the Care Quality Commission (CQC). Currently, the main legislative control available to Environmental Health is the Health & Safety at Work Act and the Public Health Control of Diseases Act. The current consultation is aimed at the industry rather than the probable regulators that will include local authorities.

At present, within EFDC, registrations are issued under the Local Govt (Miscellaneous Provisions) Act 1982 for prescribed activities including tattooing, cosmetic piercings, acupuncture, electrolysis and micro-pigmentation (a form of cosmetic tattooing). Many of the aesthetic procedures on the high street fall outside the registration regime and the proposed licencing provisions aim to bring these aesthetic treatments into a legislative scheme which stipulates levels of training and standards required prior to a licence being issued. Licensing will bring many more businesses into scope that will generate a demand within the team.

Environmental Enforcement

A Waste Amnesty (Safer Streets) was very successful on Saturday 26 August, the waste vehicle was filled up and residents very pleased. There has been a significant increase in noise complaints for the month of August compared to July however year on year remain consistent.

A prosecution file has been submitted for the large fly tip on Council land at Cartersfield Estate, we will be seeking to recover all our costs including the £90,000 to clear.

Antisocial Behaviour Team

The Debden Broadway hotpot patrols are progressing well and yielding a wealth of information and intelligence which is being passed to the Police. The local community, shopkeepers and residents are engaging well with the Council patrol volunteers. Reports of thefts, street

robbery, shoplifting, cannabis odours, rough sleeping, fly-tipping and a case of modern slavery have all been recorded and actions passed over to various teams, partners and police.

EFDC Policing Team

A change of the EFDC funded Police Sergeant will take place on 18 September 2023. Sgt Neill Ross will be replaced by Sgt Robert Fitt.

CCTV

The 5 CCTV upgrade projects in line with the current CCTV strategy are now underway. The Limes Ave shopping arcade is complete, and Moreton former landfill site is next for completion. All five are expected to be completed by 31 October 23.

The CCTV team have also been busy providing CCTV evidence to Police from various incidents around Debden Broadway, these include shoplifting and street robbery.

Grounds Maintenance

The continued mixture of warm and wet weather conditions has provided perfect growing for grass and shrubs, and this has presented quite a challenge for the Qualis grounds teams tasked with keeping it all under control. Teams will generally be split to tackle the various tasks with priority being given to those most urgent, which will include vehicle sightlines, footways, and sheltered housing accommodation.

The mixture of sun and rain has however been welcomed by the nursery team responsible for looking after the seasonal bedding schemes. The weather conditions have helped the plants grow and flower to their best and in doing so, has produced some really eye-catching displays across the district and this has been noted in the many compliments received.

2. Planning Services:

Building Control

Income and budgets

The request for site inspections remains consistent with previous years as existing 'in-flight' building work continues to be serviced, however there has been a notable drop in new applications this financial year, a theme echoed around other districts across the region as householders and developers make cautious decisions in the face of higher borrowing costs and inflated building prices.

Legislative Change

The Building Safety Regulator have contacted all Local Authority Building Control providers to request an hourly rate for supplying staff to support the regulator. One key change from the Building Safety Act is the requirement for Local Authorities to support the Regulator through provision of competent staff to service applications made for higher-risk buildings (defined as buildings with at least two residential units which are at least 18 metres in height or have at least seven storeys).

The Building Regulations have been amended to reflect changes in the Building Act in respect of enforcement against a breach of Building Regulations. The conditions surrounding service of 'stop' and 'compliance' notices and the extension from two years to ten years for notice to

remove offending building work have come into effect. Provision to remove the two-year limitation for prosecution are yet to be enacted.

All members of the team undertaking restricted functions (checking plans and inspecting sites) are to be registered with the Building Safety Regulator by April 2024. This requires examination to prove competency. Building Control Management is working with the People Team to seek legal advice on any implications for employment contracts.

Staffing Update

One of the Technical Support Team leave on 20 September. In July we undertook to host two Local Authority Building Control (LABC) apprentices. These are Trainee Building Control Surveyors undertaking day-release study with their salaries funded by LABC through a new burdens government grant. This investment recognises the skill shortage in the Building Control sector and placements were awarded to authorities where it is anticipated that specialist resource may be called upon by the Regulator.

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

- **Land at Greensted Road, Chipping Ongar, CM5 9LA** (Ref: EPF/2627/20), appeal decision relating to a hearing that took place on 08-09 August 2023, issued on 08 September 2023. The application was refused planning consent at District Development Management Committee on 21 September 2022. The application was dismissed with the Inspector concluding that the development as a whole, would cause significant material harm to the character and appearance of the area, would not provide a sufficient level of visitor parking, and it proposed an inappropriate and unjustified mix of housing types in Ongar.

Successful prosecutions: Planning Enforcement

On 8 August 2023 at Chelmsford Crown Court two tree surgeons pleaded guilty to offences pursuant to S210 of the Town and Country Planning Act 1990 in respect of the felling of trees at the **Debden Hall Estate, Loughton**. Both defendants were fined £20,000 and ordered to pay the Council's costs. A prosecution against the owner of the land continues.

Enforcement Appeals

Land at "Aura" 179-181 High Road, Loughton IG10 4LF: an appeal against an enforcement notice issued by the Council on 27 April 2022 which required the demolition of a steel framed extension to the premises 'Aura Bar and Grill' was dismissed. The inspector refused to grant planning permission for the development and upheld the Council's requirement for the structure to be demolished within one month of the date of his decision.

Gardener's Arms, 103 York Hill, Loughton, Essex IG10 1RX: an appeal against an enforcement notice issued by the Council on 25 January 2022 which required the removal of a hard surface laid within the grounds of the pub was dismissed by a planning inspector on 21 August 2023. The inspector found that the hard surface did not result in harm to the

special architectural or historic features of the listed building and granted planning permission for the development.