

# ***Report to the Council***

**Committee:** Cabinet  
**Date:** 19 December 2023  
**Subject:** Technical Services Portfolio Holder  
**Portfolio Holder:** Councillor Ken Williamson

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## **Recommending:**

**That the report of the Portfolio Holder be noted.**

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### **1. Regulatory & Technical Services:**

#### **Environmental Health**

The team continue to complete food hygiene inspections in accordance with Food Standards Agency requirements alongside monthly surveillance sampling programmes and continue to monitor Nitrogen dioxide (NO<sub>2</sub>) across the district in 41 locations. The team are supporting the UKHSA with a national surveillance programme for Cryptosporidium, which has shown an increase over this year. The support requires following up cases within EFDC area and completion of a questionnaire back to UKHSA for analysis and trends.

#### **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 only including Live Music, Recorded Music, performance of dance and anything of a similar description. 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<sup>st</sup> August, the decision was made to refuse the application. An appeal has since been lodged with the Magistrates Court against the Councils decision and the matter is to be heard at Romford Magistrates Court on 5<sup>th</sup> & 6<sup>th</sup> March 2024.

##### **XL Bully Ban**

On 14<sup>th</sup> November 2023, Government has brought into force further legislation to implement the ban on XL Bully dogs and start the transition period for existing owners which ends on 31<sup>st</sup> January 2024. During the transition period, owners who wish to keep their dogs must apply for a Certificate of exemption, alternatively, owners who choose to have their dog put to sleep can apply to central Government for compensation. On 31<sup>st</sup> December 2023 it will become a criminal offence to sell, transfer, exchange, gift or advertise XL Bully dogs.

Any licensees who are currently licensed to breed these types of dogs must cease breeding from this date and it will be illegal to breed from a XL Bully, and also for a XL Bully to be bred from any combination of other dogs.

Local authorities are not expected to provide advice on whether a particular dog falls within scope of the ban, this for the owner to determine. To assist owners, Government has provided guidance on the official definition of a XL Bully Dog along with photographic examples which can be found on the gov.uk website.

The Police are the lead enforcement agency and will investigate for offences under the Dangerous Dogs Act 1991 and this will include formally identifying suspected XL Bully breed types once the legislation comes into force.

### **Environmental Enforcement**

The proposed Public Spaces Protection Order for Dog Control consultation ended on 20<sup>th</sup> November, we will be analysing the responses over the next few weeks.

The volume of fly-tipping has continued to increase year on year with an average of 800 open cases per officer as of November. The team is reviewing and prioritising work and complex cases as much as possible.

Cartersfield Prosecution heard at Colchester Magistrates on 16<sup>th</sup> November regarding the extensive fly-tipping last year on a Council commercial premises costing £93,000 in clean up. As a custodial sentence of 18 months is to be considered, this has now been passed to Crown Ct with a new date of 14<sup>th</sup> December.

Investigations are progressing around the Brooker Road Fly tip; this investigation has opened up 8 different lines of enquires relation to both commercial and domestic properties. 3 fly tipping hotspots have been identified in Waltham Abbey and work is progressing to tackle these areas, including wanted posters and formal notices being issued.

Waste carrier stop checks carried out in partnership with our EFDC funded Police team on 14<sup>th</sup> November. 100 stops by Police and 60 stops by the Enviro team including pickup trucks and flat beds. A number of follow ups (15) are required for waste carrier licences and advice.

### **Antisocial Behaviour Team**

Operation Stronghold completed on 26<sup>th</sup> October with CST, visits were carried out to local parks and hotspot areas giving advice on the new nitrous oxide legislation. (Possession of nitrous oxide, also known as 'laughing gas', became illegal from 8 November 2023. Repeat serious users of nitrous oxide could face up to 2 years in prison and dealers up to 14 years) The proposed Public Spaces Protection Order for consultation for the Broadway PSPO, ended on 20<sup>th</sup> November, we will be analysing the responses over the next few weeks.

Operation Henderson, the team engaged with a total of 75 people, including taxi drivers, bus driver and commuters. Posters with reporting details put in local businesses. The team engaged with many groups of young people who advised they don't always feel safe travelling on trains, and they were given the BTP text number. A QR code was given to members of public where they could find out further information and how to report.

The Crimestoppers Initiative continues to be a success with more people reporting crimes since its introduction in 2022.

### **EFDC Policing Team**

Sgt Rob Fitt has now joined the EFDC team, replacing Sgt Neil Ross. Sgt Fitt joined Essex Police in 2010, during his career he has led multiple teams in response policing and community policing, He is passionate about uniformed policing, especially community policing and a huge supporter of community engagement events and visible policing

presence. He believes that these interactions are the best way in which we can improve our relationship with the local community.

The team will be carrying out tasking which will be under the general header of “festive events”, there will likely be several Christmas markets etc that will require the team to be assist with and current planned attendance Friday 24<sup>th</sup> November, Waltham Abbey Cavalcade of Light and Wednesday 29<sup>th</sup> November Debden Xmas Market.

During Halloween the team spent the afternoon conducting stash site searches, in previous years it was identified that those engaging in Halloween ASB would stash fireworks in locations in the afternoon when police stop checks aren't being conducted and then pick them up later in the evening. There was a pre-authorized dispersal zone in place for Theydon from Monday 30<sup>th</sup> October 1500hrs to Wednesday 1<sup>st</sup> November 1500hrs due to previous issues.

### **CCTV**

2 men responsible for prolific racial Graffitiing across Epping have been captured on CCTV after additional resources were applied which has led to the arrest of two men. The team provided out of hours support to the Met Police for a recent gang murder funeral in Epping, the event passed peacefully without incident.

### **Highway Rangers**

Since April this year, the team have received over 200 external enquiries for work to be carried out. The team have been busy removing flyposting, businesses advertising on roundabouts or lamp columns by attaching signage to them without permission, including signage for raves and other events, cars and gold buying schemes. These are illegal and add clutter and reduce sight lines to these areas, once removed they are passed to the Environmental Enforcement team for follow up.

Graffiti has been occurring in some areas of the district on street furniture, including a recent spate of offensive graffiti that the Rangers have removed.

The team have also worked on re-setting concrete bollards hit by vehicles in Loughton and Debden. These concrete bollards get hit by vehicles and knocked over or crack over time. The team have worked with the tree team to maintain highway trees with root pruning to relay slabs and remove trip hazards eg outside Civic Office Epping. They have cut back or cleared overgrown areas including along Nazeing Road, Lenthal Path at Debden and Parklands.

Some recent projects have included renovating an old concrete fingerpost at Willingale that has been restored from a dilapidated and damaged concrete post with rotten wooden fingers to a bright and attractive signpost. 15 wooden and metal fingerposts across the district have been renewed, repaired, or replaced since the Ranger service returned to EFDC. The team can provide a full renovation and installation of finger posts that are not planned for imminent replacement or renewal. This adds capacity back to the service, raises revenue and allows parishes to fund extra posts for their area where they have a specific interest. The cost for undertaking this work is circa £1400 + VAT per post.

### **Grounds Maintenance**

It is now 6 months since the transfer of the Grounds Service from EFDC to Qualis Property Solutions. In terms of service delivery, the focus from the outset was to ensure a seamless transfer was achieved and that frontline operations remain at the highest standard for our customers. EFDC and Qualis management worked closely throughout the transfer process and ongoing months to ensure this goal was achieved. This partnership is further reinforced through joint Performance Monitoring inspections and monthly Contract Liaison meetings.

The Qualis Grounds Service were pleased to receive a note of thanks from Loughton Town Council for its contribution in helping them to achieve a gold certificate in the 2023 'Essex Playing Fields Association's Best Kept Playing Field Competition' for the Roding Valley Recreation Ground. This award is testament to the hard work and commitment of the various Council staff, contractors and volunteers involved in managing and maintaining the site to such a high standard. The bar is now set for next year's competition!

As we approach the end of the mowing season, preparations are now being made to overhaul the various items of grass cutting machinery. This operation takes place during the quieter winter months and is important to ensure the equipment is serviced and fully operational when the mowing cycle begins again next spring.

The Grounds Service is relied upon to provide the saluting dais and floral displays for the annual Remembrance Day parades that take place in both Epping and Loughton. The Nursery Team are responsible for preparing the planted troughs and ensuring the wooden staging is correctly placed for each ceremony and the team are proud to be involved in the event.

### **Tree Team**

With The leaves finally beginning to fall, the team are beginning to shift their focus from tree watering, to planting and stump grinding. We are also working with the Woodland Officers of Essex County Council, under a joint venture to plant more street trees on the district, this will increase tree cover and combat pollution and fix Carbon in the atmosphere.

As well as tree planting we are also focusing on updating the EFDC tree Policy as well as piloting a tree asset and management survey for Housing trees, in preparation for a major project to inspect all trees within Housing Tenure, and assist in producing a tree management policy moving forward, so that all our tree assets can be managed more proactively.

## **2. Planning Services:**

### **Building Control**

#### Applications and inspections

The volume of new applications across private sector and public sector building control submitted within the district remain to be tracking lower than the previous financial year. Applications to Approved Inspectors are down by 37%, and applications to the Local Authority are down by 25% comparing a seven-month period. This is a position widely shared across the region and is reflective of the current economic position. A small positive factor in these figures is that market share of applications received by the Local Authority have therefore increased comparatively. The volume of requests to inspect building work however has remained consistent with the previous year as already commenced projects continue to be built. An increase in unauthorised work requiring enforcement intervention has also been noted.

#### Legislative Change

The Building Safety Regulator became the building control authority for higher risk buildings on the 1<sup>st</sup> October as the provisions of the Building Safety Act 2022 continue to be implemented in stages. The Government expects Local Authorities to support the regulator by providing inspectors to perform the Building Control function as part of multi-disciplinary teams set up by the Regulator.

The register for individual Building Inspectors to register with the Regulator opened on the 1<sup>st</sup> October and it is a requirement that all inspectors, working on any type of building, be registered by the 6<sup>th</sup> April 24. Registration involves an assessment of competency by examination on a repeating 4-year cycle. Obtaining examination places through an accredited scheme is proving extremely challenging for all authorities and the sector is witnessing a loss of staff to other surveying disciplines, or from those taking retirement as an alternative to undertaking the assessment and registration. The 6<sup>th</sup> April date set by the government is looking unfeasible to many in the industry. Providing support and enhanced training to those working in Building Control is key to a successful outcome.

The third implication for the service of the Building Safety Act is the oversight and scrutiny of Building Control by the regulator. The authority can expect regular audits by the Building Safety Regulator who will publish their findings, require improvements or issue sanctions. As part of this oversight, the authority is required to substantially modify their data collection and reporting practices and submit quarterly returns to the regulator showing how they are performing against a new set of Operational Standards Rules.

A new duty-holder regime, broadly aligned to the Construction, Design and Management Regulations came into effect on the 1<sup>st</sup> October and applications now require enhanced information concerning duty-holders from the client, the designer and the contractor and places clear responsibility for Building Regulations compliance upon those roles.

#### 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.

##### Planning Fee increase

Following debates in Parliament, the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 have been approved and made on 8th November. The regulations do the following:

- Increase planning application fees by 35% for applications for major development and 25% for all other applications.
- Introduce an annual indexation of planning applications fees, capped at 10%, from 1 April 2025.
- Remove the fee exemption for repeat applications (the 'free-go'). An applicant will still be able to benefit from a free-go if their application was withdrawn or refused in the preceding 12 months, subject to all other conditions for the free-go being met.
- Reduce the Planning Guarantee for non-major planning applications from 26 to 16 weeks.
- Introduce a new prior approval fee of £120 for applications for prior approval for development by the Crown on closed defence sites.

The new fees will come into force from 6 December 2023.

### Successful Injunction: Planning Enforcement

On 16 October 2023 at The High Court of Justice EFDC obtained an injunction against a resident in Russell Road, Buckhurst Hill, which followed the issuing of an enforcement notice on a property for an unlawful extension. The defendant was given until Monday 22 April 2024 to undertake all the corrective work in strict accordance with the planning permission that was granted in October 2021. It was also ruled that he must not undertake any further development at the property unless he has further planning permission to do so. The defendant was also ordered to pay costs of £8,000 for the preliminary application and further costs of £23,969 for the main Order.

### Enforcement Appeals

**Land at Rose Farm, Hamlet Hill, Roydon, Essex, CM19 5JU:** an appeal against an enforcement notice issued by the Council on 01 March 2021, which related to changes to the use of land and buildings from agricultural to residential without permission, including using the land as a residential caravan site, was dismissed and the enforcement notice upheld. A partial award of costs was also granted in favour of the Council. The inspector upheld the Council's requirement for the following actions:

- Cease residential occupation of the land and buildings;
- Remove all caravans and other domestic items; and
- Demolish a building and remove hard surfaces.