

**APPENDIX 1**

**Service Areas Reviewed**

**(A) Environmental Controls**

- 1 Abandoned Vehicles
- 2 Fly-tipping
- 3 Litter
- 4 Dog fouling
- 5 Stray dogs
- 6 Graffiti and fly-posting
- 7 Pest Control
- 8 Statutory nuisances
- 9 Air Pollution
- 10 Contaminated Land

**(B) Commercial Controls**

- 1 Animal Welfare
- 2 Caravan Sites
- 3 Food Safety
- 4 Infectious Diseases
- 5 Health & Safety
- 6 Byelaws relating to Public Health & Safety
- 7 Public Entertainments
- 8 Trading Controls

**(C) Property Controls**

- 1 Planning Enforcement
- 2 Drainage and Surface Water
- 3 Dangerous Structures
- 4 Dangerous Trees
- 5 Tree Preservation Orders
- 6 Housing Standards

## **(A) ENVIRONMENTAL CONTROLS**

### **1 ABANDONED VEHICLES**

The District Council has a duty to ensure the removal of abandoned vehicles from the highway. The duty extends to any vehicle unlawfully abandoned and on any land in the open air. If the vehicle is situated on occupied land, a further written notice must be given to the owner/occupier.

The County Council (who are the disposal authority) has a duty to make arrangements for the disposing of collected vehicles. In practice, a local agreement between this Council and Essex County Council means that the District has made disposal arrangements with a local scrap metal dealer, with County meeting the full disposal costs.

Vehicles which are not deemed to be wrecks (i.e. runners) can be removed immediately to a storage place and are not destroyed until an investigation has been undertaken, as to the owner/occupier.

All abandoned vehicles have a 24-hour notice fixed to them advising that the vehicle will be removed and either impounded or destroyed. The notice period for removal has recently been reduced from 7 days to 24 hours.

There are penalties for abandoning a vehicle and the person responsible may be charged for storage and removal.

The number of abandoned vehicles that the Council has had to remove has significantly increased in recent years:

1997	18
1998	40
1999	126
2000	235
2001	328
2002	306

The service is administered by staff within Contracted Services and the increase in numbers of abandoned vehicles has had an impact on resources. Based on 2003/4 estimates, the staffing costs for the service are £18,900, and £3,000 for other revenue costs.

The public opinion research found that almost three-quarters of respondents felt that the number of abandoned vehicles in the District was at an acceptable level, but there was no clear view on the speed of their removal.

Potential service improvements identified:

- Provide better public information about the dangers of abandoned vehicles and how to report an abandoned vehicle.
- Seek to recover costs of clear up (needs legislative change to make the last registered keeper responsible - being enacted).
- Provide a free or subsidised removal service for residents of the District.

*This would be likely to attract vehicles from outside the district, would be costly and would send the wrong message about the responsibilities of vehicle ownership.*

- Improve feedback to people who report abandoned vehicles in cases where there is likely to be a delay removing it.

*As a result of the changes in legislation, performance is now improved and vehicles are removed faster. The team felt that unless there were likely to be unusual delays, most complainants would be satisfied in seeing the vehicle quickly removed, and would not want further contact.*

## **2 FLY-TIPPING**

Fly-tipping is an offence under the Environmental Protection (Duty of Care) Regulations. Between April 2001 and March 2002, the Council dealt with 232 fly-tipping incidents.

Rochford District Council is responsible for removing most fly-tipped rubbish from highway and Council owned land. Fly-tipped waste that is hazardous, or is deemed to be hazardous, is passed on to other agencies (Essex County Council, Environment Agency) to deal with. The Council's Contract Monitoring Officers, in conjunction with the police, investigate most incidents of fly-tipping.

A multi-agency agreement on the response to various types of fly-tipping is in place. As a result of this review, internal procedures have been revised to ensure a clear understanding of responsibilities between Contracted Services, Planning Enforcement and Environmental Health.

Fly-tipping prosecutions can be taken under the Environmental Protection Act and subordinate regulations which specifically provide the Environment Agency with a right of access to businesses' duty of care records and to take prosecutions. Local authorities have recently been given identical powers to the Environment Agency for this work.

Nationally, guidance has been issued which would mean that major/hazardous tipping incidents will still be referred to the Environment Agency for action.

Less significant incidents of fly-tipping are removed by the Council Street Cleansing Contractor and standard warning letters are issued where perpetrators are identified.

An out of hour's service is provided to deal with urgent fly-tipping occurrences.

Guidance and information is given to land owners/managers on what to do if fly-tipping occurs on their land.

The public opinion survey showed that 63% of respondents felt the amount of dumped rubbish in the District was at an acceptable level, but there was no clear view expressed on how quickly it is cleared.

Through its main refuse collection contract, the Council provides a bulky household goods collection service, which currently collects about 12,000 items p.a., some of which may otherwise have been dumped. This costs the Council approximately £45,000 p.a. The current policy is to permit up to three items every three months, and to limit the items to white goods, furniture, carpets etc, but not fixtures and fittings, garden furniture etc.

Based on 2003/04 estimates, staffing costs associated with clearance of tipped material are £5,300, with a further £20,000 revenue estimate for clearance of tipped materials.

Potential service improvements identified:

- Improve partnership working with other agencies through clear agreements and targets to reduce the average time to remove tipped material.
- Provide increased publicity about the costs and detrimental effects on the environment, human health and wildlife from tipped waste, and the responsibility to use reputable waste clearance services.
- Request further negotiations between Southend Borough Council and Essex County Council about reciprocal free access arrangements to Civic amenity and recycling centres.
- Provide increased facilities for disposal of waste (bulky goods collection).
- Encourage public informants about fly-tipping.
- Provide increased signage in black spots.

- Improve staff training in enforcement procedures.
- Improve feedback to people who report fly-tipping.

*Again, complainants want a quick action and unless there is likely to be a delay in dealing with a problem, no further contact is needed.*

- Provide free/subsidised disposal facilities for building waste/asbestos materials from domestic properties.

*Providing such a service would be open to abuse, runs counter to the 'polluter pays' principle and would be very costly. Therefore it was discounted.*

### **3 LITTER**

Rochford District Council is a Principal Litter Authority and has a statutory duty to ensure that defined public highway land is kept in compliance with the Code of Practice on Litter & Refuse, issued under the Environmental Protection Act 1990. The Council received just over 150 complaints in 2002.

The Council uses a contractor to undertake the work on its behalf and is required to provide a detailed programme of works for street cleansing (including the removal of dog faeces on highway land).

There are also duties placed on other public bodies, statutory undertakers and other institutions to keep their land clear, as far as is practical, from litter and refuse.

The Council does not employ Litter Enforcement Officers and, therefore, does not enforce any fixed penalty scheme under The Litter (Fixed Penalty Notices) Order 1991. The Council does take action against landowners/occupiers where refuse or litter from non-highway land, causes defacement of the public highway (Street Litter Control Notices or Litter Abatement Notices).

In the public opinion survey, almost two thirds of respondents said they thought that the amount of litter in the District was at an acceptable level; one third said it was unacceptable. 58% of respondents felt that a warden service should be introduced to enforce laws on litter, dog fouling etc.

The costs of clearing litter are contained within the overall costs of the street cleansing and grounds maintenance contracts. There is a small budget provision of £5,000 for anti-litter initiatives.

Potential service improvements identified:

- Appoint wardens to enforce litter controls within high profile publicity for convicted offenders.
- Authorise Environment Agency Officers to enforce litter controls
- Provide more information/publicity campaigns about litter, linking with national organisations (ENCAMS/Tidy Britain Group).
- Introduce enforcement policy to penalise offenders.

#### **4 DOG FOULING**

The Council recently decided to adopt the Dogs (Fouling of Land) Act 1996, which supersedes the previous bye-laws relating to dog fouling.

The Act specifies that the authority can take action against dog walkers who do not clear up fouling caused by dog(s) under their control, on land which is open to the air and to which the public are entitled, or permitted, to have access (with or without payment) with certain defined exemptions.

The Council does not employ staff to enforce dog fouling. It has never successfully prosecuted for dog fouling.

The Council promotes responsible dog ownership through education using its team of Contract Monitoring Officers, but this is limited.

There are currently 143 dog waste bins sited on highway land and 100 bins sited in Council owned areas such as, parks, play areas, cemeteries, recreation fields, etc., throughout the District. All dog bins are emptied and cleansed in accordance with the Council's Street Cleansing Contract.

The public opinion survey showed that just over 70% of respondents thought the amount of dog fouling in the District was good or acceptable; just over 25% thought it unacceptable.

Potential service improvements identified:

- Amend the street cleansing contract to require the clearance of all reported fouling, rather than just those areas subject to high levels of fouling.

*This would be potentially costly and was discounted.*

- Provide staff resources for enforcement
- Provide additional dog waste bins in areas identified as underprovided.

- Provide increased educational material/information about the problems associated with dog fouling and encouraging responsible pet ownership.

## **5 STRAY DOGS**

The Council has a statutory duty to provide a service that deals with the collection of stray dogs. A local kennelling company has been contracted to provide the service on its behalf.

Details of the records held and conditions at the contractor's kennels are checked by Council staff.

Dogs that have no identification are also treated as stray dogs and are also seized. A member of the public may take possession of a stray dog but must take it to either the police or Local Authority. The Council must provide or arrange for the detention of dogs and for them to be properly fed and confined.

Dogs where no owner has been identified are usually re-homed. Dogs that are in very poor health are destroyed if it is deemed necessary by a veterinary surgeon to avoid further suffering.

Identified owners are required to pay kennelling costs that are prescribed by regulation, currently £25.

There are only a small number of reported stray dogs, which averages about 50 per annum.

Based on the 2003/4 estimates, staff costs for the service are £2,900, with contract costs for collection and kennelling of £5,000.

Over 60% of participants in the public opinion survey supported the idea of campaigns to promote responsible pet ownership.

Potential service improvements identified:

- Provide more information about responsible pet ownership, neutering and micro-chipping using the Council's information paper and website.

## **6 GRAFFITI AND FLY-POSTING**

The removal of graffiti is a discretionary activity and at present the operational practice is to deal with graffiti on Council owned property. There is no specific budget provision for this work and costs are met from Contracted Services budgets - in the last six months this has amounted to approximately £450 to deal with 2 cases. Recently, £700 from community safety budgets has been made available for removing graffiti over the remainder of the year. Graffiti on

private property is the responsibility of the owner, but where obscene graffiti has been reported, the Council has worked with the owner and, in some cases, has dealt with the offending area for the owner. Graffiti on highway signs is dealt with by Essex Country Council.

The public opinion survey showed that over three quarters of respondents felt that the amount of graffiti in the District is at an acceptable level. The 'reflector group' commented that they noticed hotspots, mostly in town centres, where they felt it detracted from the attractiveness of the area.

The local planning authority may remove unlawful advertisements or remove/obliterate any placard or poster which contravenes planning regulations, but it must first give written notice to anyone who can be identified as responsible. There are also offences under the Highways Act relating to highways, trees, etc.

Potential service improvements identified:

- Budget provision to enable proactive graffiti and fly-posting removal where it is in the interests of the community.
- Produce policy guidelines for dealing with graffiti and fly-posting remove.

## **7 PEST CONTROL**

Landowners have a duty to keep their property free of rats and mice and the Council has a duty to enforce this requirement. To assist private householders, the Council provides a free eradication service, which is provided by a private sector contractor. No service is provided by the Council for commercial premises. Almost 1,000 rodent treatments were carried out in private homes in 2002/03, and 300 requests for advice dealt with.

The Council has also negotiated a preferential rate service which householders can use for the treatment of wasp's nests and other insect infestations. The householder contracts directly with the company to use the service.

Environmental health staff provide advice on pest problems and monitor the contracts.

Regular surveys of service users show high levels of satisfaction.

The estimated costs for 2003/4 are £23,600 for staffing and £17,500 for rodent control contract costs.

During the course of this review, the Council considered and resolved to continue with a free rodent control service for private householders.

The review team did not identify any potential service improvements.

## **8 STATUTORY NUISANCES**

The creation of dust, odours, noise, etc., which disturbs a neighbour or is likely to cause ill health can be a statutory nuisance. Where a nuisance is proven, an abatement notice must be served, breach of which is an offence.

The Council has a duty to inspect the District for statutory nuisances but in practice enforcement is almost entirely responsive to complaints and enquiries. There are approximately 800 complaints each year.

Through the development control process, conditions and informatives are included on planning permissions to try and reduce the potential for future nuisance problems.

The Council does not currently provide a responsive service for nuisance complaints outside normal office hours, but where evidence of a pattern of disturbance can be established, planned visits will be arranged to gather evidence.

In the public opinion survey 87% of respondents said they had not experienced any neighbour noise which was a nuisance to them; 12% had experienced a nuisance. 44% of respondents thought the Council should introduce a service outside normal office hours, but over half said not.

The estimated costs of the service for 2003/4 are £64,700 for staffing.

Potential service improvements identified:

- Provide more information/publicity about prevention of nuisances/ noise, bonfires, etc.), including use of the internet.
- Implement a responsive service for nuisance complaints outside normal office hours.

## **9 AIR POLLUTION**

In addition to dealing with statutory nuisances caused by air pollution, the Council has a duty to review air quality in the District with respect to defined pollutants, and to implement a plan to reduce pollution if levels are, or are likely to, become excessive.

The Council also has a duty to authorise specified processes which have potential to cause air pollution, This is an ongoing process, with a statutory annual charge which generates approximately £11,000 per annum in fees.

The Authorisations (to become permits in the future) have conditions attached based on process guidance notes issued by the Government. These are monitored through planned inspections carried out on a risk-based programme.

Authorised processes:

Waste oil burners	3
Petrol stations vapour recovery	9
Galvanising	1
Mineral processing	3
Aircraft respraying	1
Fish bait manufacture	1
Coating processes	2
Vehicle respraying	1
Roadstone coating	1

In the public opinion survey, over 85% of respondents reported that they thought air quality in the District was good or acceptable.

Estimated service costs for 2003/4 are £24,000 for staffing and £9,000 for carrying out the second air quality review.

Potential service improvements identified:

- Provide more information about air quality, including use of the internet.
- Implement a responsive service for air quality complaints outside normal office hours.
- Prioritise resources to ensure that the risk-based inspections of authorised processes are completed.

*Prioritising this work would mean lowering service standards in other statutory functions, eg noise control.*

## **10 CONTAMINATED LAND**

The Council has produced a Contaminated Land Strategy as required by law.

Enforcement of the statutory controls to protect public health and safety and the environment from former potentially contaminative uses is a regulatory function.

The strategy will identify sites of previous potentially contaminative use. The regulatory function will be to confirm whether sites are actually contaminated or not and, if they are, to enforce remediation (clean-up) through a complex legal process with site owners or others who may be responsible.

It is anticipated that there will be several hundred sites requiring detailed investigation on a risk based priority programme and it is estimated that assessing the 50 or so highest risk sites will take several years.

In the public opinion survey, 78% of respondents said that more pro-active work should be undertaken to prevent future pollution on industrial sites.

Estimated service costs in 2003/4 are £43,500 for staffing and £7,000 for investigation work.

Potential service improvements identified:

- Make details of potentially contaminated sites available publicly.

*Records are not yet complete and have not been fully investigated. Giving out such information might lead to property blight.*

- Speed up the assessment programme by prioritising the allocation of resources.

*Prioritising this work would mean lowering service standards in other statutory functions eg noise control, air quality*

- Prioritise the investigation of sites where the Council may be the responsible body.

*All potentially contaminated sites have been risk assessed and should be dealt with in priority order. Arrangements are in place to deal with Council sites should they require investigation.*

## **(B) COMMERCIAL CONTROLS**

### **1 ANIMAL WELFARE**

The Council has a duty to issue licences in respect of a range of premises where animals are kept. The position at August 2003 was:

Riding Schools

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Pet Shops	7
Catteries/kennels	11
Dangerous Wild Animals	3
Dog Breeding	1
Zoos	0

Inspections are carried out at annual licence renewal and, in some cases, at interim visits as prescribed by Council policy. A veterinary surgeon will visit as required by law or in accordance with Council policy. Conditions are attached to licences, based on statutory requirements and guidance. Approximately 75 complaints are investigated each year and appropriate enforcement action taken if required.

Fees are charged as determined by Council, yielding a projected income in 2003/4 of £3700. The cost of veterinary advice in connection with licence applications is recharged to the applicant. A comparison of the Council's fees compared with other Essex authorities. (2002/3) shows that the Council's charges are around the average.

Based on 2003/4 estimates, the staffing costs of the service are approximately £16,100 p.a.

In addition to its statutory licensing functions, the Council receives a number of enquiries/complaints each year about animal welfare issues over which it has no statutory control, for example, the tethering of horses. Whilst the statutory licensing functions and many of these types of reports are dealt with by the Safety, Food and Regulation team within the Housing, Health & Community Division, other staff mostly within Contracted Services, may also deal with enquiries. The Council has developed links with the RSPCA and other animal welfare organisations to respond to these reports.

The Council has formed a sub-committee to oversee the drafting of an Animal Welfare Charter.

Potential Service Improvements identified.

- Provide more information to the public about animal welfare issues.
- Identify a comprehensive range of animal welfare organisations and agree working protocols.
- Complete the production of an Animal Welfare Charter.

## **2 CARAVAN SITES**

Most caravans that are used for overnight accommodation need a caravan site licence.

Although the larger residential caravans have become known as mobile homes or park homes, these are still caravans as defined by law.

Licence periods run concurrently with planning permissions. Residential licences allow year-round occupation of the caravan, whereas holiday caravan sites close in the winter, usually for a period of between two and four months. It is common for people who own caravans on holiday sites to live in them as their main place of residence for the period the site is open, then stay with friends or relatives etc. during the winter closures.

The Council currently licenses:

Residential Caravan Sites	6
Holiday Caravan Sites	4
Touring Caravan Sites	1
Single Residential Caravans	16

Licences are subject to conditions designed to protect health and safety, which are based on Model Standards issued by the Government. Proactive site visits are made each year to check on compliance with conditions. Over the years, the Council has required upgrading programmes to meet the latest model standards. This has been a continuous programme of work. Complaints about licensed caravan sites are investigated. Non-compliance with licence conditions can lead to prosecution of the licence holder or revocation of licence for repeated convictions.

Enforcement action can be taken against landowners with unlicensed caravans. Successful prosecution will secure a fine, but will not get the problem resolved and these matters are often better dealt with under planning legislation.

Gypsy encampments are in essence unlicensed caravan sites. They can be dealt with as such, but there is separate legislation available through the Criminal Justice and Public Order Act 1994. This legislation gives local authorities and the Police powers to evict encampments but has proven to be almost unworkable in practice. The Council's stance has been to encourage the landowner to take civil action to secure possession of the land, but this is clearly not possible if the caravan occupiers also own the land and in such circumstances, planning enforcement is the main enforcement tool.

The Council has a corporate plan objective to develop its policy and service response in respect of gypsies and other travellers by June 2004.

The estimated cost of providing the service in 2003/4 is £17,200.

Potential service improvements identified.

- Delegate decisions to take enforcement action against unauthorised caravan sites to officers to speed up the process.
- As part of the policy and service review of the Council's response in respect of gypsies and other travellers, examine:
  - the issues associated with the provision of short term stopping places and designated sites for travellers who visit the district
  - how liaison with farmers and other landowners and the Police can be improved to prevent unlawful occupation of land
  - what assistance and guidance can be given to landowners on taking possession proceedings to remove encampments
  - how to better protect the Council owned land against encampments
  - whether further lobbying of Government should be undertaken to improve controls over unlawful encampments, creation of a criminal offence to station a residential caravan without the necessary consents and for more effective and workable powers to take direct action to remove unlawful caravans
  - development of best practice procedures to aid decision making in enforcement against unauthorised encampments.
  - how to provide better feedback to customers who complain about caravan related issues.

### **3 FOOD SAFETY**

The Council has a statutory duty to enforce food safety law in almost 600 food businesses in the District. Enforcement includes planned inspections, sampling of food for analysis, investigation of complaints about premises, practices and unsound food, promotion of good practice and giving advice, dealing with food hazard warnings, providing food export certification, investigating food poisoning cases.

Food safety enforcement is subject to prescriptive statutory guidance from the Food Standards Agency and the Local Authorities Co-ordinators of Regulatory Services (LACORS). There are guidance notes covering most aspects of the work, for example, inspections of food businesses; service of improvement notices, etc.

Authorised Officers may serve improvement notices, prohibit the use of premises, order a reduction in throughput in certain premises, apply to the courts to prohibit individuals from handling food, prosecute or issue formal cautions, seize and detain food and issue surrender notes. Some premises require special “authorisations”. These include Butchers Shop Licences and premises processing, handling and storing meat, dairy, fish and/or egg products covered by European Directives. At 1 April 2003, there were 15 such premises in the District.

All food businesses have to be rated according to the food safety risk they present. The categorisation of the businesses in Rochford at 1 April 2003 were:

<b>Risk Category</b>	<b>Number of premises</b>	<b>Code of Practice inspection frequency</b>	<b>Planned inspection 2002/03</b>
A	16	6 months	24
B	56	12 months	52
C	218	18 months	160
D	62	2 years	21
E	199	3 years	68
F	38	5 years	2
Unrated	6		
	<b>595</b>		<b>327</b>

Of the 595 premises, 9 are classed as manufacturing premises, 176 as retail premises and 395 as catering premises, the remainder falling into other categories, such as distributors.

The majority of routine inspections are carried out by a specialist environmental health contractor appointed through a competitive tendering process.

Until 2001, Audit Commission Performance Indicator AC-H1 recorded the percentage of high risk (Categories A-C) and others (Categories D-F) premises inspections carried out that should have been completed. This is now a local performance indicator.

	<b>High risk premises</b>	<b>Other premises</b>
2003/2004 (Target)	97%	97%
2002/2003	97.8%	97.7%
2001/2002	96.8%	97.5%
2000/2001	75%	97%
1999/2000	95.4%	76.7%
1998/1999	99.5%	98.7%

In the financial year 2002/3

104 revisits were carried out to food businesses

89 food samples were taken

25 food hazard warnings were issued

311 informal written warning letters were sent

10 improvement notices were served

The work undertaken in this area is set out in an annual Food Safety Service Plan approved by the Council.

Over the past few years the balance between higher and lower risk premises has shifted, so that there are now fewer high risk and more low and medium risk. This shows that standards have improved.

#### **FOOD PREMISES PROFILE**

<b>CATEGORY</b>	<b>01/04/99</b>	<b>01/04/00</b>	<b>01/04/01</b>	<b>01/04/02</b>	<b>01/04/03</b>
A	92	87	34	40	17
B	115	111	147	117	58
C	120	109	130	146	217
D	152	153	111	90	63
E	186	173	178	174	199
F	37	35	31	36	39
<b>TOTAL</b>	<b>702</b>	<b>668</b>	<b>631</b>	<b>603</b>	<b>593</b>

The estimated service costs in 2003/4 are £55,100 staffing costs and £17,100 contract costs.

The public opinion survey found that nearly 92% of respondents were confident about using food shops and restaurants in the District. Just over half of respondents did not want food hygiene promotional campaigns to be conducted.

Potential service improvements identified

- Establish arrangements that will ensure a guaranteed response from appropriately qualified staff in the event of a food safety emergency outside office hours.
- Undertake food safety promotion activities/campaigns including use of the internet.

#### **4 INFECTIOUS DISEASES**

The Council investigates reports of food and water borne diseases received from all sources, including local doctors and hospitals, patients and the health agencies. Investigation includes arranging for specimens to be delivered for laboratory examination, taking case history details, follow-up food premises investigations and sampling, and the provision of advice to help prevent spread of disease. If required, the Council can prohibit an infected person from working in a high risk occupation or from school. If the Council does exercise its exclusion powers, it must compensate the excluded person for loss of earnings. The Consultant in Communicable Disease Control is the Council's medical adviser and the Proper Officer, ie the person authorised to sign infectious disease notices. There are other powers to control infectious diseases, including cleansing and disinfection of premises and articles, control over library books, removal of persons to and detention at hospital, cleansing of filthy and verminous premises etc.

The estimated service costs for 2003/04 are £10,000 for staffing.

Potential Service Improvements identified

- Improve joint working with the NHS to ensure all cases of suspected food/waterborne illness are promptly notified to the Council.

*Procedures have recently changed and notifications of suspected illness are now made direct to the communicable disease specialists within the HNS*

- Undertake promotional activities/campaigns to raise awareness (link with food safety promotion)

#### **5 HEALTH AND SAFETY ENFORCEMENT**

The Council has responsibility for enforcement of a wide range of health, safety and welfare law in over 1,000 premises including:

- shops;
- offices;
- consumer services;
- hotels;
- places of worship;
- residential care homes;

- catering establishments;
- leisure and cultural services.

Enforcement includes planned inspections, investigation of complaints, reports of ill health or accidents/near misses, promotion of good practice and give advice. Authorised officers may serve improvement and prohibition notices, issue a formal caution, seize or destroy articles or substances or institute prosecution. The Health and Safety Commission and Executive issue detailed statutory guidance on enforcement.

Until the last year, there have been very few planned inspections of businesses for a number of years and information about premises where the Council has responsibility had become out of date. This was highlighted by an external audit inspection in March 2002. An action plan is now being implemented and in 2002/3, a total of 84 planned inspections were carried out. Seven Improvement Notices and four Deferred Prohibition Notices were served.

The work undertaken in this area is set out in a Health and Safety Service Plan approved by Council.

The service plan envisages that the number of planned inspections will increase to 208 during 2003/4.

The estimated service costs in 2003/4 are £107,700 in staffing costs.

Potential Service improvements identified.

- Implement the risk-based inspection programme to ensure all relevant businesses are inspected at appropriate intervals.

*An action plan to improve enforcement performance, including implementation of a risk based inspection programme is now in place.*

- Establish arrangements that will ensure a guaranteed response from appropriately qualified staff in the event of a health and safety enforcement emergency outside office hours.
- Undertake health and safety education activities/campaigns including use of the internet.

## **6 BYELAWS RELATING TO PUBLIC HEALTH AND SAFETY**

Ear Piercers, Electrolysis, Tattooists and Acupuncturists require one-off registration. Both the person and premises is registered. The Council has to register when a complete application, including the fee, has been received.

There is no requirement to meet set standards before registration can be issued. Once registered, the premises and the practitioner has to meet appropriate standards set out in Council Byelaws to safeguard public health and safety.

Circuses and fairs have to meet standards set out in Council Byelaws to safeguard public health and safety.

Hairdressers and Barbers have to meet standards set out in Council Byelaws to safeguard public health and safety.

Monitoring of standards takes place on a risk-based approach, through the health and safety enforcement inspection programme.

## **7 PUBLIC ENTERTAINMENTS**

Currently, premises that are open to the public, irrespective of payment, for various forms of entertainment require a Public Entertainment Licence (PEL). Some entertainments held in the open air are included within these controls. A PEL may be required for liquor licensing purposes.

Licensed entertainments include:

- Music and/or dancing, or similar entertainment.
- Sunday musical entertainment.
- Indoor sports.
- Plays.
- Film exhibitions.

Licences run annually from 1 January, although for events such as barn dances a specified date licence is issued. A premise may require more than one type of licence.

There are currently annual licences for 23 premises and about 9 licences are issued each year for short-term or one-off events. Some premises have a statutory licence fee exemption; the Council has discretion to waive or reduce fees for others. Total fee income is approximately £5,500 per annum. In addition to granting and renewing licences, applications are received to transfer and vary licences and to alter licensed premises.

Licensed venues have to meet appropriate standards to safeguard public safety and health and not to cause a nuisance. Consultations are carried out on licence applications, variations and renewals – with the Police and fire authority; sometimes with other bodies such as the ambulance service or

highway authority, and the public via advertisement. On fire safety issues, the Council's Building Control Service acts as an adviser and liaises with the fire authority.

Door staff working at licensed and some other premises must be registered, The Council participates in an Essex-wide scheme but this function will be taken over by the Security Industry Authority.

Certain private clubs require a Certificate of Suitability.

Enforcement activities include planned inspections and the investigation of complaints.

Local authorities can currently waive all or part of the fee where the entertainment is for charitable purposes or of an educational like nature. The Council's policy on waivers has developed over a number of years in response to various applications that have been received, but events on school premises are fully waived and those held for charitable or community purposes receive either 80% or 100% waiver. Members have recently indicated that such a policy might not in future be appropriate for events organised by Parish/Town Councils.

The existing legislative framework for licensing of entertainments will radically change in 2004 with the implementation of a new Licensing Act.

Under the new Act, the existing range of licences will be replaced by a "premises licence". At the time of writing this report, six statutory instruments (regulations) and statutory guidance are awaited, which will give details of forms of application, plans, procedures, time limits, fees etc.

The estimated service costs for 2003/4 are £30,700 staffing costs.

Potential service improvements identified.

- Develop closer links with the Community Safety team.
- Increase the number of "in-performance" inspections carried out when venues are operating.

## **8 TRADING CONTROLS**

The Council has statutory duties or powers to grant various licences or "consents" to undertake a range of trading activities, or to otherwise regulate activities:

- street trading
- gaming machine permits

- pavement premises
- game dealers licences
- temporary markets
- sex establishment licences
- Sunday trading
- street/house to house collections
- small lotteries.

Other than the processing of licences/permits following application, no pro-active monitoring or enforcement of these activities takes place.

The total estimated service costs for 2003/4 are £6,600 staffing costs.

The review team also briefly considered doorstep sales and house to house charitable collection of goods, but the public opinion survey showed that the vast majority of residents did not consider that these were a problem. The Government has recently consulted on proposals to clarify and harmonise the controls on collection. The Government has recently consulted on proposals to clarify and harmonise the controls on collections.

At present, most of these functions are carried out by staff in the safety, food and regulation team within the Housing, Health and Community Care Division, but street/house to house collections and small lotteries administration are, for historic reasons, dealt with by Committee Staff.

Potential service improvements identified.

- Provide more information to the public on how to deal with collectors and about what collections have been authorised, including use of the internet.
- Provide clear guidelines for small lottery applicants.
- Proactively monitor for unlawful trading on consent streets.

*This can be included within the expanded remit of the street patrol officers*

- Spread the knowledge base about these subjects to more officers to ensure continuity in times of staff changes.

*This can be developed as part of the proposals for a licensing team*

- Simplify the street trading consent process to speed it up.

## **(C) PROPERTY CONTROLS**

### **1 PLANNING ENFORCEMENT**

The Council has responsibility for the enforcement of a range of planning laws throughout the District. It is important to note that the authority's power here are discretionary and, by law, formal action can only be taken where the Council considers it is "expedient". The powers are included mainly within the Town and Country Planning Act, 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act, 1990, and the Town and Country Planning (Control of Advertisements) Regulations. There is a myriad of other sub-ordinate legislation, government directives, circulars, etc., which also need to be considered in any such action.

Breaches of planning control include the carrying out of "operational development" (building works, etc.) as well as material changes of use, e.g. changing a dwelling to a mixed residential and commercial use. In addition, breaches of planning conditions, demolition of structures within conservation areas, "untidy" sites, unauthorised works to listed buildings and the unauthorised display of advertisements (e.g. posters, signs, etc.) are also included within the definition of planning control breaches. Unlike the other breaches, transgressions under the latter two cases *would* be criminal offences.

As part of the process of investigating approximately 300 new cases each year the service includes: the recording of complaints, inspections of sites, researching records, amassing and sifting through evidence to identify breaches, serving Planning Contravention Notices to obtain information, negotiating with transgressors, reporting relevant cases to Planning Services Committee, etc. Various Notices, e.g. Enforcement Notices are served where necessary and planning enforcement appeals are defended - including informal hearings and the more formal Public Local Inquiries. Legal action in the courts is also taken in appropriate cases. "Direct action" (i.e. the Council taking its own action to remedy a breach) is also possible and has been taken in a few cases where successful where successful prosecution has not resulted in the breach being resolved.

The Planning Enforcement Team comprises three planners, one of whom is qualified, supported by a Team Clerk. Presently there are in the region of 500 "live" cases (i.e. under investigation but not yet reported to Planning Services Committee) although the team has worked to reduce this from over 600 cases in 2002. It is further working to reduce the backlog that has built up over a long timescale.

The team is also responsible for considering whether to object to applications for Goods Vehicle Operators Licences. This can entail presenting a case to a transport tribunal although the number of such events the authority has appeared at has markedly declined in recent years.

Many of these processes are directed by central government advice whilst legal procedure have to be closely adhered to in investigation and prosecution matters.

Estimated service costs for 2003/4 are £109,800 for staffing costs.

Potential service improvements identified:

- Improve the clarity of planning conditions, so that applicants are certain what is required.
- Ensure that all outstanding issues are resolved before planning permission is granted to avoid the need for conditions which require the submission of further information after consent has been given.

*Investigations identified that this would significantly affect performance in determining planning applications and was, therefore, discounted.*

- Implement a system to follow up planning permissions issued which have unresolved conditions requiring the submission of further details or information.

*This is being implemented following the Development Control/Building Control Best Value Review*

- Update planning enforcement leaflets and make them available in electronic format.
- Increase delegations to officers to allow speedier enforcement decisions in more cases, specifically:-
  - enforcing against breach of conditions attached to planning permissions
  - breach of listed buildings/conservation area consent
  - unauthorised caravan sites
  - Article 4 Directions to remove permitted development rights
- Concentrate enforcement resources on the more important cases by implementing a priority rating system for investigation of cases.
- Develop IT procedures to automatically produce progress updates for customers at predetermined times/key stages.

## **2 DRAINAGE AND SURFACE WATER**

There are two systems of drainage that exist in the District, foul (sewerage) and surface water (rainwater). Some parts of the District have a combined system.

Adopted foul and surface water sewers are the responsibility of the drainage authority, which is Anglian Water plc.

The highway authority (Essex County Council) are responsible for dealing with all issues that relate to drains, sewers and surface water problems where they serve to drain the adopted highway.

The Council has a responsibility to investigate and deal with drainage problems on private land. Domestic drainage is the responsibility of the property owners. The Council also assists developers regarding any proposals for developments in the District and as to what existing sewerage systems are available and their locations. Private residents are also helped with blockages, smells and flooding situations.

The Council has powers to serve notices, requiring owners to carry out works and can also undertake work in default of such notices in cases of non-compliance. All associated costs are then recharged to the responsible owners.

The Engineering Section deals with approximately 200 drainage problems a year.

Over 70% of respondents in the public opinion survey thought that more should be done to keep ditches and watercourses clear to prevent flooding.

The estimated service costs in 2003/4 are £12,200 for staffing.

Potential service improvements identified:

- Increase ditch/watercourse clearance and maintenance, based on a risk-based programme following a survey.

*Increased budget provision is proposed within the draft revenue estimates*

- Raise awareness of potential pollution problems with owners of unsewered properties.

## **3 DANGEROUS STRUCTURES**

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The Council has a duty to inspect structures which pose a potential danger to the public and to ensure action is taken to minimise the risk. This work is carried out by Building Control Officers.

The service costs for 2003/4 are £1,000 for staffing costs.

No potential improvements were identified by the review team.

#### **4 DANGEROUS TREES**

The Council has a power to investigate trees which may pose a danger to people or property. At present, this work is undertaken by environmental health staff from the environmental protection team, who obtain expert arboricultural advice from the Councils' Woodlands and Environmental Officer.

Where action is judged to be required, notices are served on the owner of the land to undertake work. In some cases the Council arranges work in default and in others, where there is no owner, the Council itself may bear the costs.

Estimated service costs for 2003/4 are £7,000 for staffing. If external arboricultural consultants are employed to provide a report, these cost approximately £70 each.

Potential service improvements identified:

- Speed up response times to complaints by combining all service activities in one division and by using consultants to inspect trees in all cases where realistic targets for the time taken to provide technical advice cannot be met.
- Provide better information to the public, including use of the internet.

#### **5 TREE PRESERVATION ORDERS**

The Council has a statutory duty to protect trees which have an amenity value within its District.

The serving of Tree Preservation Orders (TPO) is managed by the Council's Woodlands and Environmental Officer with some assistance provided by the Woodlands operatives in the inspection of vulnerable trees.

There is however, some confusion over responsibility for monitoring and enforcing the protection requirements where these have been applied as part of a planning permission, and in conservation areas where work to all trees is regulated.

A computer-based system geographic information system is in operation to log all TPO's, however, this does not include information prior to 1974, which was kept by Essex County Council.

The Council currently receive approximately 300 letters per annum relating to the issuing of TPO's on trees or areas of land, undertaking of work to protected trees, or appeals against a TPO that has been issued.

Estimated service costs for 2003/4 are £43,300 for staffing.

Potential service improvements identified:

- Provide better information about which trees are protected by providing a list on the Council's website.
- Give clear information to those who have responsibility for protected trees.
- Periodically advise residents in conservation areas about the protection afforded to trees in the area.
- Investigate whether it is safe and practicable to provide identification/warning signs on protected trees.
- Combine all service activities in one division and use consultants to provide technical advice in all cases where realistic targets for the time taken to provide advice from within the Council's own staff resources cannot be met.
- Involve Building Control Officers in monitoring the protection of trees on development sites.

## **6 HOUSING STANDARDS**

The Council has a duty to monitor housing conditions in its area and to take action where a property is found to be unfit for habitation or in serious disrepair. It also has powers to deal with less serious defects. Enforcement powers include the closure or demolition of unfit properties, service of repair notices and the carrying out of works in default. There are also powers to deal with overcrowding and filthy/verminous premises. The enforcement work carried out by the Residential Services team within Housing Health and Community Care is almost entirely responsive following complaints or enquiries.

Estimated service costs for 2003/4 are £29,300 for staffing and £1,000 for fees for services such as testing of electrical installations.

Potential service improvements identified:

- Speed up enforcement action by prioritising resources to this work.  
*Prioritising this work would mean lowering service standards in other functions, eg provision of grant assistance*
- Set local performance targets for key stages in the enforcement process.
- Identify premises which are multiply occupied and implement a risk rating and risk-based proactive inspection programme.
- Improve feedback to customers by introducing procedures which trigger an update at key stages/times.
- Provide more information about housing standards to the public and owners, including use of the internet.