

REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

18 OCTOBER 2018

ATTENDANCE OF THE PORTFOLIO HOLDER FOR PLANNING, ECONOMIC GROWTH AND REGULATION

Report from: Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Jane Chitty

Summary

This report sets out progress made within the areas covered by the Portfolio Holder for Planning, Economic Growth and Regulation which fall within the remit of this Committee.

1. Background

1.1 The areas within the terms of reference of this Overview and Scrutiny Committee covered by the Portfolio Holder for Planning, Economic Growth and Regulation are:

- Economic Development
- Employment
- Local Plan
- Markets
- Planning Policy
- Regulation – Environmental Health, Trading Standards, Enforcement and Licensing (Executive Functions only)
- Social Regeneration
- South Thames Gateway Building Control Partnership

Note: The Leader and Full Council have delegated the Council's building control functions to the South Thames Gateway Building Control Joint Committee. The terms of Reference of the South Thames Gateway Building Control Joint Committee are set out within the Council's Constitution and include executive and non-executive functions. Councillor Chitty is appointed to sit on the South Thames Gateway Building Control Joint Committee.

1.2 Achievements for 2017/18 are detailed by services area below.

2. Economic Development and Social Regeneration

2.1 Employment

2.1.1 In 2017/18, a total of 409 jobs were created and protected in Medway against a target of 300. For Quarter 1 of 2018/19 a further 78 jobs have been created and protected, against a target of 35.

2.1.2 442 intensive assists to local businesses were provided in 2017/18, against a target of 352. For Quarter 1 of 2018/19, a further 147 intensive assists have been delivered to businesses, against a target of 88.

2.2 Funding

2.2.1 Partners for Growth interest free loans and start-up grants totalled £13,500 in 2017/18. A total of six businesses were assisted, three with start-up grants of £500, two with £1000 grants as they moved into commercial premises and one interest free loan of £11,000. So far this year six start up grants have been awarded.

2.3 Apprenticeships

2.3.1 A total of 44 apprentices were directly assisted into local businesses through the Medway Apprenticeship Placement Service (MAPS) against a target of 40. A further 13 apprenticeships have been placed or pledged in Quarter 1 of 2018/19. Young people have been placed into business sectors, such as engineering and manufacturing, business administration and financial services, with electro-technical, childcare and business administration being the most popular. Medway directly funded 40 of these apprenticeships at a cost of £40,000.

2.4 Medway Business Awards 2017

2.4.1 The 33rd annual Medway Business Awards ceremony was held in November 2017. The overall winner was Cooling Castle Barn taking the top prize of a trophy and £1,000. Following their success, Cooling Castle Barn have become a sponsor of the 2018 Awards.

2.5 Innovation Centre Medway (ICM)

2.5.1 Innovation Centre Medway (ICM) is currently 97% occupied against a target of 90%. Since the last report, a large unit on the top floor has been subdivided to accommodate 5 businesses and the centre now has 55 tenants.

2.6 Innovation Studios Medway (ISM)

2.6.1 The Innovation Studios Medway (ISM) were formally launched in September 2017, offering flexible, modular workspace for small and start-up businesses,

based on an innovative shipping container design. The site consists of 15 first floor workspace units and currently has 2 vacancies. In addition there are 18 ground floor storage units of which 8 are vacant.

2.7 Town Centre Management

- 2.7.1 Vacancy rates have remained stable, with Rainham consistently below 2%, Gillingham falling from 11% to 9%, Chatham from 13% to 11%, and Rochester and Strood rising slightly from 5% to 6% and 7% to 8% respectively over the last quarter. These compare favourably to the UK average of 12.2%.
- 2.7.2 We have continued to deliver five town centres Christmas lights switch-on events under increasing budgetary pressure, identifying income generation activity to augment the budget, and continue with events e.g. Artfest Chatham, Love Chatham Placemaking event, Launch of new Strood market, Commercial Road Car Park (Strood) improvements celebration.
- 2.7.3 Following the pilot, the highways licensing scheme in Chatham for goods, tables, and A-boards on the public highway has been adopted permanently. It has improved the street scene in the pedestrian zone and made it a safer environment.
- 2.7.4 The Love Chatham campaign was launched to promote place and encourage local pride/change perceptions. An event was held on 21 July 2018 to coincide with the launch of the Chatham Placemaking Project works to improve the public realm and wayfinding in the centre and from the station. The event was attended by visitors and residents and supported by businesses and the Chatham Centre Forum and included entertainment, stalls and the Medway 20 exhibition.
- 2.7.5 The Love Strood campaign was launched to promote place and encourage local pride/change perceptions. An event was held on 28 August 2018 to celebrate the regeneration of the town centre with a free family fun day. The event showcased the completed improvements to the Commercial Road car park and Tolgate Lane (1st phase of Local Growth Fund (LGF) Strood Regeneration Project) and a new look Strood market.
- 2.7.6 Rochester, Chatham and Rainham Town Centre Forums were supported as key vehicles to engage and work with local businesses and traders to work in partnership on the regeneration and management of the town centres. In 2018/19 work will be undertaken to re-instate Gillingham and Strood Town Centre Forums.

2.8 Local Growth Fund for Innovation Park Medway

- 2.8.1 To date, Medway Council has been awarded £8.1m Local Growth Fund (LGF) investment, administered via the South East Local Economic Partnership (SELEP), to implement the Innovation Park Medway.
- 2.8.2 The first phase of investment was £4.4 million to redevelop Rochester Airport's operational infrastructure, and thereby release land for commercial development. This land will provide modern commercial workspace, over

1,000 high quality jobs and significant land value uplift. Work is now progressing to finalise the tender pack for the procurement of a works contractor to deliver the airport infrastructure.

2.8.3 A further £3.7 million of LGF investment was provisionally allocated in 2017, subject to approval of the final business case, to develop enabling infrastructure. The final business case will be presented to the South East Local Economic Partnership (SELEP) Accountability Board in February 2019.

2.9 Local Growth Fund (LGF) for Chatham Destination Place making

2.9.1 £4 million Local Growth Fund (LGF) investment was awarded in 2016/17. The project will create an easier journey for pedestrians and cyclists from Chatham railway station through to the Waterfront bus station and town centre. This route has been divided into five areas; Chatham Railway Station, which is being delivered in partnership with Network Rail and should be ready early 2019, New Cut Junction, St John's Square, Military Square and Military Road. Once complete it will help to regenerate Chatham and make it a better place for residents, workers and visitors.

2.10 Local Growth Fund (LGF) for Strood Civic Site Flood Mitigation Works

2.10.1 £3.5 million Local Growth Fund (LGF) funding was awarded in 2016/17 to provide flood mitigation measures at the Strood Civic site. This will prepare for the area's transformation into an area of prime, high quality residential land with potential for premium housing, offering outstanding views of Rochester Castle and Cathedral. The flood mitigation works started in May 2018 and should be complete February 2019

2.10.2 The mixed use development is expected to create a total of 1,000 new jobs, 550 new homes and leverage £98m of private sector investment. Marketing of the site is due to begin in early 2019.

2.11 Strood Riverside

2.11.1 Flood mitigation works are also underway on the Strood Riverside site on Canal Road, also in preparation for residential development; these works will enable a further 600 homes and create an additional 1,000 jobs. Work on this site should be complete in June 2019.

2.12 Markets

2.12.1 Total gross rental income across all of the markets in 2017/18, was £106,923.

2.12.2 A total of 160 markets were held in Strood, Gillingham and Rochester over the financial year.

2.12.3 The management of the temporary closure of Strood market and its re-opening/improvements to accommodate the Commercial Road Car Park site Local Growth Fund (LGF) project was successful, supporting improved connectivity in the town centre. Key market traders were maintained during the transition and the look and feel of the market improved. A celebratory launch event was held at the end of August 2018.

2.12.4 Successful communication and engagement with businesses and traders was undertaken to review the frequency of Strood's markets. Following consultation and in response to requests from various local businesses, a decision was made to continue to hold the weekly Tuesday market, but discontinue the Saturday market. . Successful communication and engagement with businesses and traders was undertaken during this review.

2.13 Employ Medway

2.13.1 The Employ Medway Service continued its high performance throughout 2017/2018. Referrals to the work programme ceased in March 2017 and so focus was moved to supporting existing customers. Employ Medway was successful in becoming the only subcontractor in Kent to be awarded a contract for the new Work and Health programme. This commenced in January 2018 and so far we have had over 100 Referrals to the programme.

2.13.2 Employ Medway is currently third in the league table of providers delivering the Work Programme in Kent, Surrey and Sussex contract. We are delivering to contract whilst supporting customers furthest from the labour market. The new contract is equally successful with all targets exceeded for the first quarter.

Of the 2,121 customers attached to the Work Programme (all long term unemployed or disadvantaged), 56% have gained paid employment. Of these, 79.7% have remained in work to outcome (three or six months). This equates to approximately 15143 confirmed months off benefits for those progressing into work (figures are tracked for two years from job start, so the actual figure will be much higher). The new Work and Health programme has exceeded all targets for quarter one. This programme is targeted on earnings thresholds. Employ Medway achieved 400% of outcome target for quarter one.

2.13.3 A jobs fair held at the Pentagon Centre in September 2017 attracted over 40 organisations advertising over 1,000 jobs. It was attended by approx. 800 local unemployed people. As a direct result, around 200 local registered unemployed people moved into employment and many more local people not registered with the JobCenterplus gained employment. Employers and jobseekers agreed it was a really successful day.

2.13.4 Employ Medway experiences most success with the 18-24 cohort. The service has a 60% attachment to job start ratio, with 79% of these people remaining in work for at least three months.

3. **Planning Policy**

3.1 Local Plan

3.1.1 The new Local Plan will provide a framework to guide Medway's growth up to 2035, and set out the ambitions for the area's future success. The council is preparing a comprehensive evidence base and gathering the views of local people, organisations and businesses to inform the direction of the plan.

- 3.1.2 The Planning Service published a 'Development Strategy' document for consultation in spring 2018. This set out four scenarios to managing Medway's growth, reflecting different housing targets, infrastructure funding and potential development at Lodge Hill. 358 written responses were received, of which two-thirds were from members of the public, together with over 11,000 representations made specifically in connection with a campaign to protect SSSI (Site of Special Scientific Interest) land at Lodge Hill from development. The most frequently raised issue was that of ensuring the infrastructure necessary for development should come forward in advance of, or in line with development. Developers and consultants promoted specific sites and called for the council to use the government's Standard Method for calculating Local Housing Need. Local people most commonly raised issues of the level and/or distribution of housing in the plan.
- 3.1.3 The council is now assessing the comments submitted to the consultation, and using this information, together with other evidence base documents, to prepare a draft Local Plan later in 2018.
- 3.1.4 Key technical documents produced as evidence for the Local Plan include a Strategic Transport Assessment; Retail Needs Assessment; town centre masterplans and delivery strategies to promote more regeneration in the centres of Chatham, Strood and Gillingham; a development framework to inform potential growth around Hoo; an updated report on land availability; a Heritage Asset Review and Strategy; and an Infrastructure Delivery Plan.
- 3.1.5 An intrinsic element of the evidence base is the level of housing required over the plan period. This will be established by the publication of government data on household projections in September 2018.
- 3.1.6 The council arranged an 'advisory visit' from the Planning Inspectorate on 7 August 2018 as a lead in to the publication of the draft plan. This was useful in reviewing the process and timetable for the preparation of the plan, and to discuss key issues. The Planning Service has been able to use this expert advice to review its work with the aim of minimising challenges to the plan.

3.2 Wider Planning Policy Work

- 3.2.1 The council has supported communities preparing Neighbourhood Plans in Medway. A second Neighbourhood Area, High Halstow, was designated in August, as the first formal step in producing a Neighbourhood Plan. Another two communities are working towards applications to start a Neighbourhood Plan.
- 3.2.2 The government has continued to introduce further changes to the planning system over the last year. The council has responded in detail to consultations on proposed changes, and has taken on new duties and updated systems in line with legal requirements.
- 3.2.3 The council maintains a comprehensive record of development data, and in December 2017 published an annual Monitoring Report setting out demographics and social, economic and environmental information about the state of Medway.

3.2.4 The Planning Service also maintains statutory registers on Custom and Self Build Housing and Brownfield Land. Since the launch of the Self-build and Custom Housebuilding Register on 1st April 2016, Medway has received applications from 65 individuals and 1 association (group of individuals) looking for a serviced plot of land on which to build their own home to reside in. This summer, Medway has granted permission (with conditions) for self/custom build development on two sites, one at Cooling Common for 6 plots and the other at High Halstow for 5 plots.

4. Development Management

4.1 Planning Applications - Performance for Quarter 1 2018

4.1.1 During the period 1 April 2018 to 30 June 2018, the authority received 391 Planning applications, compared to 389 for the same period in 2017. During this period 150 applications were determined.

4.1.2 Performance for major applications during the period 1 April 2017 to 30 June 2018 is 89%. This is against a target of 60%.

4.1.3 Performance for minor applications during this period is 77%. This is against a target of 70%.

4.1.4 Performance for other applications during this period is 96%. This is against a target of 70%.

4.1.5 This performance has been achieved with the appropriate use of Planning Extension Agreements (PEA) and Planning Performance Agreements (PPA).

4.1.6 Comparing performance against the latest data available nationally (January to March 2018), Medway are performing above the national average for minor (77% against national target of 70%) and other planning applications (96% against national target of 70%), but slightly below the average for major applications but still significantly above the national target (89% against national target of 60%)

4.2 Appeals performance

4.2.1 The percentage of appeals allowed during the period 1 April 2018 to 30 June 2018 is 29%. Appeals decided comprise 14 delegated decisions and 3 Committee overturns to refusals.

4.3 Enforcement

4.3.1 Breakdown of enforcement activity during the period 1 April 2018 to 30 June 2018:

New cases received	128
Breach of Condition Notices served	0
Planning Enforcement Notices served	0
Prosecutions	0
Untidy land	1

4.4 Trees

4.4.1 Breakdown of Tree Preservation Orders (TPO) activity during the period 1 April 2018 to 30 June 2018:

Number of TPO applications received	36
Number of TPO applications received within a Conservation area	13
Number of TPO applications determined	37
Number of TPO applications determined within a Conservation area	15

4.5 The Planning Service successfully achieved transition from the International Organisation for Standardisation ISO 9001:2008 to 9001;2015. The new Quality Management Accreditation standard is about strategic leadership and risk management. To achieve transition the service was able to clearly articulate the very clear vision and leadership at both Leader and Corporate management level as well as how that is cascaded down to all staff. The assessor advised that the transition would take two days and the service needed to achieve a minimum 85% to pass. We were able to achieve transition in one day with a 100% pass mark. The assessor commented that he rarely if ever gives a 100% mark.

5. **South Thames Gateway Building Control Partnership (STG)**

5.1 Joint Committee, the Cabinets of each of the partner authorities and Canterbury City Councils Policy & Resources Committee approved the decision to go ahead with the proposed expansion of the partnership in October. The inclusion of Canterbury's building control service builds in further resilience to the partnership and opens greater opportunities to increase market share and develop consultancy services. Canterbury officially joined the partnership on 1 April 2018.

These included:

- Development of a new website
- Online applications
- Online payments
- Drop box facility for documents exceeding 12mbs
- Development of a new off-line inspection facility
- Removal of thin client devices to enable full functionality of measurement tools
- Online plan checking
- Online application processing
- Online consultation with statutory bodies
- Site inspections written up in real time within 24 hours of inspection
- Earlier availability of site records for customers
- Self-serve for customers in searching for building control details through the website

- 5.2 The partnership benefitted from its earlier investment in IT and this year saw the reward through the successes in its digital transformation programme and delivered on its borderless and paperless principles that were highlighted in the approved business plan.
- 5.3 In order to test delivery against customer experience the partnership carried out a mystery shopper exercise in November and a customer focus group session in February. Both revealed extremely good results with over 80% of customers preferring the new digital approach. Where queries were raised with regards to consistency of interpretation these were addressed through internal and external workshops which included consultation with their partner architects.
- 5.4 The consultancy continues to be successful in its flexible approach to taking on new and varied work and this was ably demonstrated through the year in taking on new programmes for Medway Housing service. This included surveys of the communal areas within their housing portfolio as well as a focused approach on fire risk assessments following the aftermath of the Grenfell Tower tragedy.
- 5.5 A new standard for ISO quality and accreditation needed to be complied with by October 2018. However, through completely reviewing its procedures and documentation the partnership was able to be accredited by the British Standards Institute nearly a year ahead of schedule. Many larger developers require this accreditation in order for the partnership to bid for work.

6. Regulation – Environmental Health/Trading Standards/Enforcement and Licensing (executive functions only)

6.1 Environmental Health Food and Safety Team

- 6.1.1 The Food and Safety Team delivers a broad range of statutory duties and functions including: food safety; health and safety at work; infectious disease control and port health. The team also carries out food and health and safety training courses and is responsible for Sports Grounds Safety Authority (SGSA) certification at Gillingham Football Club.
- 6.1.2 Food Hygiene key achievements for 2017/18:
- The Team completed **100%** of all due food hygiene interventions in high and medium-risk businesses (categories A, B & C)
 - The percentage of food premises that were assessed as being high-risk **reduced** to just 2.2% (40 premises out of 1848)
 - **97%** of all eligible food businesses operating on 31st March 2018 had been risk-rated
 - The total number of premises rated under the National Food Hygiene Rating Scheme (FHRS) increased slightly from 1603 to **1616**
 - The % of premises rated as either “Good” (4) or “Very Good” (5) under the Food Hygiene Rating Scheme (FHRS) increased from 93% to **94%**
 - The number of premises rated as “Urgent Improvement Necessary” (0), “Major Improvement Necessary” (1) or “Improvement Necessary”

(2) under the Food Hygiene Rating Scheme (FHRS) reduced to **41**, just 2.5% of the total

- The number of samples taken for microbiological examination doubled as the team utilised this effective tool more frequently.

6.1.3 The team takes a risk-based approach to regulation aligned with its service plan. Medway is engaged in the national Better Business for All program, which is designed to drive up compliance, via a supportive approach, enabling focus of resources on non-compliant businesses to take appropriate enforcement action to protect the public in Medway.

6.1.4 The team delivered 950 interventions to new and existing premises for food hygiene, with 437 enforcement actions (425 of which were written warnings, with 12 actions/notices addressing more serious offences) and 60 visits to premises for health and safety, with 8 notices served.

6.1.5 A major systems change was implemented during 2017/18, migrating from Northgate M3 to Idox Uniform as a more cost effective public protection database. External issues resulted in migration delays of over 10 months, which impacted on the team's work load, with manual record maintenance required in parallel for the duration. Despite additional pressure, the team continued to effectively manage risk and maintain public safety, meeting the statutory return deadlines with the back-up records to the satisfaction of the Food Standards Authority.

6.1.6 The service also participated in national and regional food sampling programmes as per the table below. Unsatisfactory results were taken up with the premises concerned.

Sample type	Result		Total	% unsatisfactory
	Satisfactory	Unsatisfactory		
Dairy products	1	0	1	0%
Fruit & vegetables	11	1	12	8%
Herbs & spices	1	3	4	75%
Ices & desserts	10	13	23	57%
Soups, broths & sauces	6	0	6	0%
Others (i.e. environmental swabs)	32	48	80	60%
Total	61	65	126	52%

6.1.7 The team promoted food safety messages in the run up to Christmas 2017, offering sensible advice to consumers, and participated in the Food Standards Agency's Food Safety Week 2017, using media as a low cost resource to promote its messages efficiently.

6.1.8 The team investigated 266 cases of infectious disease. These included a number that are typically associated with the consumption of contaminated food or water, e.g. cases of *Campylobacter*, *Cryptosporidium*, *Hepatitis A & E*, *Salmonellosis*, *Shigellosis* and *Typhoid*. As has been the case in recent

years, most reported were for Campylobacter (213 cases), followed by Salmonella (29 cases).

6.1.9 The Team also investigated:

- 206 food service requests
- 92 health and safety service requests
- 121 reports of serious work-related accidents (including 1 fatality)

6.1.10 The Team continued to carry out monitoring inspections for safety of people at Gillingham Football Club (GFC) and supported the work of the Safety Advisory Group (SAG). The annual inspection was completed in July 2017. Medway Council also organised and led on a multi-agency emergency planning exercise, which was carried out on 21 November at GFC. The Safety at Sports Grounds Authority (SGSA) attended and commended the work, which helps to ensure that the arrangements put in place by the club meet sound, modern safety standards and that all partners agencies understand and can carry out their roles in responding to any emergency or incident that may occur.

6.1.11 The Team continually works with other departments within the council and outside agencies in relation to food and health and safety issues.

6.2 Strategic Environmental Protection Team

6.2.1 The Environmental Protection team delivers a broad range of statutory duties in respect to contamination of land, local air quality management, private water supplies and distribution systems, environmental permitting, licensing and planning.

6.2.2 *Air Quality Communications Strategy:* The team made good progress during 2017/18 with a number of measures progressed significantly, including the Air Quality Communications Strategy, in partnership with Medway Public Health team. This is expected to increase individual awareness to help drive the behavioral change needed to effect more significant and sustainable improvement in air quality across Medway.

Air Quality Management Areas: The declaration of the new Air Quality Management Areas (AQMA) at Four Elms Hill, was made on 31 October 2017. The Environmental Protection team now has to produce an Action Plan for the area, which will be undertaken during 2018/19 to align with the Local Plan.

Annual Status Report (ASR): this was submitted on time and has received positive feedback from the Department for Environment, Food and Rural Affairs (DEFRA). The Department for Environment, Food and Rural Affairs (DEFRA) recognised the progress made with the Air Quality Action Plan (AQAP) and that there are some challenges faced by Medway in delivering some of the measures. Two measures were completed in 2017. The feedback also stated that "It is encouraging to see the Council regularly reviewing and making appropriate changes to their monitoring programme. This is highly supported" The feedback was also supportive of the work being carried out in conjunction with Public Health. Some recommendations have

been made for improving future reports, which will be taken on board for the next round of reporting in due 2019.

The production of the Air Quality Action Plan (AQAP) for Four Elms Hill has coincided with the more detailed stages in the development of the new Local Plan for Medway. This has given us the opportunity to ensure that there is close liaison with the Planning Policy team to ensure there is alignment between development of the Local Plan and the Four Elms Hill Air Quality Action Plan (AQAP).

One of the development strategy options for Medway includes a significant level of development around the village of Hoo, which is currently served by one main road on and off the peninsula, running straight through the Air Quality Action Plan (AQAP). As part of the Local Plan work, additional Transport and Air Quality Assessments are underway to understand the implications of future growth across Medway, including within all four Air Quality Management Areas (AQMAs). We are awaiting the findings of these assessments, and the next stage will be to consider the mitigation required to deal with any air quality impacts, including any additional mitigation for the Four Elms Hill Air Quality Management Area (AQMA). This will inform the measures which are put into the Quality Action Plan (AQAP) for Four Elms Hill.

The production of the Quality Action Plan (AQAP) has been on hold whilst we wait for these reports. We have contacted Department for Environment, Food and Rural Affairs (DEFRA) outlining where the council is with the production of the Quality Action Plan (AQAP) for Four Elms Hill. The Department for Environment, Food and Rural Affairs (DEFRA) have confirmed that the approach we are proposing is a sensible way to proceed and have asked us to submit a detailed timeline for the production of the Quality Action Plan (AQAP) to them no later than January 2019. Once the timeline has been produced I will update members, but before this can be produced the Transport and Air Quality Assessments need to be completed.

6.2.3 During 2017/18, the team additionally:

- Completed 100% of Environmental Permitting inspections due.
- Provided comments on 1088 planning consultations and discharge of conditions applications.
- Commented on 84 licensing consultations.
- Provided information and advice in respect to 118 environmental enquires/searches.
- Maintained the two air quality stations within Medway. The two continuous Air Quality Monitoring Stations (AQMS) at Chatham Grammar School (urban roadside) and Rochester Stoke site (rural - on the Hoo Peninsular) form part of the Department for Environment, Food and Rural Affairs (DEFRA) national Automatic Urban Rural Network (AURN). Medway Council's Environmental Protection team provides local operator services to these sites on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) and is reimbursed for this work. This includes calibrating the monitoring equipment within the cabins and ensuring that the equipment

continues to operate properly so that Defra obtains the best data possible. The Department for Environment, Food and Rural Affairs (DEFRA) Automatic Urban Rural Network (AURN) provides a national picture of air quality and the sites are of strategic national importance.

6.2.4 The service continues to support the Council with its regeneration program for Medway and provided comments and guidance to the planning department on proposed major developments within Medway, and areas that may affect the environment of Medway, including:

- Jetty extension, Salt Lane, Cliffe
- Concrete segment manufacturing factory, Salt Lane, Cliffe
- Aggregates installation, Grain Road, Isle of Grain
- 200 dwellings, Stoke Road, Hoo St.Werburgh
- 121 dwellings, Berengrave Lane, Rainham
- 124 dwellings, High Street, Newington (Swale Borough Council consultation)

6.2.5 The team was also involved in issuing consents under section 61 of the Control of Pollution Act 1974 to control noise, dust and air pollution from construction sites. Section 61 consents for undertaking noisy works were issued for:

- Chatham Waters phase 2 for enabling works and upgrades to The Strand Roundabout
- Kent Structural Integrity project, Luton Arches

6.3 Environmental Protection

6.3.1 The team consists of 5 Full time equivalent (FTE) and deals with statutory noise and other nuisances. This involves an initial investigation following any complaint of statutory nuisance from a local resident. Statutory nuisance is mainly defined as something that seriously disturbs the comfort and enjoyment of a person's property. It relates to noise, light, air pollution and odours, sewers and drainage, pest infestations and hoarding.

6.3.2 Last year, the team dealt with 2,957 such complaints from members of the public. The vast majority of these complaints are resolved without the need for formal action. The team operates an out-of-hours callout service, which is essential in establishing whether or not a statutory nuisance exists. The out-of-hours call out service is only open to pre-existing customers whose case is being investigated and where there is a need to visit and witness the nuisance at the time it is happening.

6.3.3 In relation to noise nuisance, 6 abatement notices were served, as well as 3 Community Protection Warnings and one Community Protection Notice.

6.3.4 1 audible intruder alarm was silenced in default of notice.

6.3.5 In one high profile case, the team took enforcement action against Cooling Castle Barn following complaints by a neighbour. This led to an appeal

hearing and a licensing review resulting in the implementation of certain restrictions on the business and thereby mitigating the noise nuisance.

- 6.3.6 In another case, the team served notice on Diggerland. Their cesspit was leaking onto a railway embankment which, without the team's intervention, may well have collapsed causing a major incident.
- 6.3.7 2 notices were served restricting the working hours of noisy construction sites. An abatement notice was also served relating to foul odour.
- 6.3.8 2 notices were served relating to filthy and verminous premises. 1 notice was complied with – the owner cleared the property with some assistance from the team.
- 6.3.9 In the second case, the work had to be done in default of notice and involved the work of a specialist contractor due to the bedroom containing liquid effluent.
- 6.3.10 1 notice was served relating to drainage and another relating to rats.
- 6.3.11 13 kenneling/cattery licenses were renewed, as well as 11 pet shop licences, 2 dog breeders, 3 riding schools and 11 day care businesses.
- 6.3.12 1 new dog breeder was licensed as well as 4 home dog boarding businesses.
- 6.3.13 1 Dangerous Wild Animal licence was renewed – a Caiman Crocodile living at a residential address in Strood.
- 6.3.14 16 venomous snakes were seized from a property on Davies Estate under the Dangerous Wild Animals Act. The owner had been bitten and was in a coma. He has since recovered but has lost some of his arm as a consequence of the bite. The snakes were exported to a specialist centre in France at a cost of £2,500 where they will be milked to produce anti venom.
- 6.3.15 It was intended to prosecute the owner for possession of unlicensed dangerous wild animals. However, the case timed out due to the length of time he spent in a coma.

6.4 Environmental Enforcement

- 6.4.1 This section is split into two teams, which work very closely together to take action against those that blight our environment so as to create a cleaner and safer Medway.
- 6.4.2 The Environmental Enforcement Team consists of 7 full time equivalent (FTE) and deals with the investigation of fly tipping and other waste related crime such as untidy private land, trade waste and illegal waste carriers.
- 6.4.3 The Street Scene Enforcement Team consists of 7 full time equivalent (FTE) and deals with on street enforcement of littering and trade waste offences as well as the removal of fly tipping.

- 6.4.4 Last year the team dealt with 9,703 cases, most of which were resolved without the need for formal action. However, it was necessary to prosecute in 15 cases.
- 6.4.5 The team secured a 100% conviction rate. Fines and costs totalled £25,198.
- 6.4.6 Included in this total are five cases where the offenders were prosecuted for failing to assist the team in their investigations, and one involving a serial fly tipper.
- 6.4.7 In another case, a warrant was issued for the arrest of the offender without bail. He was arrested and spent a night in custody before being brought before the court and convicted.
- 6.4.8 In separate cases, the team seized three vehicles suspected of being involved in fly tipping in accordance with new powers granted under the Environmental Protection Act.
- 6.4.9 One of these vehicles was later crushed after a disposal order was granted by Medway Magistrates' Court.
- 6.4.10 Two cases were resolved by the administration of a caution.
- 6.4.11 Although no formal Service Level Agreement (SLA) is in place, the team has entered into an arrangement with Gravesham Borough Council (GBC) to investigate some of their fly tipping cases. This is beneficial to Medway as fly tippers do not respect boundaries and it is often the case that the same offenders are fly tipping in both areas.
- 6.4.12 If there is evidence to convict a fly tipper from one area, it naturally has a beneficial impact on the other. Medway Council charges Gravesham Borough Council (GBC) for officer time (including on costs) as well as mileage.
- 6.4.13 171 fixed penalty notices were issued for littering and other waste related offences.
- 6.4.14 1,155 reported fly tips were attended, searched and cleared. 98% of these fly tips were removed within one working day.
- 6.4.15 A further 2,916 fly tips were dealt with proactively, meaning that they were removed before a complaint was received from a member of the public.
- 6.4.16 The team also removed household waste in 446 cases where there was no fly tipping involved. For instance, bulky items or refuse out early where it was deemed to be in the public interest to get it off of the street as soon as possible.
- 6.4.17 The team has entered into a Service Level Agreement (SLA) for the removal of fly tipping from the HRA (Housing Revenue Account) estate. Last year, the team dealt with 793 requests for service, all of which were completed within one working day. This arrangement provides an annual income of £25k.

- 6.4.18 The total amount of waste removed from the public realm for the year was 270.27 tonnes.
- 6.4.19 88 notices were served on businesses requiring them to account for the disposal of their trade waste.
- 6.4.20 8 notices were served on untidy land.
- 6.4.21 46 notices were served requiring information relating to fly tipping offences.
- 6.4.22 172 Community Protection Warnings were served relating to issues such as refuse out early, storage of waste, construction sites and untidy land.
- 6.4.23 During the reporting period, the team dealt with encampments at Ash Tree Lane, Hyacinth Road, Rochester Riverside, Millennium Green, Town Hall Gardens, Darland Banks, Gillingham Park, Purbeck Road, Balmoral Gardens, Boley Hill, Canal Road, The Great Lines, The Vines and the land to the rear of the Eagle Tavern.
- 6.4.24 Many of these sites were occupied more than once.
- 6.4.25 Although the result has only recently been published, both teams were subject to an audit during the reporting period. The audit report stated that based on the results of the work completed and in accordance with the Audit & Counter Fraud Charter, the formal audit opinion for the Environmental Services function was Strong – meaning that appropriate controls are in place and working effectively, maximising the likelihood of achieving service objectives and minimising the council’s risk exposure.

6.5 Trading Standards Team

- 6.5.1 The Trading Standards team delivers against a broad range of statutory duties and functions including: product safety; food standards & feed safety; weights & measures; intellectual property; trade representations; unfair terms; unfair trading practices; animal health & welfare; price indications; explosives & petroleum and the Medway Council Act 2001.
- 6.5.2 The year has seen the team continue their work challenging the topic of illegal tobacco sales and smuggled tobacco. The team visited premises suspected of selling illegal tobacco, using sniffer dogs. Seven premises were revealed to have hidden stores of illegal tobacco. This action was further re-enforced using the services of an expert test purchaser who was able to speak in various languages, which revealed further sales. Officers worked with landlords to seek the termination of tenancies. The team also participated in a multi-agency meeting with Kent Police, HM Revenue and Customs, UK Border Agency and other council teams to regulate the wider criminality associated with illegal tobacco.
- 6.5.3 The team works extensively with Public Health in delivering community engagement events on the topic of illegal tobacco and stop smoking.
- 6.5.4 The service continues its work controlling age-restricted goods and has covered a broad range products in these exercises. Under-age sales test

purchasing resulted in positive sales for alcohol, fireworks and knives and this was followed up as appropriate with the individual businesses in conjunction with relevant partners (including the police and licensing).

- 6.5.5 The topic of E-liquids is also an area of concern in the product safety field. The service is undertaking a large education programme of visits and advice to traders on the new controls on Nicotine Inhaling Products (NIPs) which introduces safety and information controls on vaping and e-cigarettes products.
- 6.5.6 No cold calling projects have seen a reduction in the numbers of vulnerable people falling victim to scams and intervention through a multi-agency approach (banks, neighbours, relatives, social care professionals) and has resulted in halting some financial exploitation at an earlier stage with losses being limited in some cases.
- 6.5.7 The work the team does in addressing doorstep crime continues with the teams challenging a variety of doorstep rogues and ongoing support of local vulnerable consumer. Issues relate to building work, roofing, driveways and solar panels. The work is of paramount importance in ensuring that the elderly and vulnerable members in our community are able to stay in their own homes and maintain independent living.
- 6.5.8 The Business Compliance Team continues to promote the Medway Fair Trader Scheme, which has audited, accredited fair traders listed so that Medway residents can have confidence in engaging them.
- 6.5.9 Food Standards: The service delivered a comprehensive food standards inspection programme and inspected 100% of high-risk premises and 100% of medium risk inspections as required by the Food Standards Agency. This year saw the team continue to advise local businesses on the controls on the allergen labelling of food products. The service also undertook comprehensive food-sampling as part of local, regional and national sampling campaigns to ensure descriptions and compositional requirements are correct.
- 6.5.10 In 2017/18 they have also been looking at food supplements – these are being examined for health claims and purported exercise benefits. The team also continues its work ensuring that all retailers and caterers provide the statutory allergen information to enable consumers to make informed and safe choices.
- 6.5.11 The Trading Standards service maintains its role acting as the market surveillance authority ensuring safe products are sold in Medway shops. Many unsafe products are sold cheaply and are therefore attractive to those on a low income.
- The team have also started work looking at soaps and other cosmetics that could be confused by small children for food products.
- 6.5.12 The service delivered a comprehensive animal feed standards inspection programme and inspected 100% of high-risk premises and 100% of medium risk inspections as required by the Department for Environment, Food and Rural Affairs (DEFRA) and the Food Standards Agency.

- 6.5.13 The team visited all the seasonal markets and craft fairs giving guidance and assistance to the occasional traders. They had a visible presence at the Rochester Christmas market and the Dickens Festival ensuring that the goods supplied were safe and accurately described. The team also ensured that all temporary traders were providing essential allergen information.
- 6.5.14 Animal Health: Medway escaped Avian Flu during winter, although colleagues with animal health expertise continued to monitor the situation, as with other animal-health related projects. Several issues with imported dogs were raised through links with Veterinary practices in Medway. One issue related to the supply by charity of an imported dog that had incorrect information on the animal's pet passport.
- 6.5.15 The trading standards team continues its work in making sure that sunbed salons restrict access to those under 18 years old, that the sunbeds available in Medway are under the 0.3Kw maximum power rating, that safe eye protection is provided at the tanning premises, and that only safe and effective tanning cosmetics are exposed for sale.
- 6.5.16 The team arranged a theatrical production at three local secondary schools by the Salomon Theatre group called "*Gemma's Wardrobe*" it covered the topics of underage sales, unsafe illegal tobacco and the criminality associated with gangs. The production was presented to over 720 students and was very positively received by both students and teachers.
- 6.5.17 The team has progressed a scheme to encourage local traders to adopt a "Challenge 25" approach to the sale of *corrosive substances*. A report on their actions was positively presented to the Overview and Scrutiny Committee. The scheme is being delivered by Trading Standards, Food Safety and Licensing as they make their routine inspections.

6.6 Business Compliance Team

- 6.6.1 The Business Compliance team sits alongside the Trading Standards Enforcement Team and the Food and Safety Team. The 100% target for petroleum licensing and explosives licencing is also dealt with in this team (see sections 6.6.2 and 6.6.3)
- 6.6.2 The team visited 100% of premises registered to sell fireworks this year and found a healthy level of intrinsic compliance with only minor non-conformities revealed that were rectified at the time of inspection.
- 6.6.3 In its capacity as the Petroleum licensing authority, the team continued to inspect all Petrol forecourts for safety and ensure that accurate records of fuel are maintained. The service also responds to out of hours requests from forecourt owners and/or Kent Fire & Rescue Service when incidents occur.
- 6.6.4 One of the main tasks is to act as a portal for complaints and to triage each customer contact to ensure that appropriate advice and guidance is given to customers at the earliest opportunity. Only the more serious issues requiring specialist intervention are passed to the relevant team, allowing the most qualified and specialised officers to spend more time out in the field, and/or to

enable them to concentrate on the higher risk areas and to therefore improve the efficiency of resources in line with '*Better for Less*' principles and providing value for money.

- 6.6.5 The team works with the National Scams Hub to provide support and advice to the victims of scams in Medway through a series of personal visits. In 2017/18 visits were carried out to 76 residents who had been identified as potential victims of scams. This work is backed up by a series of talks to local groups to raise awareness and help protect the most vulnerable. More recently the team has worked with the national scams hub to provide **truecall** devices to the residents who are most vulnerable to scam telephone calls on a trial basis.
- 6.6.6 The Medway Fair Trader Scheme is administered by the Business Compliance Team and aims to both protect consumers and promote local businesses, whilst deterring and/or restricting rogue traders. Overall membership increased with 30 new organisations joining having a smaller net impact due to consolidation of companies and retirement having an effect on retention. The scheme remains well used and valued within Medway and continues to help support our "no Cold Calling" project and improving lives of vulnerable people within Medway.
- 6.6.7 Each April the team hosts the Consumer Challenge Quiz (CCQ), which is open to the Special Educational Needs schools in Medway. 2017/18 saw Bradfields Academy as host. The Consumer Challenge Quiz (CCQ) teaches the children about their consumer rights and who can help them when things go wrong, as well as a number of other important messages. Once again a number of local businesses and Fair Trader Scheme members sponsored the event, which offset the cost, making this valuable event cost-neutral to the Council for the fourth year running. The overall winner of the competition was awarded the Andy McGrath Memorial Trophy and the team that scored the most with regard to questions about Medway was awarded the Cllr Mike O'Brien Memorial Trophy. The team that delivered this was nominated for a Make a Difference Award for inclusion and diversity and were RCET winners, going on to attend the final at the Corn Exchange in recognition of this valuable work within the Special Education Needs (SEN) school community.

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Appendices

None

Background papers

None