

## **REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE**

**14 JANUARY 2021**

### **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
- High Streets
- 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 2020 to date are detailed by service area below.

## 2 Economic Development

### 2.1 Employment

In this reporting period there have been a total of 77 jobs created or safeguarded. Throughout Q1 & Q2 of this financial year, due to Covid-19, there has been a slow-down in the number of jobs created and safeguarded, which was anticipated, due to the understandable reluctance of businesses to invest in a period of uncertainty, and instead businesses made the decision to utilise the downtime in demand to take stock of their existing operations. For Q3 & Q4 of last financial year, our contracted inward investment agency Locate in Kent, realised inward investments that totalled 34 new jobs created or safeguarded (Kent Movers Ltd, 14 FTE & Aurora Kendrick James 20 FTE). However, no direct inward investment opportunities have been realised in Q1 and Q2 of this financial year, as Locate in Kent have pivoted their focus and workplace practices to support businesses that have been adversely affected by Covid-19. The annual target for jobs created and protected is 300.

2.2 In addition to this, the central focus of the Economic Development Team, throughout Q1 & Q2 of this financial year was on the development and administration of Medway Council's Discretionary Grant Fund (DGF) scheme. The DGF scheme saw £1.848m of grant funding awarded to 319 Medway businesses. Moving through into Q3, the Economic Development Team's focus shifted on the development of Central Government's Additional Restrictions Grant (ARG) scheme, which should further intensify significant efforts to maintain employment in Medway's economy. After the implementation and administration of the ARG scheme, the Economic Development Team will seek to quantify the impact of both schemes on the safeguarding and creation of employment.

2.3 Medway Council's business support intensive assists fall into 2 categories: business start-ups attending business planning workshops and established businesses receiving 2 hours of confidential support. During the reporting period, there was a total of 230 business planning workshops and 66 one to one appointments, giving a total of 296 against an annual target of 352.

2.4 In addition to the reported business support, as a response to the pandemic, the Kent Invicta Chamber of Commerce introduced a Business Advice line, which was supported by Medway and other Kent local authorities. Since the advice line's inception until the end of the reporting period, a total of 1,065 advice line support calls have been received from Medway Businesses, and these figures are not reflected in the 296 intensive assists recorded (above).

### 2.5 Apprenticeships

2.5.1 The Medway Apprenticeship Programme has been redesigned to the Medway Apprenticeship Advice Service, which went live in September 2020. It offers end to end, bespoke support to businesses interested in taking on an apprentice. A new apprenticeship web portal has been designed and launched to give businesses ready access to the information they need. It is

targeted to engage with 100 businesses in the next year, leading to 30 new apprentice opportunities.

## 2.6 Innovation Centre Medway (ICM)

2.6.1 Innovation Centre Medway (ICM) is currently 100% occupied against a target of 90%. Since the onset of the pandemic, there has been significant movement in the Centre with many tenants increasing and decreasing office size. The changes have resulted in 57 tenants occupying the Centre with one office being divided into 2. Covid-19 is creating a dynamic situation and the high level of office changes and re-configurations is expected to continue for some time to come.

## 2.7 Innovation Studios Medway (ISM)

2.7.1 The Innovation Studios Medway (ISM) is currently 100% occupied against a target of 90% with all 15 offices let. In addition, 12 of the 18 ground floor storage units are let.

## 2.8 Town Centre Management

2.8.1 Vacancy rates have remained stable with Rainham at 5.5%, Gillingham, 10.7%, Rochester, 8.5% and Strood 11.7%. Chatham currently has the highest vacancy rate at 13.2%. The rates generally compare favourably to the UK average of 11.3% (Springboard, October 2020).

2.8.2 The Love Chatham initiative continues, as a working party of the Chatham Forum, which is business led. The group is developing a website and has established a Facebook presence to promote all that is positive about the town centre. This was used to live stream the Chatham Remembrance Sunday service during the second lockdown period. The Chatham Forum has continued to strengthen its role and is working in partnership with Ideas Test to develop an events programme in the town centre over the next 2-3 years. The planned projects for both Love Chatham and Ideas Test have needed to adapt during the pandemic with large scale physical events not being possible, however a range of virtual proposals are being explored.

2.8.3 Work continues to deliver the detailed programme of interventions to address the Chatham Forum's priorities, using S106 Developer Contributions to support the delivery of this programme over the coming years. This includes support for improving the high street and city centre environment, ASB/city centre warden role and measures to combat crime and improve safety and perceptions. During the pandemic some workstreams have been temporarily halted or delayed due to prioritising the implementation of Covid-19 measures.

2.8.4 The Economic Development team continue to support Medway's town centre forums, as far as possible, as they develop and work with local businesses and communities in partnership on the regeneration and management of the town centres. During the pandemic Chatham Forum has had a mix of virtual

and physical socially distanced meetings of both the Forum and its steering group. Rochester Forum has continued with virtual and physical socially distanced committee meetings but decided against full Forum meetings, instead providing lengthy email updates on town centre issues during the Autumn. The Rainham Town Centre Partnership has not requested any virtual or in physical meetings during the pandemic. Regardless, all our town centre Forum members have been kept informed of developments on town centre issues and Covid-19 updates/initiatives via email.

- 2.8.5 The final business case for the Chatham Future High Streets Fund was submitted to central Government in May 2020. The Government's announcement on the outcome of this bid is expected Autumn/Winter 2020.
- 2.8.6 During April 2020 it was confirmed that the £1.6 m High Street Heritage Action Zone (HSHAZ) funding bid for regeneration of the Star Hill to Sun Pier Conservation area had been successful. After completing the mobilisation phase, the programme is now focused on community consultation and preparation for capital works into 2021.
- 2.8.7 As part of the HSHAZ programme, a bid for an additional £10k pilot grant was submitted and we received confirmation in September that it had been successful. This funding is facilitating the formation and work of a Cultural Consortium for the area which in turn will help inform the submission of a Main Cultural Programme Grant bid by 11 December 2020. The outcome of this bid is expected by February 2021 and if successful, will deliver a three-year collaborative cultural programme that will complement the HSHAZ programme.
- 2.8.8 Medway Council has been allocated £246,396 from the Re-opening High Streets Safely Fund. The Ministry of Housing, Communities and Local Government's (MHCLG) £50m fund aims to help councils across England prepare for the safe re-opening and operation of high streets and other retail spaces. The fund is supporting the delivery of the workstreams necessary for safely re-opening and operating Medway's high streets. On 17 July 2020, a Grant Action Plan was submitted to the Ministry of Housing, Communities, and Local Government, to propose the projects to be included in the scheme. The Grant Action Plan has recently been approved and the Grant Funding Agreement issued. We are awaiting advice from MHCLG as to whether the scheme will be extended beyond 31 March 2021 due to the second national lockdown.

## 2.9 Markets

- 2.9.1 The total market income for January to March 2020 was £9,708. All markets closed from 31 March 2020 to 5 July 2020 due to the first national lockdown. All markets reopened from the 6th July 2020 except Strood which closed permanently. The total market income for the period for July to September 2020 was £14,850.

2.9.2 The independent markets review undertaken by the Retail Group was finalised in March 2020. The key recommendations and actions were:

- Gillingham Town Centre's future appeal and success is closely linked to the continued survival and contribution of Gillingham market and it is vital that this continues to be supported and developed. Ideas to enable this are being investigated.
- Commercially Strood Market proved unviable with only 4 stalls and a significant financial loss for the Council. Strood Market has consequently closed.
- Rochester Town Centre offers two attractive and successful markets with the potential to improve and expand. Rochester Farmers Markets has the potential to continue to develop to be the best in Kent. The Artisan Market, although popular and of value, is currently non-compliant and it was recommended that this is regularised. It is suggested that a minimum-cost, maximum-benefit way to achieve this would be to consider uniting both Rochester markets under the same management umbrella, with Medway Council overseeing the incumbent operator. This proposal is currently under review.
- Chatham has the strongest retail offer in terms of anchor stores / multiple comparison goods retailers. It is likely that there is enough footfall to support a regular weekly street market and this will be re-considered once various town centre improvement and public realm initiatives have been implemented.
- There is little demand for a regular weekly market in Rainham given the size of the centre and its role in the retail hierarchy.

## 2.10 Employ Medway

2.10.1 Employ Medway closed in December 2019 and the Work and Health Programme contract handed back to the Shaw Trust. This was managed so that no clients were lost in the transition and the contract continues to be delivered in Medway.

## 2.11 Economy and Infrastructure Recovery Cell

2.11.1 Medway Council has established a Covid-19 recovery structure which consists of three workstreams:

- Workstream 1 – service recovery
- Workstream 2 – 'back to better' (transformation and change)
- Workstream 3 – strategic recovery.

2.11.2 Workstream 3 is supported by four cells:

- Economy and infrastructure (initially two cells, which merged in August)
- Health and social care
- Children and young people
- Community and voluntary services.

2.11.3 The economy and infrastructure cell is a place-based partnership, with representatives from a number of external partners, as follows:

- University of Greenwich
- University of Kent
- MidKent College
- Thames Gateway Kent Partnership
- Voluntary and Community Sector (represented by RBLI)
- Town Centre Fora
- Medway for Business
- Place Board
- Kent Invicta Chamber of Commerce
- City of Culture.

2.11.4 A range of council departments support the work of the cell, including:

- Strategy, Policy and Partnerships
- Skills and Employability
- Economic Development and Town Centres
- Finance
- Performance and Intelligence
- Culture
- Planning
- Public Health
- Smart City / Transformation
- Regeneration
- Environmental Services
- Transport
- Communications
- Housing.

2.11.5 The group was established in early June, initially meeting weekly. In September, the frequency changed to monthly, but with sub-group and focus group meetings added to the schedule.

2.11.6 The first task of the Cell was to produce an impact assessment. This identified a wide range of potential effects of the Covid-19 pandemic on the economic and infrastructure landscape within Medway. It analyses 24 impact areas, of varying levels of severity, immediacy and local impact.

2.11.7 The next step for the Cell was to develop an action plan to respond to the identified impact areas. The action plan includes all the activities that partners are undertaking, or are planning to undertake – individually and collectively - to address the impacts of Covid-19, and to seize the related opportunities.

2.11.8 The impact assessment and action plan remain live documents, and are regularly revisited by the Cell.

### 3. Planning Policy

#### 3.1 Local Plan

3.1.1 The Planning Service has continued the preparation of the draft local plan. The updated Local Development Scheme was reported to Cabinet in August 2020 and the publication of the draft plan is due in Spring 2021. Work is focused on the collation of evidence base documents, including the Strategic Transport Assessment, Infrastructure Delivery Plan Viability Assessment, Town Centre Parking Strategy, Waste land needs and key technical documents to support the plan, such as the Sustainability Appraisal, Habitats Regulation Assessment and Cumulative Ecological Impact Assessment. This evidence is being used to inform the growth strategy for the new plan and the selection of preferred sites for development allocations. Draft policies have been reviewed, taking account of comments raised in consultation.

3.1.2 Following the success of the HIF bid, the Council has been preparing a development framework to set out the approaches to growth on the Hoo Peninsula that could form part of the spatial strategy in the new local plan. The Planning Service carried out consultation in Spring 2020 on a 'Planning for Growth on the Hoo Peninsula' document, and has continued to engage with a range of stakeholders in preparing more detailed guidance to support the new local plan.

#### 3.2 Wider Planning Policy Work

3.2.1 The Planning Service has supported groups in Cliffe and Cliffe Woods, High Halstow, Hoo St Werburgh and Chatham Arches (Chatham) which are preparing neighbourhood plans in Medway.

3.2.2 The Planning Service has continued to collate and publish wide-ranging development data to meet government requirements. This has included the annual publication of the Authority Monitoring Report, Housing Delivery Test Action Plan, Brownfield Land Register, Self Build and Custom Housebuilding Register, and the first Infrastructure Funding Statement on developer contributions.

3.2.3 The Planning Service has strengthened strategic working on planning and development matters across north and mid Kent through the establishment of new working groups, with council managers and senior representatives of statutory consultation bodies, including Highways England and Natural England. This has assisted in developing a coordinated response to the impacts of the Lower Thames Crossing.

3.2.4 Planning officers have worked with Regeneration colleagues to progress the Local Development Order for the Innovation Park Medway.

## 4. Development Management

### 4.1 Planning Applications - Performance for Quarter 2 2020.

4.1.1 During the period 1 July to 30 September 2020 the authority received 392 planning applications; this is compared to 364 for the same period in 2019. For the year 2019/20 the authority received 1,461 applications, a small increase compared to 1,456 in 2018/19.

4.1.2 Performance for major applications during this period is 94% against a target of 60%.

4.1.3 Performance for minor applications during this period is 79% against a target of 70%.

4.1.4 Performance of other applications during this period is 93% 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 Due to COVID-19 the Planning Service are following Government guidance and working remotely from home where possible. Processes have been put in place to manage performance whilst at the same time safeguarding officers. Additional monitoring is taking place to ensure Planning is in a strong position when business returns to normal.

4.1.7 Since 1 April, all Planning Committee meetings have been held remotely due to Covid. This has been undertaken with great success and the Planning Service has received many plaudits for how the Committee has continued to operate successfully and professionally and the Development Management service has remained open for business helping both applicants and developers during this time and thereby supporting the economy, while ensuring applications are properly processed and maintaining the quality of development that are permitted.

4.1.8 A temporary new process increasing delegated powers to the Head of Planning, was approved by Members of the Planning Committee on 1 April 2020. At the draft agenda stage the Head of Planning will provide the Planning Spokes with a copy of the draft agenda and all the associated reports. The Head of Planning will also send a copy of the list of the items on the draft agenda to all councillors. After 3 days the Head of Planning will meet virtually with the Planning Spokes to agree what items need to remain on the agenda for Committee consideration and what items can be determined under delegated powers. The extended delegated powers will only remain in place during this period of social distancing.



## 4.2 Appeals Performance

4.2.1 The percentage of appeals allowed during the quarter is 33%. A total of 15 appeal decisions were received. 5 of these were allowed, 1 of which was for enforcement and 1 committee overturn; 10 were dismissed.

## 4.3 Enforcement

4.3.1 Breakdown of enforcement activity during the period 1 July to 30 September 2020:

Enforcement Notices served	1
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4.3.2 Direct Action in relation to 2 breaches of Planning Control and 2 derelict buildings was authorised by the Planning Committee and programmed to be implemented in the 3<sup>rd</sup> quarter of this year.

4.3.3 Covid has seen an increase in the number of complaints regarding alleged breaches of planning control. This has been put down partly due to people spending more time at home and therefore being more aware/sensitive to what is happening in their area and partly due to people being at home more and undertaking work potentially without realising that permission may be required.

## 4.4 Trees

4.4.1 Breakdown of Tree Preservation Orders (TPO) activity during the period 1 July to 30 September 2020:

Number of TPO applications determined	40
Number of TPO applications determined within a Conservation area	10

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

### 5.1 Building Regulation Applications – Performance

5.1.1 During the period 1 April to 30 September 2020 the partnership received 1,243 fee earning applications; this is compared to 1,451 for the same period in 2019. Whilst the pandemic impacted this type of application for the first four months by 16.4% outside of lockdown building work has resumed and applications have been improving steadily.

5.1.2 The coronavirus has drastically impacted on income generation with Round 1 Forecast outturn reporting a potential shortfall of £566,787. Under the compensation claim to Central Government, under the scheme to recover councils' lost income, there is a potential compensation funding of £392,003 which would reduce the shortfall substantially to £174,784. This in year deficit can be contained within the current reserve of £215,585.

- 5.1.3 The financial position improved, with Round 2 monitoring forecasting the shortfall at £400,656, with a potential compensation funding of £349,434. If the compensation funding is agreed the 2020/2021 Round 2 monitoring reported pressure would reduce substantially to £51,222 and this in year deficit can be contained within the current reserve.
- 5.1.4 An approach was made by Thanet District Council in September 2020 as to the potential of them joining as a fifth partner authority for their building control service. An options appraisal and evaluation of the application will be undertaken and determined by the partnerships' Joint Committee on 3 December 2020.
- 5.2.1 Building Control Audit
- 5.2.2 In March 2020, the service moved to a risk-based inspection regime with all inspections booked as virtual and the surveyor risk assessing each against the necessity to physically inspect and where not virtual inspections were carried out.
- 5.2.3 To determine the effects of these changes during lockdown on the partnership's customers, particularly where customers have experience of using the service before, a survey was undertaken. The results revealed, of those surveyed 87% had had inspections carried out prior to lockdown and all felt the service met their expectations. Despite the lockdown, the partnership was able to carry out 58% of inspections physically, maintaining safe distancing. Inspections through FaceTime accounted for 13% and 29% by telephone followed up by photographic evidence.
- 5.2.4 Customers were asked to consider the form of contact during lockdown and 96% rated the surveyor contacted good to excellent with the administration team scoring 98%. Comments received indicated that communication was key. The partnership was praised for how well it has kept customers informed, information was clear and concise and service delivery efficient. Overall, 98% of customers said they would recommend the partnership.
- 5.2.5 The partnership's partner architects/builders accounted for 18% of applications submitted in 2019/2020, it was important that they did not experience any drop in service delivery during the lockdown. All partners continued to submit applications by their preferred method (through the STG website or by email) and felt the advice, support and interaction with staff was still consistently good. Overall, 100% of those partners/builders that submitted applications during this period, would continue to recommend the partnership.
- 5.2.6 The partnership has also undergone the yearly QA assessment by the LABC and has successfully maintained accreditation under ISO 9001:2015 in September 2020.

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

### 6.1 Trading Standards Team

6.1.1 The Trading Standards team delivers against a broad range of statutory duties and functions including: product safety; feed safety & standards; weights & measures; intellectual property; trade representations; unfair terms; unfair trading practices; animal health & welfare; price indications; explosives & petroleum and the Medway Council Act 2001.

6.1.2 As part of the COVID 19 emergency response Trading Standards were tasked on the 22 March 2020 with the enforcement of The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 which were later replaced with assorted iterations of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. The regulations created the regime that caused the closure of many commercial and retail premises.

The team have achieved the following outputs in relation to Covid19:

- Issued 14 formal prohibition notices
- Voluntarily closed 1 non-compliant premises
- Engaged and visited 6480 commercial premises
- Issued 9 internet take down notices for prohibited businesses.

The delivery of this work stream has obviously had a huge impact on the routine work of the Trading Standards service with them prioritising only urgent work and curtailing some of their planned proactive projects.

6.1.3 Underage sales test purchasing resulted in 8 positive sales of restricted products, these sales were followed up with the individual businesses in conjunction with relevant partners (including the police and licensing).

6.1.4 E-liquids continues to be is an area of concern in the product safety field. Officers undertook 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.

6.1.5 The team have redesigned their “No Cold Calling” Pack this year and have already issued over 13,000 of the new packs to residents. The team continue to offer a call out service for residents who are concerned over potential rogue builders and want officers to intercede in contractual disputes.

6.1.6 Animal feed standards: 100% of high-risk premises and 100% of medium risk inspections completed by the team, as per Department for Environment, Food and Rural Affairs (DEFRA) and Food Standards Agency requirements.

- 6.1.7 Animal Health: All new keepers are visited and inspected to ensure legal compliance, programmed inspections to livestock farms were conducted and reports of four illegally imported dogs were addressed.
- 6.1.8 Sunbed salons: work to restrict access to those over 18 years old, ensure 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.
- 6.1.9 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.
- 6.1.10 The team continue their important market surveillance work on product safety, ensuring that only safe products are sold in Medway. The team have inspected, sampled and tested a massive array of products sold in local shops. The team also continue to provide free technical advice and guidance to Medway's manufacturers, importers and whole sellers on the legal controls applicable to their products.

## 6.2 Business Compliance Team

- 6.2.1 The Business Compliance team sits alongside the Trading Standards Enforcement Team and the Food and Safety Team. Petroleum licensing and explosives licencing is also dealt with in this team.
- 6.2.2 The team visited 100% of premises registered to sell fireworks this year and found a healthy level of intrinsic compliance.
- 6.2.3 Complaints: triage to ensure that appropriate advice and guidance is given to customers at the earliest opportunity. Serious issues requiring specialist intervention are passed to the appropriately experienced/qualified officers.
- 6.2.4 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 2018/19 visits were carried out to 106 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 **truecall** devices have been supplied to the residents who are most vulnerable to scam telephone calls.
- 6.2.5 The Medway Fair Trader Scheme is administered by the Business Compliance Team. It aims to both protect consumers and promote local businesses, whilst preventing the need to employ rogue traders. The scheme remains well very used and valued within Medway.

## 6.3 Environmental Health Food and Safety Team

- 6.3.1 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 additionally works closely with Public Health on a variety of projects.

#### 6.3.2 Food Hygiene key achievements for 2019/20:

- **92.3%** of all due food hygiene interventions in high and medium-risk businesses (categories A, B and C)
- High-risk food businesses remained at 1.5% (27/1835 premises)
- **90.1%** of food businesses operating had been risk-rated by 31 March 2020
- Broad compliance across Medway for food businesses increased to **99.2%**.

6.3.3 The Team responded to **190** requests for food advice or enquiries from businesses and the public.

6.3.4 The team delivered **775** interventions to new and existing premises for food hygiene, with **392** enforcement actions.

6.3.5 The team participated in national and regional food sampling programmes. Unsatisfactory results (27%) were taken up with the premises concerned.

6.3.6 Food Hygiene Rating Scheme: By March 2020, 98.3% of premises were broadly compliant (5, 4 and 3 scores combined), with only 1.7% non-compliant (0, 1 and 2 scores combined).

6.3.7 The team processed 181 cases of infectious disease.

6.3.8 The Team also handled:

- 351 food service requests
- 32 health and safety service requests
- 79 reports of work-related accidents.

6.3.9 Health and Safety activity in 2019/2020 has included:

- Commencement of the ongoing investigation into the incident at Costa Coffee on Gillingham High Street involving the collapse of an awning.

6.3.10 Under Port Health functions, the team:

- Completed 9 ship sanitation inspections
- Issued 9 Ship Sanitation Control Exemption Certificates
- Took 14 samples of ship potable water for laboratory testing. 100% were satisfactory.

#### 6.3.11 Public Health activity in 2019/20 included:

- Investigating various outbreak clusters in Medway of Legionella during 3 months over summer. This required involvement of all officers in the team and working closely with other agencies such as PHE, HSE, bordering local authorities and Southern Water. Work included ground surveys, sampling and investigation of various potential sources including cooling towers, underground water storages and commercial premises such as car washes.

#### 6.4 Strategic Environmental Protection Team

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.

##### 6.4.1 *Air Quality Communications Strategy:*

- During 2019/20 the Environmental Protection and Public Health team have been supporting the KM Charity Green School Awards category for Best Air Pollution Campaign. We have worked with 11 primary schools and 2 secondary schools on an air quality monitoring project compared to working with only 6 schools in 2018/19. This project was impacted by the pandemic and unfortunately we did not have the opportunity to return to the schools to see the children's final projects. A presentation on air quality was also given to Medway Youth Council in which engaged with a further 6 secondary schools.
- St Mary's Island CE Primary School was awarded the Clean Air for Schools Champion Award at the Green School Awards in February 2020.
- An anti-idling poster competition was run for schools within close proximity to air quality management areas and for schools participating in the KM Green School Awards. As part of Clean Air Day on 8 October the schools (winning and runners up) were presented with the poster made into metal signs which could be displayed outside of the schools to raise awareness.
- To ensure that we can still engage with the schools within Medway during these unusual times, an animated air quality video has been produced which all schools will be able to access.

##### 6.4.2 *Air Quality Management Areas:*

- During 2019/20 the Action Plan for Four Elms Hill Air Quality Management Area was put on hold. For the Action Plan to be developed, we require data from the Local Plan transport assessment. This piece of work has been significantly delayed due to concerns raised by Highways England. The Action Plan will be progressed during 2020/21.

- The Annual Status Report has been submitted to and approved by DEFRA. The Defra appraisal team did not identify any areas for improvement, and noted that Medway had a 'proactive and dedicated approach to improving air quality across Medway borough' and to 'continue their good and thorough work'.
- The team has also initiated a Taxi and Private Hire ULEV feasibility study which is being undertaken by the Energy Savings Trust and is fully funded by the Department for Transport. A driver and operator engagement survey is currently being undertaken to inform the study.
- Completed 97% of Environmental Permitting inspections which were due. One follow up inspection was not completed due to 'lockdown' restrictions.
- Provided comments on 1102 planning consultations and discharge of conditions applications (this is a slight decrease compared to 2018/19).
- Commented on 118 licensing consultations (this is a 34% increase compared to 2018/19).
- Provided information and advice in respect to 227 environmental enquires/searches (this is a slight increase compared to 2018/19).
- Maintained the two air quality stations within Medway, this work was a priority during the pandemic. The two continuous Air Quality Monitoring Stations (AQMS) at Chatham Grammar School (urban roadside) and Rochester Stoke site (rural - on the Hoo Peninsula) form part of the Department for Environment, Food and Rural Affairs (DEFRA) national Automatic Urban Rural Network (AURN), which provides a national picture of air quality.

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

- Gibraltar Farm, Ham Lane, Hempstead
- Land at The Maltings, Rainham
- Land South of Stoke Road, Hoo St Werburgh
- Orchard Kennels Meresborough Road, Rainham
- Land Off Pump Lane, Rainham

6.4.4 The team also issued 4 consents under section 61 of the Control of Pollution Act 1974 to control noise, dust and air pollution from construction sites (this is comparable to 2018/19).

6.5 Reactive Environmental Protection Team

6.5.1 The team consists of 5 full time equivalent (FTE) and deals with statutory nuisances and issues relating to hoarded properties, pests and drainage. 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. Types of statutory nuisance include:

- Smoke, fumes or gases: emitted from premises, or from a vehicle, machinery or equipment in a street and bonfires
- Odour, dust, stream: from industrial, trade or business premises
- Noise: from premises, or from a vehicle, machinery or equipment in the street
- Light: from badly adjusted security lights or floodlights
- Insects: from any industrial, trade or business premises
- The physical state of any premises: to be in such a state as to be prejudicial to health or a nuisance
- Accumulations: anything which could cause a nuisance or present a health risk for humans, for example an accumulation of rotting food which attracts rats or mice.

Temporary Event Notices (TENS) are also reviewed by the team and objections are issued where concerns of noise disturbance are raised. The team are also responsible licensing premises that fall within scope of The Animal (Licensing of Activities Involving Animals) (England) Regulations 2018. This includes the sale of pets, hiring of horses, dog breeders and animal boarding establishments. Animal licensing also covers the keeping of dangerous wild animals and zoo establishments.

- 6.5.2 For the period of 2019/2020, the team have investigated 2275 complaints and 320 TENS have been received. The vast majority of these complaints are resolved without the need for formal action.
- 6.5.3 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 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. It is also available for people not on the list who are affected by one off parties that affect three or more residents. Residents are also able to report audible car and intruder alarms, when being affected by the noise. Due to Covid 19, this service has been restricted since March 2020 and is currently operating for complaints of alarms and one-off incidents that affect three or more residents.
- 6.5.4 In relation to nuisance complaints, 2 abatement notice has been served, as well as 61 Community Protection Warnings and 9 Community Protection Notices.
- 6.5.5 7 notices were served relating to filthy and verminous premises. In one case, works were carried out in default of the notice served. In two cases the resident has complied with the notice served. 4 notices have been served regarding a bedbug infestation.
- 6.5.6 6 notices have been served regarding rat / mice infestations, with one likely to lead to works being carried out in default and 4 notices have been served relating to drainage.



6.5.7 For the period of 2019/2020, there were 49 licensed animal premises. This comprised of 19 home dog boarders, 14 kennels / catteries, 2 dog breeders, 12 selling pets, 2 horse riding establishments, 1 dangerous wild animal and 1 zoo. 2 applications were refused.

6.5.8 There are currently two pending prosecutions. One is regarding noise and failing to comply with a Community Protection Notice under section 43 of Anti Social Behaviour, Crime and Policing Act 2014. The second is for offences under sections 4, 9 and 13 of the Animal Welfare Act 2006 whereby a number of dogs and puppies were seized and relinquished by the owner due to welfare offences and carrying out a business of dog breeding without a license. All the dogs and puppies that were relinquished by the owner have been rehomed either by the Council or by animal charities.

6.5.9 There is currently a pending prosecution regarding an unlicensed premises advertising and carrying out a business providing home boarding for dogs. In this case an application for a licence was refused due to the presence of young children in the house.

## 6.6 Environmental Enforcement

6.6.1 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.

6.6.2 The Environmental Enforcement Team consists of 5 full time equivalent and deals with the investigation of fly tipping and other waste related crime such as untidy private land, trade waste and illegal waste carriers.

6.6.3 The Street Scene Enforcement Team consists of 9.6 full time equivalent (FTE) and deals with on street enforcement of littering and trade waste offences as well as the removal of fly tipping and most importantly – the secure recovery of evidence.

6.6.4 During this period, the team has dealt with 1,333 cases, most of which were resolved without the need for formal action. However, it was necessary to raise prosecution files in 16 cases.

6.6.5 1 case heard at magistrates' court. Fines and costs totalled £150. A further 26 cases are held at Medway Magistrates Court awaiting court hearings. These cases have been delayed due to the Covid pandemic.

6.6.6 Environmental Enforcement conducted 5 operations in partnership with Kent Police, targeting illegal waste streams. These operations resulted in 12 vehicles being stopped & searched.

6.6.7 4 vehicles were seized by Environmental Enforcement as they were suspected of being involved in fly tipping.

- 6.6.8 2 vehicles are being retained as evidence to be used in a case relating to an illegal transfer station. 2 others have been crushed.
- 6.6.9 6 site visits were conducted whilst attending the Op's. These have resulted in the team locating two illegal waste transfer stations. To date this has resulted in the creation of 3 prosecution case files being raised.
- 6.6.10 469 reported fly tips were attended and searched by Street Scene Officers, 309 were cleared within one working day with a further 160 being on private land.
- 6.6.11 A further 240 fly tips were dealt with proactively, meaning that they were removed before a complaint was received from a member of the public.
- 6.6.12 The Street Scene Team have entered into a Service Level Agreement (SLA) for the removal of fly tipping from the HRA (Housing Revenue Account) estate. Between April 1st and September 30th, the team has dealt with around 200 requests for service as well as proactively removing a further 160, all of which were completed within one working day. This arrangement provides an annual income of £26k.
- 6.6.13 The total amount of waste removed from the public realm since April is 72.09te.
- 6.6.14 13 notices were served on businesses, by Street Scene Officers, requiring the businesses to account for the disposal of their trade waste.
- 6.6.15 Environmental Enforcement issued 9 notices to individuals requiring works to be undertaken to remedy untidy land.
- 6.6.16 Environmental Enforcement issued 46 notices requiring individuals/businesses to provide information relating to fly tipping offences.
- 6.6.17 213 Community Protection Warnings were served relating to issues such as refuse out early, storage of waste, fly posting and untidy land.
- 6.6.18 96% of these cases were resolved at the warning stage, with only 9 cases progressing to notice.
- 6.6.19 To date, 39 fixed penalty notices have been issued by Environmental Enforcement relating to waste offences.
- 6.6.20 Environmental Enforcement also manage a contract for Litter Enforcement. Our chosen supplier District issued 2391 Fixed Penalty Notices during the first half of this year.
- 6.6.21 The team have commenced targeted waste enforcement work in Gillingham North as part of the Safer Street Project – funded by the Kent Police Crime Commissioner.

- 6.6.22 During September the team removed 187 waste deposits from the target area, this totalled 6.66 tonnes
- 6.6.23 Funding is in place for the Safer Streets project to run until March 2021.
- 6.6.24 Street Scene have undertaken a project in Luton Ward. To undertake the work 2 officers were dedicated to visiting the area 4 days a week. During August & September the officers dealt with over 200 enquiries including a community clearance of an alleyway.
- 6.6.25 This reporting period was affected by the ongoing pandemic and subsequent lockdowns. This has resulted in the redeployment of staff from within the service to assist with Medway Councils Covid response plan. The fly tipping service, including HRA, was managed by 2 officers until the 1 August 2020 when recruitment provided greater resource to cover work streams.

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### Appendices

None

Background papers

None