

REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

13 OCTOBER 2022

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
- Planning Policy - Local Plan
- Markets
- Planning - Development Management, including Planning Enforcement and applications for works to protected trees
- 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 2022 up to the end of Q1 are detailed by service area below

2. Economic Development

2.1 Employment

2.1.1 The Additional Restrictions Skills Grants have now finished, with over £900,000 distributed. 74 apprenticeship starts were funded, alongside 16 Kickstarters retained to a permanent position and 3 supported interns. 74 businesses received flexible training funds, with over 3000 people benefitting from training and upskilling. The training courses ranged from scaffolding to food safety to flight instructor.

2.1.2 The Medway Apprenticeship Advice Service is a commissioned service that has recently ended and will be delivered in-house. In 2021-2022 it engaged with 12 businesses, leading to 20 new apprenticeship starts with a further 15 in the pipeline.

2.1.3 Medway Council have recently won a Job Centre Plus contract to deliver support to 100 people aged 50+. It will be delivered by the Skills, Employment & Adult Education Service, with training in Business Admin, Customer Service & Warehousing. Guaranteed interviews will be available for those who complete the course.

2.1.4 In partnership with Kent County Council, Medway Council has also been successful in securing DWP funds to offer Supported Employment to 40 people with learning disabilities and/or autism.

2.2 Business Support and Inward Investment

2.2.1 The Council delivers and promotes a range of initiatives to support business and investment in Medway. These include start-up and business growth advice and workshops; an ongoing contract with the inward investment agency, Locate in Kent; a small business grants scheme (Partners for Growth); development of the Incubation hub for business premises; presence and promotion of business support and inward investment opportunities including at events such as Business Vision Live and providing response to business enquiries and signposting other external business advice and support initiatives.

2.2.2 Business support has been launched virtually with promotion from Kent Invicta Chamber, Kent and Medway Growth Hub and Medway Council.

2.2.3 Through the Additional Restrictions Grant (ARG) Medway Council was able to support many businesses throughout the pandemic. Although the ARG scheme ended in March 2022, the Economic Development will continue to support small businesses through the expanded Partners for Growth Scheme. The Economic Development team are working to streamline and digitalise the application process which will make it possible to handle more applications

efficiently. The PFG grant scheme will continue to provide SME's and start-ups with funding gap to encourage growth and competition. It will also continue to help create and retain jobs in Medway. The Economic Development team aims to pay out £35,000 in grant monies this financial year and another £40,000 next financial year.

2.2.4 As of Q1 58 intensive assists provided to businesses both established and start up, handled by ED Team, coordinating to delivery partners at Kent and Medway Growth Hub and Locate in Kent as well as other internal departments. A new business Support Programme has been procured for the next 2 years to be provided by Kent Invicta Chamber of Commerce, focused on scale up and innovative businesses increasing productivity, growth, and job creation. As a result of the new contract with KICC it is expected that the numbers for intensive assists will increase in the following months.

2.2.5 Medway for Business has been disbanded but a provisional first meeting in November has been organised to set the agenda and tone of future of 'Business for Medway'. New members are being identified and approached currently.

2.2.6 The Economic Development Team refreshed and created new business support marketing collateral that has been utilised at events to promote our business support services including the Kent Vision Live event in May 2022, for which the Council were also sponsors of the breakfast event.

2.2.7 Medway Council sponsored the 36th Medway Business Awards. The event was held on September 8, 2022, where local businesses across Medway were celebrated for their achievements. However, due to the death of Her Majesty the Queen Elizabeth II members and officers of Medway Council did not attend this year.

2.3 Innovation Centre Medway (ICM)

2.3.1 The ICM is 98.7% occupied against a target of 90%, with only the My Desk office vacant. There has been a typical level of tenant movement in the year. There have been 5 new companies join, 2 my desk tenants expanded to take on a full office, 10 tenants left and 3 tenants swapping or expanding their number of offices. There is still a strong trend for office swapping with an impending 6 tenant swap being planned to assist tenants' growth plans and changes in work patterns reducing others need for space.

2.4 Innovation Studio Medway (ISM)

2.4.1 The ISM offices are 100% against a target of 90% occupancy. There has been a fair bit of movement in the year with 4 new tenants, 4 tenants leaving and one tenant taking on an extra office. Storage container occupancy continues to be strong with 16 of the possible 17 storage containers occupied.

2.5 Town Centre Management

- 2.5.1 Vacancy rates as at July 2022 are Rainham at 4.3%, Gillingham, 9.7%, Rochester, 6.8%, Chatham 12.3% and Strood 10.4%.

The South-East average is 9.8% with the National average being 11.2%

- 2.5.2 The Town Centre team continue to support Medway's Town Centre Forums as they develop and work with local businesses and communities in partnership on the regeneration and management of the town centres. Rochester, Chatham, Chatham and Rainham are now holding physical meetings.

2.6 Markets

- 2.6.1 All markets have resumed to a normal trading pattern since the pandemic; however, recovery is very slow. Many traders have not returned since the pandemic as they have sought more permanent employment. Income from markets are as follows, April 2022, Rochester Farmers Market £2,222, Gillingham Monday, £10,015 with Gillingham Saturday, £7,500.

2.7 Heritage Action Zone Programme

- 2.7.1 As part of the High Street Heritage Action Zone (HSHAZ) Programme for regeneration of the Sun Pier to Star Hill area, over 20 revitalise and repair grants were offered to property owners during the period, focussing on bringing vacant heritage buildings back into use and improving the visual appearance of the High Street. These include reinstatement of the front portico at 351 High Street, Rochester and urgent repairs to Chatham Memorial Synagogue, alongside small grants for traditional signage for new businesses on the High Street.
- 2.7.2 Throughout autumn and winter 2021/22, the HSHAZ project team collaborated with a diverse variety of partners to provide activities for the public to discover the heritage of the area. This included themes of black history, LGBTQIA+ history, Jewish history, deaf community engagement, primary school workshops, and over 55s engagement through music. Skills development opportunities for college and university students are currently being planned for the next academic year.
- 2.7.3 Through Spring and Summer 2021, the 'developing the vision' phase for the creation of a development framework for the HSHAZ area continued in partnership with Historic England, HTA Design LLP and the University of Kent's School of Architecture & Planning. Public consultation of the proposed vision will commence in Autumn 2022.
- 2.7.4 The community led Cultural Consortium formed as part of the HSHAZ programme were successful in bidding to be a host High Street for Historic England's National music commission 'Round Here' working in partnership with Live Music Now and Trinity School. The consortium also developed the

inaugural Intrafest music festival alongside contributing funding towards cultural activities in the area such as Medway Pride and Festival of Chatham Reach.

3. Planning Policy

3.1 Local Plan

- 3.1.1 Following the withdrawal of the report on the emerging draft Local Plan in October 2021, the Planning Service has continued to work on the evidence base to support a further round of consultation in 2023, prior to finalising the content of the draft plan.
- 3.1.2 The Local Development Scheme for the Local Plan (setting out the timetable) will be reported to Cabinet in October. This will set out the rationale for the move back to a Regulation 18 options consultation, the process for that and the updated timetable for the Local Plan. In order to meet Medway's growth needs the regulation 18 consultation next year will consider alternative sites and locations. As part of that process the Planning Service is issuing a 'Call for Sites' and re-appraising the potential of development sites, to identify a number of options for a spatial strategy in the new local plan. This is a wide ranging exercise, looking at the potential for regeneration on brownfield sites, as well as development in suburban and rural locations. Options will be published for comments next year as part of the 'Regulation 18' consultation. This is a key stage in the development of the new plan.
- 3.1.3 The additional evidence base work includes research into the marine sector and businesses located along Medway's waterfront, which in turn will inform options relating to Chatham Docks for the Regulation 18 consultation on the Local Plan.
- 3.1.4 The council has also prepared a draft Hoo Development Framework for consultation. The framework considers how strategic scale growth could be accommodated on the Hoo Peninsula over coming decades. It sets out the need for services, such as schools, parks, health centres and community facilities, transport, alongside new homes and jobs. Comments from the consultation will be fed into the next stage of work on the new Local Plan. The draft consultation document responds to calls for more information about what development could be like on the Hoo Peninsula, so people can make their comments before plans are finalised.
- 3.1.5 The Planning Service is working with the officials from the DLUHC and the Planning Advisory Service to help progress the new Local Plan, having full regard to the legal requirements and ensuring a 'sound' plan that provides an effective and deliverable strategy for Medway's future growth. At the request of the Portfolio Holder this will include regular briefings with members by PAS and officers.

3.2 Wider Planning Policy Work

- 3.2.1 The Planning Service continues to provide a clear overview of development in Medway. Trends are monitored to support new policies and decision making which are also subject to assessment of Government policies or changes to policies.
- 3.2.2 The latest Housing Delivery Test Action Plan was published in July 2022. This sets out the council's work in seeking to support housebuilding in Medway. Although rates of housebuilding have not yet reached the levels of need, defined by the government standard formula, there have been marked uplifts in construction of new homes in Medway. The housebuilding rates in Medway in recent years were the highest since the Council was established over 20 years ago. This is despite the deep and wide-ranging impacts of Covid. Around 1100 homes were built a year over the last three years, compared with around 650 homes in the preceding three years. However, the presumption in favour of sustainable development remains, as delivery is still not meeting identified need and because the Council cannot demonstrate a 5 year housing land supply. This means that speculative planning applications for residential led development are continuing to be submitted for all parts of Medway's area, and while the Council does not have to approve them all, the Planning Committee will need to continue to make tough decisions to support sustainable development.
- 3.2.3 The council publishes an annual Authority Monitoring Report each December, with details on all residential and commercial planning consents and trends in housing, employment and retail. It also has baseline information for Medway on aspects such as demographics, health, the environment, and transport.
- 3.2.4 The Infrastructure Funding Statement is published at the same time and gives information on the funding agreed and received through developer contributions and spent on services and infrastructure in Medway. In 2020/21, over £8m was included in S106 agreements, allocated to a range of services, including schools, parks, transport schemes and environmental and community facilities.

3.3 Neighbourhood Plans

- 3.3.1 There are now five Neighbourhood Plans in preparation in Medway – Cliffe and Cliffe Woods, High Halstow, Hoo St Werburgh and Chattenden, Arches (Chatham) and Frindsbury Extra. These are at different stages of development and the Planning Service is supporting the coordination of the local communities' work with the emerging Medway Local Plan.

4. Development Management

4.1 Planning applications – Performance for Quarter 1 2022

- 4.1.1 During the period 1 April to 30 June 2022 the authority received 320 planning applications; this is compared to 412 for the same period in 2021. For the

year 2021/22 the authority received 1,586, this compares to 1,520 in 2020/21 and 1458 in 2019/20.

- 4.1.2 Performance for major applications during quarter 1 is 100% against a target of 60%.
- 4.2.3 Performance for minor applications during quarter 1 is 90% against a target of 70%.
- 4.1.4 Performance of other applications during quarter 1 is 93% against a target of 70%.
- 4.1.5 Annual forum with major developers has been scheduled for 17 November 2022. Officers continue to have regular meetings with developers, including volume housebuilders and SME's at pre app and this can include which necessary presentations to members.
- 4.1.6 The Design and Regeneration Awards 2022 took place on 22 September 2022, celebrating innovative developments, conservation and heritage projects as well as commercial, industrial and retail works across Medway.

4.2 Appeals Performance

- 4.2.1 The percentage of appeals allowed during the period 1 April 2022 to 30 June 2022 is 37.5%. A total of 8 appeal decisions were received. 3 of these were allowed, which included 2 Committee decisions which overturned the officer recommendation. 5 appeals were dismissed, including 2 relating to enforcement. Where a decision is made to refuse an application, either under delegated powers or by the Planning Committee, officers will defend the decisions robustly. This can include appointing a variety of consultants to deal with specific detailed issues. Appeals are determined independently of the LPA by the Planning Inspectorate.

4.3 Enforcement

- 4.3.1 Specialist Enforcement consultants have been appointed to investigate and recommend appropriate action in relation to 2 key sites where significant but sensitive work is required and site visits have needed to be undertaken accompanied by the police. Direct action has been taken in relation to one site.

4.4 Trees

- 4.4.1 55 TPO applications were received during the period 1 April to 30 June 2022, 12 of which were within a Conservation Area. 25 TPO applications were determined during the period, 4 of which were determined within a Conservation Area.
- 4.4.2 The service continues to experience pressure in relation to determining tree applications, mainly due to resource issues and the number of applications

which are being submitted. The service continues to use the services of a tree consultant to help deal with the backlog of tree applications. The portfolio holder has approved the appointment of a permanent additional tree officer.

5. Regulation – Environmental Health, Trading Standards and Enforcement (Executive Functions only)

5.1 Strategic Environmental Protection Team

5.1.1 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.

5.2 Air Quality Communications Strategy:

5.2.1 During 2021/22 the Environmental Protection and Public Health team have continued to support the KM Charity Green School Awards category for Best Air Pollution Campaign.

5.2.2 Rowans AP Academy was awarded the Clean Air for Schools Champion Award at the Green School Awards in November 2021.

5.2.3 A Clean Air Day competition was run in June 2021 to encourage people to leave the car at home and travel in a more sustainable way.

5.3 Air Quality Management Areas:

5.3.1 The Action Plan for Four Elms Hill Air Quality Management Area was progressed during 2021/22. A consultation was undertaken between 7 March and 24 April 2022 with key stakeholders. A total of 59 questionnaire responses were received. Responses were also received from three statutory consultees; DEFRA, Natural England and the UK Health Security Agency and a further three written responses were received from local residents. The comments from the consultation were considered and incorporated into the action plan where appropriate. The Action Plan went to Overview and Scrutiny and Cabinet in August 2022 and was approved.

5.3.2 The Annual Status Report has been submitted to DEFRA and has been approved with positive feedback – DEFRA commented in their appraisal of the Annual Status Report that the Council “demonstrates that the Council is being proactive and dedicated to ensuring that air quality is improved across its administrative area.

5.3.3 The team submitted two bids to the DEFRA Air Quality Fund which were both successful.

5.3.4 Bid 1: To reduce idling in the Rainham AQMA through the use of signage in conjunction with the University of Kent

- 5.3.5 Bid 2: To carry out a comprehensive taxi and private hire ultra-low emission vehicle (ULEV) feasibility study (ULEV), looking at the barriers and opportunities for ULEV uptake by the trade in Medway, which will be supported by a remote sensing vehicle emissions measurement campaign he grant awards, total £127,510.
- 5.4 During 2021/22, the team additionally:
- 5.5 Completed 100% of Environmental Permitting inspections which were due.
- 5.6 Provided comments on 981 planning consultations and discharge of conditions applications (this is a slight decrease compared to 2020/21).
- 5.7 Commented on 104 licensing consultations (this is a slight decrease compared to 2020/21).
- 5.8 Provided information and advice in respect to 310 environmental enquires/searches (this is a slight increase compared to 2020/21).
- 5.9 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 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.
- 5.10 The service continues to support the Council with its regeneration programme for Medway and provide guidance to the planning department on proposed major developments within Medway, and areas that may affect the environment of Medway, including:
- Kentish Wine Vaults, Bush Road, Cuxton
Land at East Hill,
Gibraltar Farm, Ham Lane, Hempstead
BAE Systems
Splashes Leisure Centre
Medway One, Kingsnorth
- 5.11 The team also issued 1 consent under section 61 of the Control of Pollution Act 1974 to control noise, dust and air pollution from construction sites (this is decrease comparable to 2020/21 when 3 were issued).

6. Trading Standards

- 6.1 The team continue to attend local events, including Medway Pride, to promote the 'No Cold Calling Home' scheme.
- 6.2 A successful bid from the Safer Streets 4 fund has allowed the team to employ a temporary officer to tackle illicit tobacco being sold from retail premises in our High Streets.

- 6.3 Due to the rise in fuel prices officers have commenced an enhanced program of pro-active visits to test petrol pumps to ensure that the correct measure is being delivered.
- 6.4 The Trading Standards' team are supporting local businesses in addressing issues caused by the exit from the EU, this ranges from technical advice on revised regulations to allow goods to be sold across the UK, NI and EU to addressing the safety of goods imported through Thamesport and the local Enhanced Remote Transit Sheds (ERTS).
- 6.5 Officers are ensuring that the goods and services for sale in Medway are safe and correctly described with recent and ongoing projects covering fireworks, letting agents, vapes/e-cigarettes, toys, novelties, and Halloween items - One of these projects has led to the seizure of over 1000 unsafe e-cigarette devices from businesses in Medway.
- 6.6 The service delivers the Medway Council Fair Trading Scheme allowing consumers to confidently choose a trader who has been audited by our officers and agreed to abide by our terms and conditions
- 6.7 The team has built on its work with Gillingham Football Club to ensure the provisions of the Safety of Sports Grounds legislation are followed.
- 6.8 The Trading Standards service continues to promote its Facebook page where important consumer protection alerts and information can be circulated to the community, it is available at:
<https://www.facebook.com/MedwayTradingStandards/>

7. Environmental Health Food and Safety Team

- 7.1 The Food and Safety Team in Environmental Health delivers a broad range of statutory duties and functions. These include food safety and food standards; health and safety at work; infectious disease control (including Covid-19) and port health. The team works closely with Trading Standards and Public Health.
- 7.2 Service delivery during 2020/21 continued to be impacted by the Covid-19 pandemic, although not to the extent of the previous year.
- 7.3 Consequently, much of the team's work was focussed on dealing with the resulting backlog of food hygiene inspections, in accordance with guidance from central government. This led to fewer routine inspections being carried out overall, as we focussed our efforts on those presenting a high, or unknown, level of risk to consumers.
- 7.4 **Food Hygiene key facts and figures for 2021/22:**
- On 31 March 2022, those food businesses in the highest-risk categories (A & B) represented just **1.4%** total (20/1970) premises)

- **93.35%** (1839/1970) of Medway food businesses were assessed to be broadly compliant with food hygiene law (a **14%** increase)
- The number of new food businesses awaiting their initial food hygiene inspection decreased from **419** at 1/4/21 to **109** at 31/3/22
- All high-risk inspections due in categories A and B before 31st March 2022 were completed

7.5 The percentage of Medway food businesses deemed to be broadly compliant with food hygiene law increased from **79.1%** to **93.35%**. This was largely due to the team reducing the number of new businesses awaiting their initial food hygiene inspection (uninspected food businesses are automatically deemed to be non-broadly compliant).

7.6 The team responded to over **1000** service requests from businesses and the public. These included:

- **346** new food business registrations
- **204** complaints about poor hygiene standards
- **146** requests for advice
- **66** food standards complaints
- **62** food complaints
- **17** health and safety complaints

7.6.1 The team also responded to **93** reportable work-related accidents.

7.6.2 The team did not participate in any national or regional food sampling programmes, as these were suspended due to the Covid-19 pandemic.

7.6.3 The team received **197** notifications of cases of infectious disease in Medway residents (excluding Covid-19). These included 144 cases of *Campylobacter*, 25 *Salmonella*, 10 *Cryptosporidium*, 3 Hepatitis E, 3 Legionnaire's disease, 3 Giardia, and single cases of Hepatitis A, *Listeria*, *E. coli* and *Shigella sonnei*. Each case was dealt with in accordance with agreed protocols with the UK Health Security Agency (UKHSA).

7.6.4 The team completed **6** ship sanitation inspections under our remit as a port health authority.

8. South Thames Gateway Building Control Partnership (STG)

8.1 Building regulation applications – Performance for Quarter 1

8.2 During the period 1st April to 30th June 2022 the partnership received 798 fee earning applications this is compared to 867 for the same period in 2021/2022. This is higher compared to the pre-pandemic figure of 710 in 2019/2020.

8.3 Performance for plan checking within 15 workings days during quarter 1 is 74.98% against a target of 75% and within 18 workings days 85.68% against a target of 77%. During quarter 1 2969 site inspections were undertaken.

- 8.4 During quarter 1 surveyors commenced the mandatory licensing training. This first phase which encompasses half of the surveying team, on a weekly basis, extends to the end of the year. Available staff resources within the team drop over two days by 25%. The other half of the team commence training from January 2023.
- 8.5 The acute shortage of building control surveyors has left the partnership carrying five vacancies through quarter 1. Of the five vacancies, all at senior levels, three have moved to the private sector for higher salaries and two taken retirement.
- 8.6 Building control is open to direct competition from the private sector for not only work but for staff. The shortages are making this a much more competitive field and with the cost-of-living crisis, the remuneration packages and the lower level of workload the private sector can offer surveyors are choosing to leave local authority.
- 8.7 The partnerships strategy of developing individuals to become building control surveyors from other areas of the construction industry has maintained a level of resilience. The most recent assistant building control surveyor reach the required standard in June to achieve regrading and work independently. Their training continues as they develop to become seniors and able to work on all categories of projects.
- 8.8 The Local Authority Building Control (LABC) commissioned the Local Government Association (LGA) in July 2022 to run an independent confidential survey to give an opportunity for building control professionals to share their views about the industry. To better understand these issues a range of key partners, including Construction Industry Council Approved Inspector Register (CICAIR), LABC, HSE Building Safety Regulator (BSR) and others have come together to support this survey of the whole profession.

8.9 **Building Safety Act**

- 8.9.1 The Building Safety Act 2022 was granted Royal Assent on 28th April 2022. The Act sets up a new Building Safety Regulator (BSR) within the Health and Safety Executive and will oversee the safety and standards of all buildings, implement the new regulatory regime for higher-risk buildings and assist and encourage competence among the built environment industry and registered building inspectors.
- 8.9.2 All surveyors both public and private sector will have to be registered with the BSR regardless of whether they work on higher-risk buildings. This means all surveyors will have to have their competency assessed and validated.
- 8.9.3 Under the Act, the BSR will oversee the performance of the whole building control profession through robust process of monitoring, analysis, reporting

and sanctions. This will apply across all building control work, not just on in-scope buildings and as such will impact all building control teams.

- 8.9.4 Significantly, Section 135 of the Act also extends the limitation period for claims for a breach of section 38 of the Building Act 1984, when it comes into force, it will have the effect of creating civil liability for breach of building regulations

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Appendices

None

Background papers

None