

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD**

**27 May 2014**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 ENVIRONMENTAL PROTECTION TEAM PERFORMANCE 2013-2014.**

**Summary**

**This report describes the operational day to day work of the Council in relation to its statutory function of Environmental Protection and Pollution Control for the year 1 April 2013 to 31 March 2014.**

**1.1 Background.**

1.1.1 The work of the Environmental Protection Team (EPT) covers a wide variety of issues, which include:

- responding to service requests and carrying out any subsequent investigation that may result;
- responding to formal consultations on planning applications, premises licence applications and Temporary Event Notices (TENs);
- commenting on specialist reports concerning contaminated land, air quality and noise submitted in support of a planning application;
- investigating and responding to enquiries about potentially contaminated land for prospective property purchaser;
- landfill gas and air and water quality monitoring; and
- complying with the requirements of the :
  - Environmental Permitting regime
  - Private Water supply legislation.
  - Local Air Quality Management regime – covered in separate report.

## **1.2 Requests for Service**

- 1.2.1 During the twelve months from 1 April 2013 to 31 March 2014 456 requests for service were received to which the Team responded to 97 per cent within five working days. Specific details of the types of requests received are shown in **[Annex 1]**.
- 1.2.2 In addition to the above requests for service the Team received 460 requests for service concerning the odour from Drytec.
- 1.2.3 The total number of requests for service received equals 916 of which 50 per cent were related to odours from Drytec.
- 1.2.4 Other issues that generated significant requests for service include noise, bonfires, various types of accumulations and fly tipping.
- 1.2.5 As in previous years, the majority of cases are quickly resolved, following written communication to the person alleged to be causing the nuisance seeking their cooperation to resolve the problem. When this does not bring about an improvement a more detailed investigation will follow.
- 1.2.6 On some occasions it is necessary for the team to instigate formal action to protect public health. This is usually because the enforcement options as set out in the Enforcement Policy have been exhausted. A summary of Notices served in this year is provided in **[Annex 2]**.

## **1.3 Planning Applications**

- 1.3.1 The EPT are formally consulted by their colleagues in the Planning department on applications which they receive and on which the EPT may wish to recommend the inclusion of conditions or “informative” if planning permission is granted.
- 1.3.2 The EPT coordinates the responses to planning consultations across the whole of Environmental Health and Housing Services. During this year we responded to 602 planning consultations.

## **1.4 Licensing Applications**

- 1.4.1 Under the provisions of the Licensing Act 2003, Environmental Health is a statutory consultee in respect of applications for Premises Licences and Temporary Events Notices.
- 1.4.2 The team are also consulted on applications for Events on Open Spaces, where an event is to be held on Council owned land.
- 1.4.3 During the year the team responded to 15 Premises Licence applications, 328 TENS applications and 33 applications for events on open spaces.

- 1.4.4 The Music on the Hill Event was held in July. As with the previous event it was well managed without any complaints of noise disturbance being received.
- 1.4.5 Although the Hop Farm cancelled their Music Festival scheduled for July 2013 this year's event is planned to go ahead at the Hop Farm for 4-6 July 2014, with a new promoter. Officers are working with the Hop Farm and will work with their noise consultant when appointed, to ensure minimal noise disturbance is caused to local residents and the relevant conditions on the Premises Licence are being adhered to. Officers will carry out noise monitoring throughout the event.

## **1.5 Environmental Permitting Regime (EPR)**

- 1.5.1 Certain specified processes are required to obtain a 'permit to operate', under the provisions of the Environmental Permitting Regulations, which control emissions to land, air and water. Responsibility for enforcement of the regime is divided between the Environment Agency and Local Authorities.
- 1.5.2 There are 53 permitted processes within the Borough covering processes which include roadstone coating, dry cleaners, paint spraying and concrete batching. A total of 26 visits (including 23 inspections) were made to premises in the year. The standard of compliance with the permits and any conditions attached remains high.

## **1.6 Contaminated Land**

- 1.6.1 There are two principal aspects to the role of the Council in respect of contaminated land. Firstly, to identify and prioritise known areas of contaminated land within the Borough and secondly to ensure that through the planning process areas of potentially contaminated land are identified, investigated and remediated during the development process.
- 1.6.2 In addition we respond to specific enquiries from prospective property purchasers who have had concerns raised about potential contaminated land on their prospective property.
- 1.6.3 In 2013/14 contaminated land comments and recommendations were made on 271 planning applications. We provided 33 reports in relation to specific contaminated land enquiries, the majority from prospective property purchasers.
- 1.6.4 As Members will recall the Contaminated Land Officer post is subject to a shared working arrangement with Gravesham BC, which continues to work well for both parties, following the appointment of Kirstie Atkins in June 2013.

## **1.7 Private Water Supplies**

- 1.7.1 This work involves the identification of private water supplies in the Borough, which mainly occur in residential properties; although there are a number of commercial premises that maintain a private water supply; routine sampling of

these supplies followed by advice and occasional formal action should supplies not meet the required health standards.

1.7.2 This year two significant health related issues were identified through this process:

- a failure to achieve the required standards for lead, total coliforms and E.coli, in a supply to a commercial property in the Borough; and
- following a request from a resident to have their private domestic water supply sampled, results revealed a failure to achieve the required standard for nitrates and total coliforms.

Officers have been working with all parties to ensure the necessary standards are achieved to protect the consumers.

## **1.8 Out of Hours Service**

1.8.1 A Council wide review of out of hours service provision took place during the year, including the Environmental Health and Housing Service. Having considered in detail the nature and frequency of the calls being received by this service it was evident that the significant majority of calls received related to emergency housing placements, with very few environmental health calls being required to be handled by the Duty Officer. It was therefore agreed to suspend this service on 1<sup>st</sup> April, replacing it with a dedicated Housing out of hours service.

1.8.2 Alternative arrangements have been put in place by the Environmental Health Service to ensure that relevant emergencies are dealt with and that known problematic cases requiring out of hours visits are responded to properly. This is through a combination of an officer cascade system and proactive monitoring.

## **1.9 Proposed Service Improvements 2013/14**

1.9.1 It is proposed that the following service improvements are to be implemented in 2013/14:

- continue to work with the other stakeholders to work towards improving the air quality within the Borough; and
- review the Team's procedures to identify possible opportunities to deliver efficiencies and improve consistency of approach.
- Consider how, through its regulatory activity, the Team can support businesses in line with our economic regeneration agenda.

## **1.10 Legal Implications**

1.10.1 The Council has a statutory duty to investigate:

- complaints of alleged nuisance;
- implement the requirements of the Private Water Supply Regulations 2009;
- implement the requirements of the Environmental Permitting Regime; and
- assess land under the Contaminated Land regime.

### 1.11 Financial and Value for Money Considerations

1.11.1 All service improvements will be undertaken within budget.

### 1.12 Risk Assessment

1.12.1 The failure of the EPT to meet its statutory obligations might result in formal complaints and potential criticism from DEFRA. It could also lead to potential legal challenge.

### 1.13 Equality Impact Assessment

1.13.1 See 'Screening for equality impacts' table at end of report.

### 1.14 Recommendations

1.14.1 It is **RECOMMENDED** that the Cabinet **ENDORSE** the work carried out by the EP Team in 2013/14 and the proposed service improvements for 2014/15.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Jacqui Rands

Nil

Steve Humphrey

Director of Planning Housing and Environmental Health

Brian Luker

Cabinet Member for Environmental Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The activities described do not have potential to impact or discriminate against different groups. They are carried out by the EPT as duties defined by legislation.

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The decision recommended in this report is note the proposed improvements to the served for the forthcoming year.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*