

Minutes

Partnership Development Group

31st March 2021 at 7.15pm



Present

Councillors	Present	Councillors	Present
J Baugh	Yes	Mrs J Pell	Yes
G Courtauld	Yes	I Pritchard	Yes
A Hensman	Yes	Mrs J Sandum	Apologies
Mrs M Cunningham (Chairman)	Yes	P Thorogood	Yes
T McArdle	Yes		

14 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

15 **MINUTES**

INFORMATION: There were no questions asked, or statements made.

16 **PUBLIC QUESTION TIME**

DECISION: The Minutes of the meeting of the Partnership Development Group held on 27th January 2021 were approved as a correct record.

17 **SCRUTINY REVIEW INTO ENFORCEMENT PROCEDURES AT BRAINTREE DISTRICT COUNCIL – EVIDENCE GATHERING SESSION**

INFORMATION: The Chairman was pleased to inform Members that two officers from the Council's Environmental Service, Colin Batchelor (Environmental Health Manager, Environmental Protection) and Daniel Mellini (Environmental Health Manager, Food, Health and Safety and Licensing) were in attendance at the meeting in order to contribute towards the Committee's evidence gathering. Members were subsequently reminded that the officers would not be able to comment on any live enforcement matters or on specific cases.

A webcast of the full presentations is available to view on the Council's YouTube Channel at the following link:- <https://www.youtube.com/watch?v=f1Ahsor3Uyg>

The Chairman then invited Mr Batchelor to outline his role at the Council and the partnership working arrangements on enforcement that were in place within his service.

Mr Batchelor explained that as well as environmental protection, staff within the team also dealt with matters which concerned public health and housing. Principally, the role of staff was to investigate complaints; these were largely in regard to various statutory nuisances such as noise, light, air pollution and housing issues (e.g. accumulation in properties). Other responsibilities included the prevention of damage by pests; permitting of prescribed processes (i.e. industrial processes); monitoring of air quality throughout the District; assessment and licensing of Houses of Multiple Occupation (HMOs); investigations into 'poor' housing standards (e.g. related to hoarding, vermin, etc); operation and management of the Disabled Facilities Grant (DFGs) process and housing repairs; investigation into reports regarding gypsies and travelers; mandatory sampling and risk assessment of private water supplies; assessment, advice and regulation of contaminated land within the District; and operation of the Pest Control Service and the associated enforcement. The team also acted as a primary consultee for the Planning and Licensing Teams upon the receipt of new applications, and made representations where necessary in respect of any potential environmental issues that had been identified from this.

Members were advised that due to the wide range of services implemented by the Environmental Protection team, there was also a range of enforcement procedures associated with these functions. It was stressed that any statutory functions undertaken by staff needed to be in compliance with the appropriate evidential requirements; a number of enforcement functions were then listed, which included the issuing of formal warning letters, abatement notices, prohibition notices, civil penalty notices, etc; prosecution action such as the seizure of equipment or cancellation of permits; and the undertaking of works in default on properties. The Environmental Protection team itself was small in terms of staffing levels when compared with the amount of work that it covered, and this demand had only increased in response to the Covid-19 pandemic, particularly in regard to the amount of complaints received which often required lengthy investigations.

Members were informed that there was an extensive range of partners that the Environmental Protection team liaised with on the subject of enforcement, although it was noted that some of these partnerships were stronger than others due to the often sporadic nature of the work entailed. One of the more successful external partnerships was with the Essex Countrywide Traveler Unit (ECTU), who acted on behalf of the Council with regard to unauthorised encampments. Other such partnerships included that of the Police, and the Fire Service, who were a consultee on the subject of HMOs; the Environment Agency (EA) on issues concerning drainage; Anglian Water regarding failures in water quality standards on mains supplies, as well as the Drinking Water Inspectorate; and DEFRA on the subject of air quality standards. There was also a number of professional network teams based at Essex County Council that officers in the Environmental Protection team liaised with on a regular basis in respect of issues such as contaminated land (e.g. Pollution Group). Occasionally, members of the team were also required to liaise with social workers and mental health based hubs when engaging with particular individuals, although it was highlighted that the resource capacity of the County Council was often restricted due to their own work demands, and it could therefore take time to receive responses to the issues raised. The Environmental Protection team also attended Court on an ad-hoc basis with regard to matters such as warrants for entry to a property. Through the DFGs process, members of the Environmental Protection team also had a positive relationship with a number of Occupational Therapists based at the County Council who made referrals to officers for grants. Furthermore, the team also liaised infrequently with Stansted Airport on issues such as noise pollution from aircraft.

Further to the presentation, Members were invited to ask their questions of Mr Batchelor. The feedback below was provided in response to the questions raised:-

- On the subject of how relationships with some partners might be improved, Members were advised that there were a number of partnerships that the Environmental Protection team were only required to liaise with on an occasional basis (e.g. police in order to access a specific property or a locksmith). Ultimately, the work patterns and priorities of the team and its external partners were not always in line with one another and as a result, engagement with those partners was not always expeditious.
- Issues reported to the team were normally addressed based on whether it was considered feasible to pursue them, rather than on issues such as cost (e.g. if a company was non-compliant with legislation, or if the parties concerned were already using 'reasonable' measures to prevent a nuisance from occurring). In respect of prosecutions, the decision as to whether to pursue was normally dependent on other factors; for instance, if a prosecution was in the public's best interest or not, or if it was the most cost-effective solution identified.
- Members were advised that there were areas of work where it was not a statutory requirement for staff within the team to respond (e.g. consultee comments on new planning applications). In terms of prioritising areas of work, staff drew largely on their own experiences when assessing the severity of issues reported to them as to what might need addressing first. Officers were also able to recognise reoccurring patterns of behaviour when receiving complaints. To assist with ascertaining the extent of an issue reported, customers were usually required to provide some form of evidence (e.g. diary sheets) to support their claims. The level of resources within the team was not considered sufficient enough for officers to investigate all cases as thoroughly as they would prefer, or for the team to undertake a more pre-emptive approach before such issues escalated.
- Delays in the legal process around prosecutions could be attributed to a number of factors; for example, there may be a high volume of cases being heard by the Court, or a lack of resources by the other partners involved.
- Members were informed that although the Environmental Protection team were fully established in terms of staffing levels, the work load of the team had increased, and this had impacted negatively on the rate of response to some investigations.
- The team were able to exchange knowledge and ideas with other agencies and partners through forums such as the County network, and online via the Environmental Health Consultancy (EHC) UK. Although remote working arrangements in response to the Covid-19 pandemic had made sharing information and ideas more difficult, much interchange still took place between officers.
- Air quality measuring was conducted by the team through the use of non-expensive, nitrous oxide measuring tubes placed discreetly in various locations across the District; however, air pollution from road traffic was the principle cause of pollution in the area. Factors such as traffic volume were taken into account when measurements were drawn, although other factors such as background dust from temporary development sites were not. The data collected regarding air quality was reported to agencies such as DEFRA and the Essex Air website.

- With regard to legal issue delays, Members were advised that this was largely due to internal resource limitations, as opposed to one exacerbated by the Court. Other issues such as the waiting time for cases to be heard were prevalent at Court, although it was acknowledged that this was an organisational issue within the Court system.

The Chairman thanked Mr Batchelor for his responses to Members and attendance at the meeting. Daniel Mellini, Environmental Health Manager (Food, Health and Safety and Licensing) was then invited to explain his role at the Council and the partnership working arrangements regarding enforcement that were in place within his service.

Mr Mellini thanked the Committee for the opportunity to speak and mentioned that there was a degree of crossover between his and Mr Batchelor's respective service areas. There were four principle functions within the service: the first of these was Licensing. The remits of the Licensing team included administering premises under the Licensing Act 2003 and Gambling Act 2005; Taxis and Private Hire licensing; Animal Welfare, a relatively new area of work for the team which encompassed animal boarding, dog breeding, sale and exhibition of animals; Dangerous Wild Animals (DWAs); Zoos; Sex Establishments; Street Trading; Pavement Permits; Scrap Metal Dealers and House to House Collections.

Another function within the service was the control of food, in association with European legislation, around the hygiene of food premises and the import/export of food, which included investigation into food complaints, complaints regarding the hygiene of food premises and the sampling of food and drink. The third function within the overall team was Health and Safety, the staff of which worked in conjunction with the Health and Safety Executive and were responsible for assessing risks within local businesses and investigating accidents in the workplace.

The final area of work within the team was in relation to infectious diseases that were generally associated with food and cases of food poisoning; however, this was not always the case. For example, the team were currently involved heavily with the Authority's response to the Covid-19 pandemic, the emergence of which had had a significant impact on the landscape of the team's work; in some areas, there had been a reduction in the level of work, especially with regard to premises no longer trading as a result (e.g. as seen in the hospitality sector). However, whilst a number of premises had been forced to close, the team had also seen a large number of new businesses requesting registration by the Local Authority, and a shift from fixed premises to home working (e.g. cake baking businesses, small-scale manufacturers, etc). It was explained that the overall team was relatively small, with work mainly divided between the Licensing and Food, Health and Safety functions. Over the last year, officers within the team had seen a notable increase in the number of complaints, enquiries and outbreak work around Covid-19, to such an extent that funding had been secured towards the implementation of a dedicated Covid-19 response team in addition to the regular services provided.

On the subject of successful partnership working, gratitude was expressed towards Colin Batchelor and the officers within his team for the internal support that they had provided in respect of Covid-19 response work.

The Authority had received an abundance of new regulations throughout the year relating to Covid-19, which had added an extra burden on the team around interpreting the various items of guidance as they came into fruition. Much of the new work that had emerged from the legislations pertained the need to regulate restrictions on businesses

(e.g. numbers of people inside and outside of premises, curfews, etc). The Authority had also been granted new powers in respect of breaches of Covid-19 restrictions, including directions, which colleagues based at Essex County's Council's Public Health division had administered on the Authority's behalf through enforcement action such as prosecutions and issuing of notices.

Members were informed that as well as reliance on longstanding partnerships within the Council, such as with Planning and the Revenue and Benefits service, the team had also joined with a number of new partners both within and external to the organisation in response to the pandemic, the support of which had been invaluable. For instance, a new internal relationship had been formed with the Economic Development team at the Council, who were heavily involved in communicating and engaging with local businesses, and also with staff within the Street Scene Enforcement team. In respect of external partners, it was reported that the Licensing team regularly consulted with a number of statutory consultees, such as the police, as well as with more recently formed partners like that of the Home Office (e.g. in respect of immigration controls).

One of the major partners for the team was that of Essex County Council and other neighbouring Local Authorities, with colleagues from across parties meeting regularly to share ideas and intelligence where needed. Such meetings had increased exponentially in response to the pandemic, as seen with the Health Protection Board Tactical Command Group (TCG) which was comprised of representatives from each Essex Local Authority, the MHCLG and the police and met on a weekly basis to discuss issues such as resource capacity and allocation, and to support colleagues by sharing work where it was possible to do so (e.g. through sharing of ideas and policies, or using a collaborative approach to address a certain issue, and maintaining consistency across all parties). The Licensing team occasionally worked with partners such as the North Essex Parking Partnership (NEPP) in regard to issues in relation to traffic overflow, as was previously seen at the taxi rank located alongside Witham Train Station. Other partners included the Fire Service, on issues such as Pavement Permits and public accessibility around this, the Health Protection Agency (HPA) and Public Health England (PHE) in terms of infectious diseases. In respect of safeguarding, the team worked with colleagues in Community Protection around vulnerable adults and children. Partnerships were also in place with other Licensing Authorities on issues such as cross-border enforcement with regard to taxis, and assisting colleagues at Trading Standards with facilitating their work in the District which the Council would not necessarily get involved with (e.g. underage sales of alcohol).

Over the years the team had cultivated a relatively strong working relationship with the local Licensing function at Essex Police; however, following the advent of the pandemic, this relationship had become more robust and extended to frontline police services at the Braintree Central Policing Team. The work carried between the police and the Council included joint patrols, the sharing of intelligence and planning for future operations (e.g. around the easing of restrictions and the impacts on businesses). Other joint projects were in regard to scrap metal, violence reduction during nighttime hours and taxi operations. Although much of the work currently stemmed from the impacts of Covid-19 as the priority, it was hoped that the improved partnership working with the police service and the Licensing team would continue going forward.

Other elements of general partnership working within the Licensing team revolved around the receiving and sharing of intelligence from miscellaneous sources; for example, in respect of dog breeding and associated complaints. Letters would normally be issued to the responsible individuals to advise them of the correct action to take, but actual

prosecutorial action was often difficult for the team to implement due to constraints on resources. With regard to improvements that could be made to partnership working, it was reiterated that the success of many of the working arrangements within the Licensing team could be attributed to the fact that these had been developed and improved upon over a sustained period of time. Nonetheless, there were occasional barriers to partnership working due to the differing work patterns and priorities of partners that were external to the Council.

Further to the presentation, Members were invited to ask their questions of Mr Mellini. The feedback below was provided in response to the questions raised:-

- In respect of food hygiene ratings, Members were advised that there had been a huge proliferation of new food delivery companies following the advent of the Covid-19 pandemic, many of whom were not registering with the Council or ensuring that they had a valid hygiene score. With the easing of lockdown restrictions, Local Authorities were now able to carry out inspections of such businesses more effectively, although new challenges had emerged around social distancing measures and the sheer amount of new premises that needed to be addressed.
- Responses from consultees regarding new Licensing Act applications were generally being received within the required time frame, despite the notable increase in submissions in response to the easing of lockdown restrictions.
- Members were informed that a new, temporary fast track process in respect of Pavement licenses had been introduced by the Government. Ordinarily, the response time for consultees to such applications was 28 days; however, in order to assist businesses in light of the impacts of lockdown, the consultation deadline had now been amended to 7 consecutive days, which had imposed a huge challenge on Local Authorities in terms of ensuring that applications were processed within the legal timeframe.
- In terms of 'gaps' in partnership working, Members were advised that although there were a number of officers trained in Health and Safety requirements, there were not dedicated officers within the team who could focus on work such as the inspection of premises or investigation of accidents within the office. It was acknowledged that the limited resource capacity of the team and its partners could potentially pose an issue around addressing significant incidents, such as fatal accidents. Other 'gaps' were associated with the individuals involved and the challenges that could emerge; for example, if there were personality 'clashes,' or if the membership of a team changed due to a promotion.
- Members were advised that a number of taxi drivers worked in London but lived in the District, which did not present an issue. However, in instances where it was suspected that a driver was breaching the terms of their vehicle license, the Licensing team were able to consult with neighbouring Local Authorities (e.g. Uttlesford District Council) to check if a vehicle was licensed or not. On other occasions, the team would support the police during vehicle checking.
- Regulatory departments such as Essex Trading Standards had experienced a depletion in their resources due to expenditure cuts, which had a subsequent impact on the work that could be conducted at local level by the District Council.

- Some of the more positive impacts on partnership working in light of the pandemic was the improved approach to collaborative working across Authorities, such as through the sharing of intelligence or, where possible, the provision of extra support to colleagues who were limited in terms of resources.
- Successful partnership working formed part of a collective effort that was currently based on a priority level approach. The partnerships formed with the Licensing team would not necessarily remain the same in future, especially as recovery from the impacts of the pandemic continued. A suggestion was made that the success of a partnership, such as the Licensing team's partnership with Essex Police, could be measured through the implementation of a business plan that would allow for a sustained, proactive approach to working between the two functions going forward.
- The Licensing team's working relationship with the police had gradually developed over a prolonged period of time; for example, the introduction of local policing units based at Braintree and Witham had allowed the team to foster closer links with those units. Since the advent of Covid-19, the Community Hub had played a significant role in developing the partnership even further with the presence of a central police contact, and it was hoped that this relationship would be enhanced even further going forward.

Following the end of the discussions, the Chairman expressed her grateful thanks to Colin Batchelor and Daniel Mellini for their contribution to the Scrutiny Review process and the responses provided to Members.

On the subject of future lines of enquiry for the Committee, the Governance and Members Manager advised Members to contact the Governance team should they have any suggestions. Members were also reminded that other officers from across the Council were expected to be in attendance at upcoming meetings to discuss their own partnership working arrangements around enforcement.

The meeting commenced at 7.15pm and closed at 9.26pm.

Councillor Mrs M Cunningham
(Chairman)