

**PERFORMANCE MANAGEMENT      Appendix B**  
**Statement to Scrutiny People Panel by the**  
**Community Safety and Enforcement Portfolio Holder (Cllr. Golding)**  
**2011/ 2012**

**Achievements**

**CSE 01 Implementation of the Street Trading policy**

The street trading policy was approved by Executive on 4.7.11 and Full Council on 25<sup>th</sup> July 2011. In accordance with the legislation a public notice was issued on 21<sup>st</sup> October and all existing traders have been notified of the changes. A period of 28 days for comments must now elapse before a final implementation date is set. It is anticipated that all traders shall be appropriately licensed by the end of February 2012

**CSE 02 Complete the pilot project for mixed location working**

The pilot commenced in November 2010, and initially involved the Business Compliance Manager and four Environmental Health Officers. All those involved were provided with IT equipment at home and were provided with mobile telephones that are capable of receiving e-mail to ensure that contact can be maintained at all times, including during site visits. These replaced existing basic telephones provided as part of lone working safeguards. All office based desks were cleared and depersonalized to be used as hot desks.

All officers who commenced the pilot are now working remotely and in addition following the restructure of Health and Enforcement Services the Senior Licensing Officer joined the pilot in July 2011. This has given an opportunity to examine the suitability of the working approach to a post in a different job role.

In order to allow officers to work as efficiently as possible and have access to all files an exercise was undertaken to move to paperless working. All existing paper files were electronically archived in July 2011 and Idox document management system was installed at the same time. Officers can now access all files remotely and can store any newly created records electronically. This has greatly improved data security and has reduced journeys to the office to retrieve files.

ICT access from home locations has proved to be successful and officers are indeed able to replicate all activities with exception of document printing. As a result officers are reducing the number of letters that are sent, choosing to send documents electronically to customers wherever possible.

The pilot scheme requires that one officer be nominated as the duty officer each day and this person acts as the first point of contact for customer services. The duty officer rota is determined a month in advance and is available to all customer services staff. Officers are contactable by mobile telephone and email. Feedback from other office based staff suggests that this system works well and that fewer calls are referred to other teams than previously as customer services always have a nominated person to contact.

A remote working policy is currently being developed and a post project review will be completed in December 2011.

**CSE 03 Increase the number of broadly compliant food premises by 1 %**

Broadly compliant is the measure of satisfaction with food safety standards and represents the percentage of food premises within the district that comply with the legislation. The target for the current year is a 1% increase on last year's figure of 88%. The figures are compiled through food safety inspections and 160 inspections have been completed so far this year with 105 inspections remaining.

**CSE 04 Implement the LEAN project recommendations for the Licensing service**

The results of the LEAN working project have been developed into an implementation plan and most actions have been completed the major outstanding item is the full use of the IDOX database for taxi licences which is being addressed through training and IT development of the system. The LEAN project is being monitored through the corporate cross functional working group.

**CSE 05 Implement dog control orders**

Scrutiny Places panel considered the implementation plan on 17<sup>th</sup> March 2011 and the statutory consultation phase started 1<sup>st</sup> July and ran until 30<sup>th</sup> September 2011. a report is being prepared for the Regulatory Committee 6<sup>th</sup>

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**Community Safety Partnership**

Overall performance continues to be good. Crime figures are down and the partnership is now one of the highest performing partnerships within its family benchmarking group. Harborough is now second within the overall grouping (out of 15).

**Anti Social Behaviour**

Reported ASB within Harborough has fallen by 25% (Year to date). The number of cases is at 616 compared to 826 last year.

**Emergency Planning Partnership**

The Leicestershire Emergency Planning Partnership is in place. An Emergency Planning Officer attends the Council every two weeks and has updated all plans. She is also organising training on our behalf. The Council also benefits from the additional resilience that Partnership brings.

**Current work in progress.**

**Parking Enforcement**

Leicestershire County Council have indicated that they may remove the on street parking enforcement service from the district councils in Leicestershire when the current Service Level Agreement expires in July 2012 and replace it with a private contractor to deliver a county wide service. Discussions have been held with the county council and they have indicated that they are willing to consider an alternative proposal from the district councils. An outline proposal has been submitted and the county council have advised that they require more information for the Parking Board meeting in December 2011 and they are anticipating that they will reach a decision by January 2012.

**Planning Enforcement**

The table below shows the performance data for the planning enforcement team.

| <b>Month</b>     | <b>No of existing cases at the beginning of each month</b> | <b>No of new cases during the month</b> | <b>No of cases closed during the month</b> | <b>No of existing cases at the end of each month</b> | <b>No of open cases older than 2 years</b> | <b>No of open cases older than 1 year</b> | <b>No of open cases older than 6 months</b> |
|------------------|--|---|--|--|--|---|---|
| <b>April</b>     | 149  | 25                                      | 26   | 148  | 34   | 19  | 15  |
| <b>May</b>       | 148  | 21                                      | 25   | 144  | 36   | 18  | 11  |
| <b>June</b>      | 144  | 41                                      | 44   | 141  | 28   | 17  | 16  |
| <b>July</b>      | 141  | 28                                      | 50   | 119  | 7  | 13  | 20  |
| <b>August</b>    | 119  | 20                                      | 38   | 101  | 6  | 8   | 21  |
| <b>September</b> | 101  | 27                                      | 30   | 98   | 6  | 11  | 20  |
| <b>October</b>   | 98   | 29                                      | 39   | 88   | 6  | 12  | 18  |

The statistics show that the number of open cases at the end of each month has steadily reduced and the numbers of older cases that are still active have been significantly reduced. So far this year 252 cases have been investigated and closed, there have been 191 new complaints which have been received so far this year.

**PERFORMANCE MANAGEMENT      Appendix B**  
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**Air Quality**

Monitoring Nitrogen Di Oxide levels in the Lutterworth Air Quality Management Area has identified the need to extend the Air Quality Management Area to include a number of additional properties, which are exposed to levels above the National Air Quality Objective level. The Executive approved the extension of the area on 7<sup>th</sup> November 2011. A consultation period follows to ensure that the levels are accurate.

**Score on the Doors**

Successful bid for funding of £3500 has been received from the Food Standards Agency to convert the current Council's system to the National standard. Data Quality work has started to ensure that the database is accurate and contact has been made with all the businesses that will be included in the scheme.

**Pest Control/Dog warden**

The tender process has commenced to provide a better value service from 1 April 2011. The decision will be made at the January 2012 executive meeting.

**CCTV**

This service is under review and the Council is discussing with Police regarding the possible relocation of the equipment to a more suitable location within the local Police Station.

**Sentinel**

This is a shared IT system for the Council to use with the Police for the joint recording of ASB. The Council has been working with others to deliver this project including dealing with some very complex ICT Security Policy/ Information Sharing protocols.

**Future plans.**

- Full implementation of the Dog Control Order and the Street Trading licensing.
- Award the Pest Control/Dog Control contract
- Complete the Lean Working project
- Ensure that members are kept updated on the significant issues in their wards.

**Anti Social Behaviour**

Concerns have been raised regarding the level of ASB within Kibworth. Although this has been raised in the Joint Action Group I am keen that the issues are discussed with Ward members. I have arranged a separate meeting to look at the reported issues.

**The Community Safety Partnership**

The Community Partnership will receive a Strategic Assessment next month. At this point the planning for next years priorities will commence. The Partnership will be subject to Scrutiny at the meeting in February 2012.

**Emergency Planning Training for Members**

The members Emergency Plan has been finalised and will be circulated soon. A training session has been organised for Monday 12<sup>th</sup> March.

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**2011/ 2012**

**Areas of concern**

The loss of the on street parking enforcement service is an area of concern at the moment and work is continuing with the other districts to provide a more coordinated better value service.

**Community Safety Partnership – Threats**

The number of road traffic accidents with the District remains high. A budget of £1500 has been allocated to the lead partner, Fire & Rescue service, to lead on road safety initiatives. Partners are also delivering other campaigns and initiatives such as drink/ driving, speeding and the use of mobile phones have been undertaken.

The number of car thefts is expected to increase when people leave their car unattended whilst defrosting. Key messages to be sent out via local radio, Twitter and Neighbourhood Watch.



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**Topical issues**

Members requested at the last Scrutiny People Panel for further information about the enforcement action which has taken place in conjunction with the Bruntingthorpe Proving Ground (BPG).

1.0 Background on noise enforcement action

In June 2006 the Council served an Abatement Notice on C Walton Ltd. the owners of Bruntingthorpe proving ground (BPG) as the Council determined that noise emissions from motor vehicle use on the site constituted a statutory nuisance (as defined under section 79. of the Environmental Protection Act 1990). This action followed a total of 320 noise complaints made to the Council in 2006.

The notice was appealed in March 2007 and the appeal was successful. The judge quashed the notice. Having considered the evidence as a whole he was not on balance persuaded that a statutory nuisance existed at that time or that it did when the notice was served in June 2006. He stated that on the balance of the acoustic evidence there was insufficient evidence to suggest a substantial impact on the enjoyment of land in the neighbourhood of BPG, such as to create a nuisance. None of that evidence was sufficient on balance for him to find that a nuisance existed, although he recognised that it was undeniable that some people are concerned about and feel themselves affected by the noise from time to time.

2.0 Summary of noise complaints

Chart 1 below shows the steady decline in noise complaints received by the Council from 2008 to 2011. In 2008 the Council received 397 complaints, 264 in 2009, 181 in 2010 and 111 to date in 2011 (up to 9 November 2011). It is acknowledged that there is still over a month of 2011 remaining however previous evidence suggests that complaints are generally concentrated between the months of March and October.

The decline in noise complaints seems to directly coincide with Harborough District Council serving a planning enforcement notice on C Walton Ltd. in 2008, the subsequent appeal that took place in 2009 and the detailed noise and planning investigation that was undertaken in 2010. This is discussed further in paragraph 3.0 below.

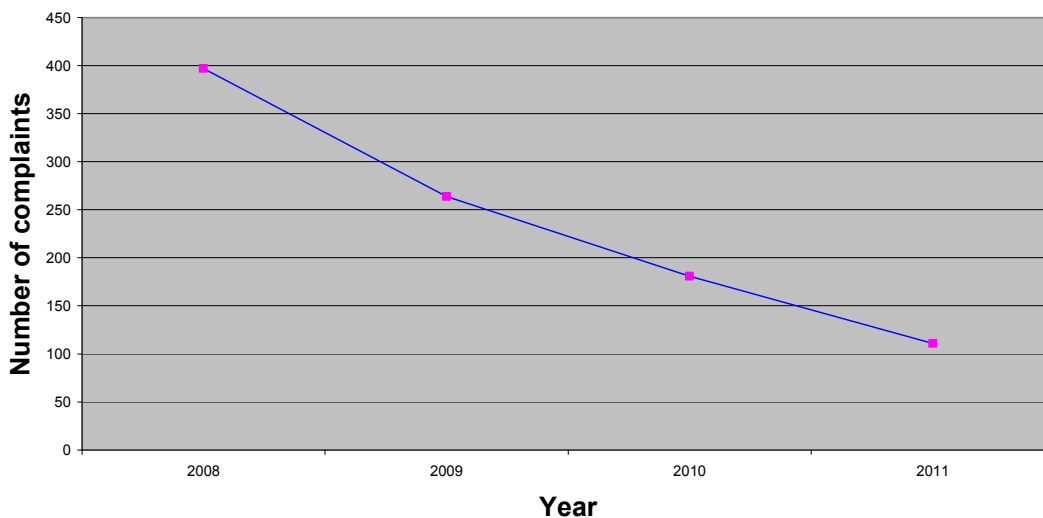
Furthermore there were 29 complainants from 5 different villages in 2008 and to date in 2011 there has been 14 from 3 different villages. It is also worth noting that in 2011, 36% of the 111 complaints were made by one complainant (information correct up to 9 November 2011).

Police & Crime Commissioner to be elected in November 2012. Demise of the existing Police Authority. I will be attending meetings with a Home Office representative in November to discuss the issues connected with the introduction of a Commissioner with Leicester, Leicestershire and Rutland.

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**Chart 1**

**Total number of Annual noise complaints against  
Bruntingthorpe Proving Ground 2008-2011**



**3.0 Recent noise and planning enforcement action**

In December 2008, planning enforcement notices were served on C Walton Ltd. to regularise unauthorised vehicle use on the site. The notices were appealed and a Planning Inquiry was held in October 2009. The Planning Inspector quashed the enforcement notice and granted planning permission (Appeal Ref. APP/F2415/C/09/2096741 – referred to hereafter as the 2009 planning permission) for the uses with a series of strict conditions attached to the permission including a community noise limit of 40dB(A). A much stricter limit than the WHO community noise limit of 55dB(A). The noise limit however only applies to corporate vehicle use on the site.

In 2010 the Council revisited statutory nuisance and undertook a detailed assessment of noise from vehicular activity at BPG. A total of 17 visits were made to the site and surrounding area and monitoring was undertaken in community locations to determine whether a statutory nuisance existed and also to check the Community Noise Limit and other planning conditions that were introduced by the 2009 planning permission. Permitted Development (PD) usage was also monitored. The assessment included reactive visits in response to complaints, proactive visits during periods of expected intrusion and some targeted snapshot visits to check and compare at other times. An acoustician was asked to review the noise evidence collected throughout 2010 and in January 2011 he produced a comprehensive report giving his view that a statutory nuisance does not exist and the reasons why.

The Council having regard to this expert opinion as well as the subjective opinions of the Environmental Health Officers that undertook the noise monitoring, other relevant legal cases, the judgement of District Judge Holland (2007) and the findings of Planning Inspector A Fussey (2009) concurred with the acoustician and concluded that noise from BPG does not constitute a statutory nuisance. This conclusion was released in February 2011 within a report titled *Assessment of Noise and Planning Conditions 2010*.

Two breaches of the 2009 planning permission were found whilst monitoring in 2010. These incidents were however deemed to be isolated and were addressed accordingly by the site owners. The Council, in accordance with its enforcement plan judged that it would not be expedient to take any enforcement action against C Walton Ltd. over these issues.

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**2011/ 2012**

In 2010 the Council opened a total of 9 planning enforcement cases; 5 of these were closed because no breaches were found or it was not expedient to pursue enforcement action and 4 of these were carried forward into 2011 and are currently under investigation.

Monitoring undertaken in 2011 has not demonstrated that the situation has deteriorated since 2010. The noise and planning complaints and enquiries received in 2011 do not indicate that there has been a material change since 2010 and the Council is satisfied that the comprehensive assessment that was undertaken in 2010 and the conclusions within the report released in February 2011 are still valid.

4.0 Future action

In the 2010 report the Council made a commitment to continue to monitor BPG to ensure that planning conditions set out under Planning Permission Appeal Ref. APP/F2415/C/09/2096741 are complied with. It was proposed that the Council would make 6 proactive visits to BPG throughout 2011.

The Council also gave a commitment to continue to work with BPG to improve the finer detail of the Noise Management Plan and on site noise monitoring system (Noise Hub) that was introduced after the 2009 planning permission was granted, to ensure maximum control of noise emissions from the site.

There have recently been three Local Government Ombudsman (LGO) Complaints from one resident about the way that the Council has handled the enforcement on this site. All the complaints have now been investigated and the LGO has confirmed that they are satisfied with the Councils approach.