

Service Standards

What you can expect from Regulatory Services in Warwick District Council's Environmental Sustainability Team

Contents:

[Areas we regulate](#)

[How we deliver our services](#)

[Working with you](#)

[Helping you to get it right](#)

[Inspections and other compliance visits](#)

[Responding to non-compliance](#)

[Requests for our service](#)

[How to contact us](#)

[Our Team](#)

[Working with others](#)

[Having your say](#)

This document explains what you can expect of Regulatory Services in Warwick District Council's Environmental Sustainability team. Whether you run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

Areas we regulate

Environmental Protection including nuisance arising from the retail, industrial, agricultural and leisure sectors, contaminated land, private water supplies, land drainage, and local air quality management.

How we deliver our services

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

We determine our activities by assessing the needs of local people and our business community, and considering the risks that require addressing. We do this through intelligence received from the public and through using data and other information available to us and our partners. In this way we ensure our resources are targeted appropriately, in the light of these local needs and of national priorities.

Details of our current work programme is attached at Annex 1.

We are committed to being transparent in our activities. We measure what is important and we publish a range of information about our performance data so that you can see how we are doing. This is available at www.warwickdc.gov.uk

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice is available to help you to meet legal requirements (see [Helping you to get it right](#)).
- We carry out inspections and other activities to check compliance with legal requirements, and we target these checks where we believe they are most needed (see [Inspections and other compliance visits](#)).
- We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see [Responding to non-compliance](#)).
- We provide a range of services to businesses, including advice on planning and licensing applications, noise control, and contaminated land remediation (see [Requests for our service](#)).

Our services will be delivered in accordance with the requirements of the [Regulators' Code](#).

Working with you

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

- Be courteous and polite
- Always identify themselves by name in dealings with you, and provide you with contact details
- Seek to gain an understanding of how your business operates
- Provide details of how to discuss any concerns you may have
- Agree timescales, expectations and preferred methods of communication with you
- Ensure that you are kept informed of progress on any outstanding issues.

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that you receive the best service.

Helping you to get it right

We want to work with you to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We won't take enforcement action just because you tell us that you have a problem.

We make information and guidance on meeting legal requirements available on request either by direct, free advice or signposting to a relevant website, eg the Environment Agency.

Where you need advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide advice that supports compliance and that can be relied on
- Provide clear advice that can be easily understood and implemented
- Distinguish legal requirements from suggested good practice

- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance.

All our advice is free except for detailed responses to contaminated land search requests which are charged at a fixed rate of £93 per request.

Inspections and other compliance visits

We monitor and support compliance in a number of different ways including through inspections, sampling visits, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won't visit without a reason.

We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit.

As most of our visits will be reactive – either following a complaint or in response to a planning or licensing consultation – we do not adopt a risk framework for targeting visits.

Responding to non-compliance

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy which can be found on the Council's website at www.warwickdc.gov.uk/info/20733/council_policies_and_plans/388/strategies_and_policies

We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales that are acceptable to both you and us, in relation to any actions required

- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you, where required, until the matter is resolved

Requests for our services

We clearly explain the services that we offer, including details of any fees and charges that apply – see Annex 1.

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request within 5 working days
- Tell you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate

We aim to resolve all requests for service within 60 days. However, please be aware that our officers will exercise their judgment to determine whether a more prompt response is required and there will also be situations in more complex cases which need longer to resolve..

How to contact us

You can contact us by:

Telephone: 01926 410410

Email: environment@warwickdc.gov.uk

Web: www.warwickdc.gov.uk

By post: *Health & Community Protection, Riverside House, Milverton Hill, Royal Leamington Spa CV32 5HZ*

Or in person: *Riverside House [Opening hours: 8.45 – 5.15 Monday – Thursday; 8.45 – 4.45 Friday]*

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will only respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance with Warwick District Council's Data Protection Policy which can be found at www.warwickdc.gov.uk/download/downloads/id/645/data_protection_policy

Our Team

We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

Where specialist knowledge is required in an area outside of our expertise we have arrangements in place, with both neighbouring authorities and other regulatory organisations, to call on additional resources as necessary.

Working with others

We work closely with other council services such as Planning and Licensing and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system in the Warwick district. We have good working relationships with other regulators such as Warwickshire County Council and the Environment Agency, and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, to help target regulatory resources.

Our officers are familiar with the work of our partners and can signpost you to the advice and guidance you need.

Having your say

Complaints and appeals

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. You can contact either the Environmental Sustainability Manager or the Head of Health & Community Protection for a confidential discussion. We manage complaints about our service, or about the conduct of our officers, through the Council's Corporate Complaints Policy. Details can be found at www.warwickdc.gov.uk or by telephoning 01926 410410.

Feedback

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time but we would welcome your feedback at any time. You can provide feedback in the following ways:

Telephone: 01926 456714

Email: Grahame.helm@warwickdc.gov.uk

Web: www.warwickdc.gov.uk

By post: Health & Community Protection, Riverside House, Milverton Hill, Royal Leamington Spa CV32 5HZ

Any feedback that we receive will be acknowledged, considered and responded to.

Dated: 25 September 2014

Name: Grahame Helm

Job title: Environmental Sustainability Manager

Review Due: September 2015

Environmental Sustainability Section

Operational Plan 2014/15

Contents

Introduction

1.0 Service Aims and Objectives

- 1.1 Service Aim
- 1.2 Our objectives for 2014/15
- 1.3 Links to Corporate Strategies and Objectives

2.0 Background

- 2.1 Scope of the Council's Environmental Sustainability Service
- 2.2 Demands on the Council's Environmental Sustainability Service
- 2.3 Enforcement Policy

3.0 Service Delivery

- 3.1 Noise Nuisance Investigations
- 3.2 Contaminated Land
- 3.3 Air Quality Monitoring
- 3.4 Water Quality Monitoring
- 3.5 Licensing Consultations
- 3.6 Sustainability/Climate Change
- 3.7 Planning Consultations
- 3.8 Health & Safety Advice to the Council as Employer
- 3.9 Civil Contingencies
- 3.10 Civil Engineering (Flood Risk)

4.0 Resources

- 4.1 Budget
- 4.2 Staffing
- 4.3 Staff Development

5.0 Performance Management

- 5.1 Performance Monitoring

6.0 Review

- 6.1 Challenges for the year ahead

INTRODUCTION

This Environmental Sustainability Operational Plan details the services which will be delivered in the Warwick District. The team is part of the Health & Community Protection Department of Warwick District Council.

In developing the plan it is recognised that a balance of techniques and approaches to our work need to be adopted. These include:

- assisting compliance with the law and encouraging good practice

- detecting non-compliance and taking appropriate action
- targeting resources at areas of highest risk
- education and advice
- effective project management

The section is directly responsible for delivering one of the Council's corporate priorities - sustainability/climate change strategies - as well as taking the corporate lead for health & safety and civil contingencies (major emergency planning and business continuity). Regard must also be taken to the emerging health and well-being agenda and the recognition of the significant contribution which the section can make to this corporate priority.

This Plan will be reviewed and amended as appropriate in response to on-going developments in these areas and also to reflect any outcomes of the Council's own Fit for the Future reviews.

1.0 Service Aims and Objectives

1.1 Service Aim

The aim of the Environmental Sustainability Section is to contribute towards the Council's stated purpose 'to make Warwick District a Great Place to Live, Work and Visit'. The Service will do this through the effective and efficient use of resources, and in particular will:

- Enforce environmental protection legislation using a risk based approach and in accordance with the enforcement policy
- Provide advice and support to local businesses, residents and visitors
- Action all requests for service and carry out appropriate investigations
- Ensure the Council's preparedness to react to any major unforeseen event which impacts on its service

1.2 Our Objectives for 2014/15

- Maintain, as a minimum, our customer service standards when responding to requests for service (internal and external customers)
- Complete the Cubbington Flood Alleviation Scheme and produce a business case for flood alleviation at St John's Brook, Warwick
- Develop a corporate strategic management programme to deliver the sustainability/climate change agenda
- Deliver our air quality monitoring programme and action plan
- Undertake a programme of health & safety risk audits across the Council's services
- Maintain an up-to-date emergency plan and business continuity plan

1.3 Links to Corporate Objectives and Plans

The Council and its partners have produced the Sustainable Community Strategy which includes a key aim that in the Warwick District of 2026, everyone will be

able to enjoy a healthy lifestyle and sense of well-being. It also identifies measures of success including the minimisation of environmental impacts. The work of the Environmental Sustainability Section will make a significant contribution to this Strategy.

2.0 Background

2.1 Scope of the Council's Environmental Sustainability Service

The Environmental Sustainability section operates from the main Council offices at Riverside House. The service is delivered by a team of environmental health officers, civil engineers and other specialised technical officers and comprises:

- Commercial/industrial noise investigations
- Providing specialist support to the Safer Communities section
- Air quality monitoring
- Contaminated land assessment
- Delivering the sustainability/climate change strategy both internally and externally
- 'Responsible Authority' under the Licensing Act 2003
- Formal consultee for development control
- Providing flood risk advice to local communities and running a programme of flood mitigation measures
- Maintaining the Council's business continuity and emergency plans together with associated staff training and exercising
- Corporate health & safety advice to the Council

2.2 Demands on the Council's Environmental Sustainability Service

For the first part of the year, there will be a significant demand on the engineering team to project manage the Cubbington flood alleviation scheme. The service also continues to contribute to the environmental impact debate around HS2 as well as reviewing environmental impact assessments associated with the increasing number of large-scale developments being planned for the district.

The hours of service for public access are 8.45am to 5.15pm Monday-Thursday and 8.45am to 4.45pm on Fridays. Outside these hours, telephone callers can leave a message on an answer machine which will be dealt with on the next working day. Key staff are expected to be accessible 24/7 in the event of an emergency situation (eg flooding) with contact being made through the CCTV control room duty officer.

2.3 Enforcement Policy

It is the aim of the Environmental Sustainability section to secure effective compliance with all the legislation it has a duty to enforce whilst minimising, as far as possible, the burden on the Council and local businesses.

It recognises that statutory enforcement action is not always appropriate or necessary, or a good use of resources. For example, compliance with statute more often than not, requires the completion of physical works by an offender. To proceed rapidly to prosecution without seeking to gain compliance informally can result in significant expenditure on legal and expert services, together with a potentially large penalty. That considerable sum would then not be available to achieve compliance. Unfortunately in a small number of cases, only the firmest action may persuade offenders to conform.

There are several distinct stages in the hierarchy of decision making which lead ultimately to enforcement action. These are invariably unique to each piece of legislation and/or circumstance. The aim, therefore, of identifying each potential enforcement situation and considering the legislation and associated guidance individually, allows a clear picture to form which will assist officers, the Council and ultimately the courts, in achieving a logical and sequential decision making processes.

The general principle behind the process will always hinge around persuasion, education and support, to ensure maximum environmental benefit from minimum resource input.

Enforcement procedures will always follow statutory requirements and guidance but prosecution will generally be a last resort unless the situation presents little or no option.

In carrying out its enforcement role, the team will have regard to the rights of individuals and affected parties and will, in particular, take into account the requirements and principles of the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998, Code for Crown Prosecutors and the Equalities Act 2010.

The service has adopted the principles of the Government's Enforcement Concordat and Regulators' Compliance Code, and will have regard to these.

3.0 Service Delivery

3.1 Noise Nuisance Investigations

3.1.1 The team will respond to requests for service in the most appropriate way and in accordance with the customer service response targets which require an initial response within 5 days and bring to a conclusion within 60 days.

3.1.2 The first point of contact is likely to be the Safer Communities section who will refer on any service request where the source is commercial or industrial premises.

3.1.3 All service requests will be recorded on Civica and job sheets allocated to a case officer by the team leader. It is the responsibility of the case officer to record progress on Civica and keep it up-to-date.

3.1.4 The section also manages the deployment and analysis of 'Matron' noise recording equipment on behalf of the Safer Communities section in respect of domestic noise nuisance.

3.1.5 Where appropriate, the team will liaise with other sections in the Council (eg Licensing, etc) as well as external agencies (eg Police, Environment Agency, etc)

- 3.1.6 Where informal negotiation does not resolve the nuisance then formal action will be taken which may result in prosecution, works in default and/or seizure of equipment in line with the enforcement policy.
- 3.1.7 Wherever possible, the section will endeavour to prevent nuisance proactively. This will include representations to the Licensing Authority on licence applications and through the development control consultation process.
- 3.1.8 The section will also handle other nuisance investigations of a complex nature if requested by other sections of the department.

3.2 Contaminated Land

- 3.2.1 The section will continue to deliver the Council's Contaminated Land Strategy. Remediation of land is mainly achieved through the development control process and this requires the section to ensure appropriate planning conditions are applied to relevant land. To this end, the weekly planning lists are checked to identify any proposed development on known contaminated sites.

3.3 Air Quality Monitoring

- 3.3.1 The section operates three continuous monitoring sites at Hamilton Terrace (Leamington Spa), Rugby Road (Leamington Spa) and Jury Street (Warwick) respectively. These sites require fortnightly calibration and Hamilton Terrace and Rugby Road are both subject to external audit as they report into the Government's national network.
- 3.3.2 In addition, air quality is monitored for nitrogen dioxide at over 60 locations across the district using diffusion tubes. These tubes have to be changed on a monthly basis.
- 3.3.3 An education programme will be produced during the year in partnership with Public Health to take forward the outcome of the low emission zones feasibility study.
- 3.3.4 There will be a need during 2014/15 to review and update the Council's air quality action plan and finalise new guidance for developers as part of the Local Plan.

3.4 Water Quality Monitoring

- 3.4.1 The section monitors private water supplies at 33 locations across the district in accordance with the Private Water Supplies Regulations 2009. This includes the risk assessment of water sources and the periodical sampling of supplies.
- 3.4.2 There will be a need during the year to check compliance of our public buildings with the new standards for lead in drinking water which came into force on 25 December 2013.

3.5 Licensing Consultations

- 3.5.1 As a 'Responsible Authority' under the Licensing Act 2003, the section will endeavour to comment on all licence applications and respond to the Regulatory Manager within the statutory deadline. Monitoring visits of licensed premises will be carried out on a regular basis, mainly by the Night Time Noise team. The section is represented at the monthly Multi-Agency Meetings to discuss any issues with partner agencies.
- 3.5.2 The section is also a statutory consultee for Temporary Event Notices which have a response deadline of 3 working days.

3.6 Sustainability/Climate Change

- 3.6.1 The section takes the corporate lead for sustainability and climate change.
- 3.6.2 A new Sustainability Officer has recently been appointed on a two-year contract.
- 3.6.3 There is an urgent need to progress the delivery of the Council's Sustainability Strategy and review both the Encraft report and the Climate Change Adaptation Study.
- 3.6.4 An affordable warmth initiative is delivered by Act on Energy under a service level agreement with the Council.
- 3.6.5 In accordance with the Internal Audit Action Plan, consideration will be given to recommending the Council signs up to the LGA's 'Climate Local' initiative.

3.7 Planning Consultations

- 3.7.1 The section will endeavour to respond to all consultations from the Planning Officers within the requested deadline. Any delay (eg due to negotiations with the developer) will be advised to the Planning Officer.
- 3.7.2 To ensure that no relevant planning applications are missed, the section receives a copy of the weekly planning lists for review.
- 3.7.3 There is a need during 2014/15 to produce new planning guidance for air quality mitigation and seek its adoption as planning policy.
- 3.7.4 There has been a significant increased demand on the section to react to pre-application consultations and evaluate environmental impact assessments on the many proposed large-scale developments.

3.8 Health and Safety Advice to the Council as an Employer

- 3.8.1 The Health and Safety Advisor will, under the direction of the Environmental Sustainability Manager, continue to offer advice regarding inspections, audits and risk assessments of Council premises and activities so as to ensure that the Council complies with its legal responsibilities.

- 3.8.2 The Health and Safety Advisor will work with Human Resources, ICT Services and Environmental Sustainability Manager to develop new initiatives and assess training needs.
- 3.8.3 The Health and Safety Adviser will continue to consult with employees, elected Members, and union representatives on health and safety issues. This consultation will also include liaising with Safety Representatives during quarterly meetings and during employees risk assessment and inspection activities.
- 3.8.4 The Council's health and safety policy will be reviewed during the year.

3.9 Civil Contingencies

- 3.9.1 The Civil Contingencies Officer is responsible, under the direction of the Environmental Sustainability Manager, for maintaining the Council's Emergency Plan and Business Continuity Plan up to date. He is also responsible for arranging appropriate training and testing of the plan and currently chairs the Telecommunications Sub-Group of the Local Resilience Forum (LRF) as a member of the LRF's Tactical Group.
- 3.9.2 The role also includes chairing the multi-agency Safety Advisory Group to offer advice to organisers of large-scale events in the District.

3.10 Civil Engineering (Flood Risk)

- 3.10.1 The service is provided by two full-time Area Engineers.
- 3.10.2 The Cubbington flood alleviation scheme is scheduled for completion by June 2014 and further projects are being prepared for funding bids to the Environment Agency.
- 3.10.3 Contracts are in place for regular maintenance of pumping stations at Council sites across the district and the team also has a contract on behalf of the County Council for regular trash screen clearance. There will be a need this year to market test the pumping station contract.
- 3.10.4 There is a small grant budget available to householders for minor works to reduce flood risk.

4.0 Resources

4.1 Budget

The annual revenue budget for delivering the Environmental Sustainability service is £755,400.

4.2 Staffing

The team operates on a 'flat' management structure with all members reporting directly to the Environmental Sustainability Manager. Staffing comprises:

- 1fte Environmental Sustainability Manager
- 1fte Environmental Health Officer (Career Grade)
- 2fte Technical Officers
- 1fte Sustainability Officer
- 1fte Health and Safety Adviser
- 2fte Area Engineers
- 1fte Civil Contingencies Officer

- 0.6fte Business Support Officer

4.3 Staff Development

Environmental health practitioners and civil engineers are subject to the CPD (continuous professional development) requirements of their respective professional bodies and time is made available to attend appropriate training/seminars. Time is also available for all staff to encourage their personal development.

5.0 Performance Management

5.1 Performance Monitoring

Standard reports have been created in the Civica system to monitor performance against customer service standards and reviewed monthly at team meetings. These indicators are also included in the Health & Community Protection service plan and are reviewed quarterly by the departmental management team.

6.0 Review

6.1 Challenges for the year ahead

This Environmental Sustainability Operational Plan will be kept under regular review during the year to reflect the varied challenges on the service including

- effective delivery of the Council's statutory and other regulatory functions
- corporate lead for sustainability/climate change, civil contingencies and health & safety
- responding to increasing demands from Development Control to support pre-application discussions with developers, turning around all planning consultations within 21 days, and contributing to the increasing number of major developments in the District including the Warwickshire Gateway project, HS2, Coventry Airport, and housing development arising from the Local Plan
- producing new planning policy guidance for air quality mitigation
- external funding bids to support new flood alleviation schemes
- reviewing the Council's health and safety policy
- maintaining effective resilience in the event of a major incident
- delivering efficiency savings
- maximising income opportunities