



FULL COUNCIL

Wednesday, 27 July 2022

Subject	Environmental Services Team – Resourcing and Restructure
Report by	Councillor James Mallinder Cabinet Member with responsibility for The Environment
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Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

The need for additional resource within the Environmental Protection team to meet statutory requirements, respond to additional new legislative burdens, support the Planning team in the Nationally Significant Infrastructure (NSIP), deliver the Environmental aspirations of the councils Strategic Plan and to expand and develop new income opportunities has been recognised for some time. This report proposes that the Council allocates provision within its budget on an ongoing basis for seven new posts to provide that additional capacity.

Options:

A full and detailed review of the implications of the additional burdens on the service as well as business as usual and project tasks was undertaken to ensure the council continues to meet its statutory responsibilities, adequately responds to customers and businesses and appropriately responds to environmental, political and financial risks relevant to the work of the team. The outcome has been distilled into the following options, all of which have been fully appraised, the preferred option being Option 1.

- Option 1

To replace the two temporary contract staff with new permanent positions:

- DCO/NSIP (non-SzC) Environmental Impacts Officer (1 FTE)
- Contaminated Land Assistant (1 FTE)

To create the following new roles:

- Air Quality Project Officer (0.6 FTE)
- Environmental Protection Technical Officers (2 FTE)
- Senior Environmental Protection officers (2 FTE)
- SZC Project EPO/EHO (1 FTE from 2028)

Whilst temporary additional resource for two staff to support the NSIP work was secured in 2020 this was only for two-year fixed term contracts. One was funded by EDF funding for Sizewell C work and the other funded from the Energy Projects team to provide support for the NSIP work. However, these are both due to expire shortly (September 2022 and June 2023) and the officers have advised they are now looking for alternative work. Planning have advised that there is no further funding available to continue resourcing these posts after the expiry of the contracts. It should be noted that, whilst a single Sizewell C EP officer post has been secured by Planning via the Sizewell DCO this cannot be drawn on until the project is granted permission and commences, a number of months' time. Furthermore, the funding for the post is only for the first 6 years of the 12-year project.

This proposal will enable the retention of the expertise in-house of the two existing contract staff who have built up considerable technical and specialist knowledge in these areas and ensure continuity of delivery of specialist technical advice and support on these

key projects to the Planning service. We will continue to explore with the Planning service ways and opportunities where we can offset the salary costs of these roles including via Planning Performance agreements or equivalent for upcoming sites over the coming years.

The risk of not retaining these staff is loss of in-house knowledge and experience resulting in the inability to provide the required support for NSIPs in-house leading to increased reliance on consultants at considerable expense.

The proposed Air Quality Project Officer (0.6 FTE) is to deliver the East Suffolk Council Air Quality Strategy, remove the need to appoint consultants to deliver elements of our air quality work and to develop in-house resilience in this area in anticipation of additional requirements emerging from the governments review of Local Air Quality Management functions and to enable ESC to engage in positive promotional work in this area, including with Public Health.

Without this role there is a risk of not meeting the governments upcoming provisions tightening the objective levels of key pollutants for improvements in UK air quality and also of being unable to engage and participate with other Suffolk authorities and Public Health in promoting the Suffolk Air Quality Profile and associated draft Action Plan, in which ESC is a listed partner for many of the measures.

The Environmental Protection Technical Officers (2 FTE) will provide additional capacity to respond to nuisance complaints as well as undertaking private water supply sampling as it has been identified by the Drinking Water inspectorate (DWI) at a joint meeting in 2021 that we are currently not fulfilling our statutory requirements in this respect having completed only 16 risk assessments since January 2020 (primarily Covid-19 reasons) and historically not met the required targets. We have around 110 supplies all requiring sampling and risk assessments once every 5 years, or more frequently, depending on risks identified. This does not include the private rented housing PWS, around 150) which should be sampled at least once per annum and risk assessed once every 5 years. In addition, despite trying to appoint consultants to clear the backlog it has been identified that there is a shortage of consultants willing and able to undertake this work in East Anglia. These posts would enable us to train and develop officers to undertake this work allowing us to meet the DWIs requirements for ESC and create much needed resilience in this area. The Private Water Supply service should be delivered on a cost recovery basis, and it is anticipated that, once a full review has been undertaken into the fees and charges for this work and its delivery, the cost of this post should be recoverable from the charges. Note – the timing of the review of fees and charges is dependent on recruitment to the EP manager post and at least one of the proposed Senior Environmental Protection officers as capacity does not currently exist to undertake it.

The risk exists that, if we continue to be non-compliant in meeting the DWIs statutory requirements, of negative publicity, reputational damage should the public be made ill by consuming untested private water supplies and potential action may also be taken against us for non-compliance by the DWI. Additionally, we may not be able to respond appropriately to reports of non-compliant private water supplies at the risk of both public health and reputational damage.

These posts are also required to enable us to attain and maintain a statutory frequency of re-licensing and inspection, to accommodate proposed additional licensing responsibilities anticipated later this year (licensing of animal sanctuaries, rescue and rehoming centres including for cats, dogs and horses, microchipping of cats, licensing livery yards) and to undertake at least preliminary investigations into the backlog and increasing numbers of unlicensed breeders/sellers of puppies (currently 29). We are able to set the fees for the scrap metal dealers and animal welfare licences locally to ensuring that costs can be recovered by local authorities rather than relying on subsidy from local taxpayers. Note – the timing of the review of fees and charges is dependent on recruitment to the EP manager post and at least one of the proposed Senior Environmental Protection officers as capacity does not currently exist to undertake it.

The Senior Environmental Protection officers (2 FTE) are required as the existing Team Leader manages a diverse team of technical specialists undertaking both reactive and programmed work. The post currently has 15 direct reports (rising to 22 if the request for resources is successful) which create a significant draw on their time in line management, day to day operational requirements and impacting on the capacity to undertake the more strategic elements of the role and has become unsustainable leading to key areas of work not receiving the necessary attention. There is also a very flat structure in the team with no opportunity for development or succession planning, this has been brought into stark reality with the retirement of the postholder in July 2022. The retirement presents an opportunity to review the resources required in the team and to restructure it to meet the service needs going forwards.

The proposal is to introduce two new Band 9 posts to pick up the direct day to day management of more junior team members, providing technical lead competence and line management support to staff as well as creating capacity to undertake project work such as reviewing fees and charges, streamlining process and enhancing the use of digital technology in service delivery and maximising the potential of our database to provide improved service delivery for the customer. This will free up the EP Team Manager to fulfil their corporate management duties, delivery of the strategic plan and to focus on the key strategic projects and cases.

The risk of not creating these roles is the loss of experienced and competent staff seeking career development opportunities to other authorities and non-delivery of key areas of work, some of which have been outlined above.

The SZC Project EPO/EHO (1 FTE from 2028) is to provide continued in-house expertise to deliver of this project during the construction and reinstatement period (years 6-12).

The cost of these posts, prior to any offsetting by fees and charges and other sources such as planning PPAs for 22/23 would be around £153,000 assuming a start date of 1 October 2022 and around £320,00 for the following full financial years.

This is the preferred option to provide the Environmental Protection service with the resources required to meet the increased workload, deliver the strategic plan and new legislative requirements over the next ten years.

Option 2

To replace the two temporary contract staff with new permanent positions:

- DCO/NSIP (non-SzC) Environmental Impacts Officer (1 FTE)
- Contaminated Land Assistant (1 FTE)

To create the following new roles:

- Air Quality Project Officer (0.6 FTE)
- Environmental Protection Technical Officers (2 FTE)
- Senior Environmental Protection officer (1 FTE)

To not create the following roles:

- Senior Environmental Protection officer (1 FTE)
- SZC Project EPO/EHO (1 FTE from 2028)
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The rationale for each proposed role is the same as in Option 1. Whilst the loss of one Senior EP officer role will reduce the overall capacity of the team and extend timescales for completion of projects it could be accommodated, and the required staff retention and succession planning could still be achieved. The rise in service complaints and subsequent officer and Head of Service time tied up in investigating and responding is likely to continue. The Sizewell C project officer role could be kept under review and a separate request for resources raised should it be found to be required.

The cost of these posts, prior to any offsetting by fees and charges and other sources such as planning PPAs for 22/23 would be around £121,000 and around £253,850 for the following full financial years.

Option 3

To replace the two temporary contract staff with new permanent positions:

- DCO/NSIP (non-SzC) Environmental Impacts Officer (1 FTE)
- Contaminated Land Assistant (1 FTE)

To create the following new roles:

- Air Quality Project Officer (0.6 FTE)
- Environmental Protection Technical Officers (1 FTE)
- Senior Environmental Protection officer (1 FTE)

To not create the following roles:

- Senior Environmental Protection officer (1 FTE)
- SZC Project EPO/EHO (1 FTE from 2028)
- Environmental Protection Technical Officers (1 FTE)

The rationale for each proposed role is the same as in Option 1.

In addition to the comments in Option 2 the loss of one Environmental Protection officer role would result in us not being able to fully deliver the statutory animal welfare, private water supply or scrap metal requirements and we run the risk of the reputational damage that could arise from this non-compliance as well. There is also the risk of staff burn out as the culture is to meet the legal requirements and they are already going above and beyond in which is unsustainable in the long term.

The cost of these posts, prior to any offsetting by fees and charges and other sources such as planning PPAs for 22/23 would be around £103,400 and £215,000 for the following full financial years.

Option 4

To replace the two temporary contract staff with new permanent positions:

- DCO/NSIP (non-SzC) Environmental Impacts Officer (1 FTE)
- Contaminated Land Assistant (1 FTE)

To create the following new roles:

- Air Quality Project Officer (0.6 FTE)
- Senior Environmental Protection officer (1 FTE)

To not create the following roles:

- Senior Environmental Protection officer (1 FTE)
- SZC Project EPO/EHO (1 FTE from 2028)
- Environmental Protection Technical Officers (2 FTE)

The rationale for each proposed role is the same as in Option 1.

In addition to the comments in Options 2 & 3 the risk on non-compliance with statutory legislation is even more greatly enhanced.

The cost of these posts, prior to any offsetting by fees and charges and other sources such as planning PPAs for 22/23 would be around £84,950 and £176,000 for the following full financial years.

Option 5

To replace the two temporary contract staff with new permanent positions:

- DCO/NSIP (non-SzC) Environmental Impacts Officer (1 FTE)
- Contaminated Land Assistant (1 FTE)

To not create the following roles:

- Senior Environmental Protection officer (2 FTE)
- SZC Project EPO/EHO (1 FTE from 2028)
- Environmental Protection Technical Officers (2 FTE)
- Air Quality Project Officer (0.6 FTE)

The rationale for each proposed role is the same as in Option 1.

In addition to the comments in Options 2,3 & 4 the loss of the Air Quality project officer and other Senior Environmental Protection officer role effectively means that the backlog of work will continue to grow, the team will be unable to absorb any additional legal requirements or responsibilities, delivery of the strategic plan objectives will be adversely impacted, service complaints are likely to increase and staff morale and satisfaction will drop and there is the additional risk that staff will leave due to dissatisfaction, stress and lack of promotion opportunities.

The cost of these posts, prior to any offsetting by fees and charges and other sources such as planning PPAs for 22/23 would be around £42,450 and £88,400 for the following full financial years.

Option 6

To continue with the current structure and not replace the two contractors supporting the NSIP projects in the knowledge that capacity is a significant issue and will likely impact on the delivery of the councils Strategic Plan and statutory obligations.

Recommendation:

That the additional funding required for Option 1 be approved for the following new posts:

- DCO/NSIP (non-SzC) Environmental Impacts Officer (1 FTE)
- Contaminated Land Assistant (1 FTE)
- Air Quality Project Officer (0.6 FTE)
- Environmental Protection Technical Officers (2 FTE)
- Senior Environmental Protection officers (2 FTE)
- SZC Project EPO/EHO (1 FTE from 2028)

to ensure that the Council has sufficient capacity within the Environmental Services team to deliver the Strategic plan and meet its statutory requirements.

Corporate Impact Assessment

Governance:

If approved by Full Council, recruitment to the posts would be undertaken immediately with the support of HR.

ESC policies and strategies that directly apply to the proposal:

- Contaminated Land Strategy
- East Suffolk Environmental Policy
- Air Quality Strategy
- Compliance and Enforcement Policy
- East Suffolk Medium Term Financial Strategy
- East Suffolk Strategic Plan

Environmental:

Recruitment to these posts will positively contribute towards the delivery of the Caring for our Environment theme in the Strategic Plan 2020-2024.

Equalities and Diversity:

There is no requirement for an Equality Impact Assessment in respect of this report. The recruitment process will be undertaken in accordance with the Council's Equality and Diversity Policy.

Financial:

These new posts represent a permanent growth to the budget from 2022/23 of around £320,000 per year including oncosts. The roles provide the opportunity to improve our cost recovery and develop additional income streams which could be used to offset a percentage of the costs.

Human Resources:

This report refers to the creation of several new posts and, subject to Full council approving the necessary funding, it is proposed that recruitment will begin immediately.

ICT:

No ICT implications have been identified.

Legal:

No legal implications have been identified
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Risk:

There is a risk that the Council will be unable to deliver the Environment theme of the Strategic Plan or a number of its statutory duties, including private water supplies, animal welfare and nuisance complaints without these additional resources. There is also a risk to the ongoing resilience of the Environmental Protection team if the extra resources are not provided. The Local Government peer challenge report (February 2022) identified that additional resources were required in certain service areas to ensure the council meets and delivers its aspirations.
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External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? The proposal will strengthen the Council's ability to achieve the ambitions identified within the Strategic Plan, in particular Caring for the Environment.			

Background and Justification for Recommendation

1 Background facts	
1.1	The current structure of the Environmental Protection team was created in 2012 to align the service across both Suffolk Coastal and Waveney District Councils and has not been reviewed since.
1.2	<p>In the last five years the Environmental Protection team has seen a sustained and significant increase in the demands and workloads placed on members of staff arising from several different sources, including but not limited to:</p> <ul style="list-style-type: none">• 10 NSIPs (Nationally Significant Infrastructure Projects) including Sizewell C requiring high levels of involvement and expertise in noise, contaminated land, air quality and drinking water assessment and monitoring during both application, construction and implementation phases, some of which have timescales of up to 12 years• Increase in number and complexity of 'licensable activities' in animal welfare legislative regime• Sustained increase in reactive workload to nuisance complaints eg noise, smoke, air quality (an 18% cumulative rise from 2015 to 2021 from 3500 to 4180 per year)• Backlog of work, in part due to Covid pandemic, increased legislative requirements (eg animal welfare/ private water but also due to lack of staff to undertake inspections)• Increased public and political interest in air quality and additional responsibilities envisaged from the Environment Act 2021• Provision of ongoing and daily specialist support to Norse Waste Management officers around data capture and enforcement expertise• Already in top 20 of LAs as have over 500 private water supplies and the burden was increased in 2018 by requiring sampling staff to be qualified and accredited to UKAS standards and increased number of parameters for testing• Change in demand for out of hours noise service during the week not just weekends

2 Current position	
2.1	Despite the challenges the team has worked hard and flexibly to adapt to the additional pressures where possible, to streamline processes and have also continued to provide support and guidance to other areas of the organisation such as the Anti-Social behaviour team, Planning, Norse, Customer Services and Assets. Whilst the team and the council can and should be proud of this, it should be noted that the longer-term impact upon staff is beginning to show and there has been a recent increase in the number of service complaints received, in part due to lack of staff resource to provide an adequate and timely response.
2.2	The imminent retirement of the long serving team manager in late July 2022 also places the team under additional pressure whilst recruitment for a replacement is underway (subject to a separate request for resources). It has been identified that the current postholder directly line manages 15 staff, a considerable number that is impacting on their ability to fully undertake the corporate, financial and strategic

	requirements of the post. The existing team structure also does not facilitate succession planning.
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3 How to address current situation

3.1	The need for additional resource within the Environmental Protection team to meet statutory requirements, respond to additional new legislative burdens, support the Planning team in the Nationally Significant Infrastructure (NSIP), deliver the Environmental aspirations of the councils Strategic Plan and to expand and develop new income opportunities has been recognised for some time.
3.2	The Head of Environmental Services and Port Health has undertaken a full review and identified six potential options, with Option 1 considered the most effective way forward to meet the needs of the council.

4 Reason/s for recommendation

4.1	The recommendation in this report is considered necessary to strengthen the Council's existing Environmental Services team, will lead to the retention of key staff, provide the opportunity to grow and develop staff internally and provide the capacity and resource to deliver the Council's ambitious work programme and meet statutory requirements.
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Appendices

Appendices:

None.

Background reference papers:

None.