

Minutes of the Meeting of the Cleaner, Greener and Safer Overview and Scrutiny Committee held on 22 January 2015 at 7.00 pm

Present: Councillors Cathy Kent (Chair), Pauline Tolson (Vice-Chair), Andrew Roast and Susan Shinnick

Apologies: Councillors Michael Stone

In attendance: Councillor Tony Fish – Portfolio Holder for Environment
Leigh Norris, Chief Inspector
Lee Argent, Acting Inspector
PC Downs, Essex Traveller Liaison Officer
Steve Cox, Assistant Chief Executive
Gavin Dennett, Environmental Health and Trading Standards Manager
Jim Nicolson, Community Protection Manager
Mike Heath, Head of Environment
Ian Rydings, Head of Asset Management
Matthew Boulter, Principal Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

13. Minutes

The Minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee, held on 15 December 2014, were approved as a correct record.

14. Items of Urgent Business

None

15. Declaration of Interests

None

16. Witness Session: Essex Police attending to discuss fly-tipping issues

Members asked the Police whether there was any policy relating to the moving of traveller sites. The Police clarified that there were no such powers or policies relating to travellers, however, the Police did have a policy relating to unlawful encampments, which could be travellers or otherwise. It was added that this policy was available to all officers and the Inspector had ensured that all his staff were aware and familiar with the relevant legislation and practice.

Section 61 of the Criminal Justice and Public Order Act 1994 allowed the police to move encampments off land. Noting the content of that legislation, Members wondered why the encampment at Cory's Wharf had not been moved on once it was discovered they had broken the law by breaking the chain that secured the site. The Police explained that to enforce Section 61, there had to be evidence that the encampment was having a negative impact on the community or there was increased crime in the surrounding community. The breaking of a chain, therefore, was not enough to invoke Section 61. The Police would instead seek to arrest the person who had cut the chain rather than hold the entire encampment culpable.

The Committee discussed the timeline of events relating to Cory Wharf and detailed the times when officers had visited the site. It was established that significant fly tipping had occurred within a ten day period as police officers had not noted large amounts of fly-tipping on previous visits. The Committee noted that there had been a number of different groups at the site and that these had overlapped preventing the council from securing the site after one group had left.

The Committee briefly discussed the injuries sustained by police officers on the site and it was confirmed that two officers had been bitten by dogs on the first day of entering the site and PC Downs had been bitten at a later date. Two families who owned the dogs suspected of the attacks were evicted from the site and moved on.

Members learnt that the Traveller Liaison Officer was able to note the indexes and registrations of caravans and vehicles on any encampment and feed this into a county wide database. The police also had video cameras on their uniform which allowed them to identify individuals. Likewise, they were able to take photographs of the encampment. It was highlighted, however, that the police could not require people to give their names and addresses if they did not wish as these encampments were largely civil trespasses onto land rather than criminal ones.

A discussion was had on the length of time it took to remove the groups from the site compared to other instances on private land where it had been much quicker. It was explained that on Council land, the Council had a duty of care to the people living there but on private land there was no duty of care for the land owner. Private land was also governed by common law and therefore, private owners would employ bailiffs instead of the police to remove groups. The Committee noted that there were different circumstances for different land and that private land owners did not necessarily see a quick process all the time.

Members understood that Police action relating to unlawful encampments was decided by the senior officer on site at any given time. This could be a Chief Inspector one day and a sergeant the next. The Committee felt there needed to be a core approach. The Chief Inspector agreed that a core approach would be good however, he pointed out that there were two hundred staff working different shifts and dealing with issues twenty four hours. Because of

this, it was not possible to create an approach where one person made decisions all the time over twenty four hours. It was added that the Police were working with the council and other agencies to gain access to out of hours services in land registry and other council services so that this decision making was better informed at any time of day or night.

The Committee briefly discussed the comment made by a former Police Chief Superintendent in the local paper about how Essex Police could do more to move encampments on. The Current Chief Inspector highlighted that the moving of encampments from public land was the main responsibility of the Council and the Police aided and assisted in the process. The former Chief Superintendent was entitled to his opinion but the Police had to work within the parameters of the law and in accordance with the action of the landowner. The Police were robust in their approach to unlawful encampments and the fact they had visited the Cory Wharf site five times within twenty four hours demonstrated they were committed to resolving the issue.

When asked, the Police highlighted a number of improvements and developments since the Cory Wharf issue, namely:

- Vehicle details from unlawful encampments are now put on the Police National COmputer, which allows the Police to better track vehicles that have been subject to Section 61 and prevent future unlawful activity.
- Teams are better informed about their powers relating to unlawful encampments and are better equipped through body cameras to identify unlawful activity.
- Essex Police were developing a toolkit to better deal with issues such as Cory Wharf. For example, there was suspected fly-tipping activity in Schoolfield Road in November relating to an encampment. Police intelligence was used and a number of waste bearing vehicles were stopped. Following this action the encampment disappeared within five hours.
- Recent Fly-tipping in Orsett had seen the Police use CCTV to identify suspect vehicles and this has been passed onto the Council.

The Police felt that the protocols designed to deal with fly-tipping, which had been distributed at the meeting, were excellent and would need testing to see if they were right or not. The Police worked well with Thurrock Council and would work with them in the future to deal with these issues.

RESOLVED: That:

- 1. The Committee note the stronger working relationship between the Council and the Police on major fly-tipping and unlawful encampment issues.**
- 2. The draft protocols to deal with fly-tips is noted and endorsed.**

3. **The Chief Executive be asked to write to the Secretary of State to ask that legislation is amended so that the Council and the Police can better and more speedily enforce orders to remove unlawful encampments.**

17. Illegal Money Lending

Officers informed the Committee that the protocols of working between Thurrock and Birmingham Councils, to deal with illegal money lending, had been agreed by Cabinet in 2010 but legislation had changed requiring the protocols to be changed. Working with Birmingham Council allowed Thurrock to tap into expertise of a national team.

RESOLVED: That:

1. **The Committee recommend to Cabinet that the discharge of the council function for the enforcement of the Financial Services and Markets Act 2000 and Part III of the Consumer Credit Act 1974 be carried out by Birmingham City Council**
2. **The committee recommend to Cabinet that the updated “Protocol for Illegal Money Lending Team Investigations” be agreed and authority be delegated to the Head of Public Protection to enter into the agreement on behalf of Thurrock Council and approve minor alterations if required.**

18. Additional Savings Proposals 2015-16

The recommendation to reduce weekly bin collections to an alternate week collection of the green and blue bins was a result of the budget pressures of the council however, as the portfolio holder pointed out, this could have positive impacts such as increasing the recycling rate of the borough. It was stressed that there would still be a weekly collection but only of one bin. It was clarified that brown bins would be alternate weeks and subject to charges in certain circumstances as discussed by the committee at a previous meeting. The proposal tonight would save £520,000 in a year and £260,000 in this financial year.

Some Members felt that not all households required a weekly collection but others, with children for example, probably did. One Member wondered whether residents needed to be educated in not putting out their bins if they were not full. Officers said this was good practice but would not impact on savings as the Council would still need to pay for bin lorries to go down each road and check for each type of bin.

One Member felt there could be negative impacts of increased fly-tipping and overuse of the civic amenity site and the decision to rationalise rounds could send the wrong message to residents. Officers stated that they were working with the operators of the civic amenity site and believed that savings could be made there without needing to close the site for part of the week.

The Committee explored creating income through trade waste charges to fund residential collection. Officers explained that the Council's trade waste contracts had stopped when the Council took back its waste contract from Veola. It was suspected that Veola had taken these as private customers before the end of their contract.

The Committee also learnt that there were ways to make savings by changing the way collections were made, moving away from discreet area working to a wider sweep working where all the crews worked closely together and swept across the borough throughout the week. There were also possibilities to increase collection in the day to rationalise collection days from five to four, as well as explore task and finish methods of waste collection.

The Committee were not convinced the reduction of weekly collections for all bins was the right option and that alternatives needed to be explored.

RESOLVED that:

- 1. The report is noted and the comments above be taken to Cabinet as part of the budget considerations.**
- 2. The portfolio holder and officers investigate the alternatives that have been suggested at the meeting, namely trade waste, a sweep collection system, task and finish methods and the rationalisation of working days.**

19. Budget 2015-16 Proposed Fees and Charges

The Committee briefly discussed the fees relating to football pitches and noted that the Council's fees were similar to surrounding areas and that the money did not pay for the full cost of maintaining pitches. The cost of cremations and burials was also noted and officers explained that the charges covered all aspects of the service.

RESOLVED: That:

- 1. The fees and charges are noted.**
- 2. The above comments are forwarded to Cabinet for consideration with the budget report.**

20. Work Programme

RESOLVED that the work programme be noted.

The meeting finished at 8.30 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**