

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Cleaner, Greener and Safer Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **12 July 2016**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Oliver Gerrish (Chair), Russell Cherry (Vice-Chair), Gary Collins, Terry Piccolo, Roy Jones and Michael Stone

Substitutes:

Councillors John Allen, Ben Maney, David Potter and Gerard Rice

Agenda

Open to Public and Press

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| 1. Apologies for Absence | |
| 2. Minutes | 5 - 10 |
| To approve as a correct record the minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee meeting held on 17 March 2016. | |
| 3. Items of Urgent Business | |
| To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972. | |
| 4. Declaration of Interests | |
| 5. Environmental Enforcement | 11 - 22 |
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Queries regarding this Agenda or notification of apologies:

Please contact Charlotte Raper, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **4 July 2016**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Cleaner, Greener and Safer Overview and Scrutiny Committee held on 17 March 2016 at 7.00 pm

- Present:** Councillors Roy Jones (Chair), Garry Hague, Robert Ray, Michael Stone and Pauline Tolson
- Apologies:** Councillors Clare Baldwin (Vice-Chair)
- In attendance:** Adam Eckley, Acting Chief Fire Officer
Matthew Hughes, Divisional Officer
Councillor Robert Gledhill, Leader of the Conservative Party
Councillor James Halden, Deputy Leader of the Conservative Party
Councillor Cathy Kent, Thurrock Council Fire Authority Representative
Lucy Magill, Head of Residents Services
Kenna-Victoria Martin, Senior Democratic Services Officer
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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.

27. Minutes

The Minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee, held on 21 January 2016, were approved as a correct record.

28. Items of Urgent Business

There were no items of urgent business.

29. Declaration of Interests

No interests were declared.

30. Fire Authority Consultation Update

The Acting Chief Fire Officer addressed the Committee and in doing so explained that Essex Fire Authority was half way through the second part of their consultation. He continued to explain they were at their current position within the consultation as:

- On the 13 January Essex Fire Authority approved a set of three options for consultation;
- From the 1 February saw the launch of a 12 week consultation which was due to conclude on the 25 April;
- Then 4 weeks of reviewing the results; and

- On the 8 June the Essex Fire Authority will meet to discuss and to make a decision and implementation of the decision will follow.

Members were informed that even with an increase in Population by 8% and traffic by 12%, incidents had reduced by 45%. It was further commented the Road Traffic Collisions attend had increased by 14% in the past 5 years with Dwelling fires in total having decreased by 15%.

The Acting Chief Fire Officer notified the Committee that within a 24 hour period 44% of calls were false alarms with only 11% being true incidents. It was explained to Members that operational resources were not spread evenly across the County, with larger areas having 6 plus appliances available in 15 minutes. It was commented therefore the Fire Authority could make more changes in these areas.

The Committee were advised that 7.5 thousand homes in Thurrock did not have a working smoke alarm. The Acting Chief Fire Officer further notified Members that they were looking into a residential sprinkler scheme, to be installed within all high risk and high housing properties.

Members were further advised the Fire Authority were:

- Working with every school to teach children of all age groups of fire safety. So far 8 thousand children had received the safety talk;
- Working through the Safer Essex Road Partnership with drivers and riders to reduce the number of people killed or injured on our roads;

In additional new response standards were to begin at the time of call rather than the time the station is alerted:

- To attend 90% of calls in 15 minutes and
- To attend potentially life threatening calls within 10 minutes.

The Acting Chief Fire Officer talked Members through the 3 options possible within the consultation. During discussions it was commented that within the options Thurrock was set to lose up to a half of their pumping applications. It was stressed to Members that no matter the decision, the nearest and quickest resource would be sent.

Members were notified that with changes to funding and savings by 2020, the Fire Authority would have a deficit of £9.9million, this would include and investment of £3million a year in community safety.

The Committee were informed that drop in sessions had been held throughout the County since February 2015, with the Grays drop in on the 21 March.

Members queried as to how with the suggested options and Thurrock's COMAH sites, how if a repeat of Tilbury Power Station was occur the Fire Authority would be able to meet their standards.

Assurance was given to the Committee if 10 Pumping appliances were required then 5 appliances would be sent. It was also explained that arrangements were in place with Kent, London and Hertfordshire so if needed resources could be called upon regionally and if needed nationally.

It was questioned as to given the options, no savings had been made to Chelmsford. The Acting Chief Fire Officer explained that the modelling carried out ensured that activity levels also met the standard response times of getting to an incident within 10 or 15 minutes. He further advised that resources were not evenly spread, however within the Thames corridor there were more resources available.

The Chair of the Committee thanked both Officers for attending and for the assurances given throughout the presentation.

31. Prevent

The Head of Residents Services presented the report to Members highlighting the following points:

- The Counter Terrorism and Security Act became law on 16 February 2015, the Act placed a statutory duty on all principal councils from the 1 July 2015 to have “due regard to the need to prevent people being drawn into terrorism”. This was known as the Prevent Duty;
- The Prevent duty guidance, published alongside the Act sets an expectation which included that local authorities:
 - Establish or make use of an existing local multi-agency group to agree risk and co-ordinate prevent activity (these multi-agency groups, through local authorities, will be expected to put in place arrangements to effectively monitor the impact of Prevent work).
 - Mainstream the prevent duty so it becomes part of the day-to-day work of the Authority, in particular children’ safeguarding.

It was explained that to date the Thurrock Community Safety Partnership (TCSP) had been leading on Prevent since it had originally been brought in. Within the TCSP structure there was currently a Prevent Strategic Group (PSG) who met regularly. Members were informed meetings of the PSG were chaired by the Head of Resident Services.

She continued to advise the Committee of the key deliverables of the Strategy which were:

- Identify local threat
- Ensure activities in place to respond to it
- To ensure all agencies within Thurrock respond to the local duty

It was asked of Members to discuss the Membership of a Working Group into Prevent, following a Motion being agreed at Full Council in 2015.

Councillor Hague enquired as to whether there were any cases currently being undertaken. The Head of Resident Services confirmed that there was currently one channel in progress.

Councillor Ray raised concerns as he felt should Councillors get too involved they could be targets of such behaviour. It was explained that the suggestion of a working group was proposed and agreed via a motion a Full Council. The Head of Resident Services further explained that the council was working in partnership with Essex Police and other safety groups.

Councillor Stone sought as to whether Members would receive training on the topic of Prevent. It was confirmed that training had been offered for Councillors in relation to Prevent, so that Members were able to raise awareness whilst being better informed and to have the knowledge of who to contact.

During discussion on setting up the Working Group the Committee suggested there be at least 1 Member from each of the main Political Parties and 1 seat for an Independent Member.

RESOLVED:

- 1. That the contents of the Thurrock Community Safety Partnership Prevent Strategy are noted.**
- 2. That a Working group be established in the new municipal year to address the terms of reference found at Appendix 2 of this report.**
- 3. That the number of Members of the Working group be agreed, following which Group Leaders will be requested to make nominations in accordance with political proportionality.**
- 4. That the scope and terms of reference of the working group be agreed, as outlined in draft in appendix 2.**

32. Local Air Quality Management

The Head of Resident Services introduced the report to the Committee, explaining that an Air Quality Progress Report undertaken in 2014 identified a potential exceedence for nitrogen dioxide at monitored locations in parts of Aveley and along the Purfleet By-Pass.

She continued to inform Member that the first location identified was along the main high street within Aveley, Aveley High Street and also part of Ship Lane which was an area mainly comprised of retail and residential premises. The second location identified was a residential development close to the Purfleet By-Pass.

It was discussed that once areas had been declared as Air Quality Management Areas (AQMA's) the Highways Team would investigate and propose a plan accordingly.

Councillor Ray enquired the reason behind the increased population in Aveley, he further queried whether it was linked to traffic on Ship Lane and the closeness to the A13 roundabout. The Head of Resident Services explained that traffic were thought to be a possibility, however Highways were involved and would be investigating the situation.

Members further enquired if there were any other AQMA's within the borough and had they been action upon. It was confirmed that within Thurrock there were other AQMA's and all action plans in place.

It was asked that all details of the cases be included within the report, when presented to the Cabinet.

RESOLVED:

To recommend that Cabinet approve the declaration of two new Air Quality Management Area's along Aveley High Street / Ship Lane and for the Purfleet By-Pass.

33. Work Programme

Members discussed the work programme for the municipal year and the following reports were agreed:

- Street Cleaning Performance
- Waste Refuse Collections
- DAAT Performance

The meeting finished at 9.10 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**

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| | |
|---|-----------------------------|
| 12 July 2016 | ITEM: 5 |
| Cleaner, Greener, Safer Overview and Scrutiny | |
| Environmental Enforcement | |
| Wards and communities affected: All | Key Decision: Key |
| Report of: Lucy Magill, Head of Residents Services | |
| Accountable Head of Service: Lucy Magill, Head of Residents Services | |
| Accountable Director: Steve Cox, Corporate Director of Environment and Place | |
| This report is Public | |

Executive Summary

The report attached in relation to environmental enforcement will be going to Cabinet tomorrow night. Committee are asked to make any relevant comments for Cabinet to consider at the meeting.

The committee is also asked to note that there will be further work on this area at the meeting in October.

1. Recommendation(s)

That Cleaner, Greener, Safer Overview and Scrutiny Committee:

- 1.1 comment on any aspects of this report the Committee wish Cabinet to consider.
- 1.2 note that Cabinet will be asking the Committee to consider costed business cases for environmental enforcement at its October Meeting to report back to Cabinet.

2. Introduction and Background

- 2.1 Please see attached Cabinet Report.

3. Issues, Options and Analysis of Options

- 3.1 Please see attached Cabinet Report.

4. Reasons for Recommendation

4.1 It is important for Overview and Scrutiny to ensure Cabinet have comments from the committee when they are considering the attached report.

5. Consultation (including Overview and Scrutiny, if applicable)

6. Impact on corporate policies, priorities, performance and community impact

6.1 See attached cabinet report.

7. Implications

7.1 Financial

See attached Cabinet Report

7.2 Legal

See attached Cabinet Report

7.3 Diversity and Equality

See attached Cabinet Report

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

9. Appendices to the report

- Appendix 1 - Environmental Enforcement Cabinet Report

Report Author:

Lucy Magill

Head of Residents Services

Residents Services

Appendix 1

| | |
|---|---------------------------------------|
| 13July 2016 | ITEM: |
| Cabinet | |
| Environmental Enforcement | |
| Wards and communities affected: All | Key Decision: Key decision. |
| Report of: Cllr Pauline Tolson, Portfolio Holder for the Environment | |
| Accountable Head of Service: Lucy Magill, Head of Residents Services | |
| Accountable Director: Steve Cox, Corporate Director, Environment and Place | |
| This report is Public | |

Executive Summary

The physical appearance of the Borough is a top priority for the Council. The Council is committed to implementing measures to address and improve Thurrock's appearance through a 'zero tolerance' campaign to 'Clean it; Cut it; Fill it'. Taken as a combination this top priority will see immediate and longer term measures to tidy the Borough of litter and fly tipping, to increase the frequency of grass cutting, and to fill more pot holes more quickly.

Persistent problems of littering and fly tipping in particular are creating a negative perception of the Borough for residents, businesses and visitors. Enforcement has an important role to play in addressing these problems and this report addresses three matters relating to environmental enforcement. They are the introduction of a fixed penalty for small scale fly tipping, enforcing against businesses without waste disposal contracts and setting out options for enhancing the Council's environmental enforcement capability. It also sets out plans for a campaign to reduce littering.

1. Recommendations:

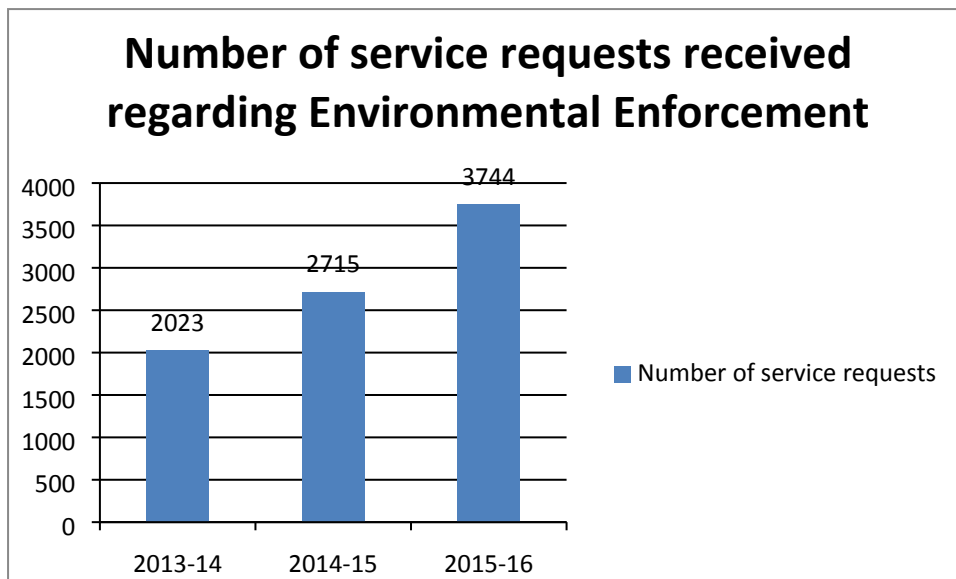
That Cabinet:

- 1.1 agrees to implement a scheme for the issuing of fixed penalty notices for the unauthorised disposal of waste, sets the fixed penalty amount at £400 and does not set a reduced amount for prompt payment.

- 1.2 agrees that the environmental enforcement resource be enhanced, requests that costed business cases be prepared for the options set out in the report and that Cleaner, Greener, Safer Overview and Scrutiny consider those options at its October 2016 meeting before being brought back to Cabinet.**
- 1.3 notes that £20,000 has been identified from in year back office savings to enhance the environmental enforcement resource in 2016/2017.**
- 1.4 agrees to implement a scheme for the issuing of fixed penalty notices for businesses who do not provide on request to the Local Authority, copies of Waste Transfer Notes for the previous 24 months or, in the case of a newer business, from the date the business commenced trading. The amount for the fixed penalty notice as laid out in the legislation is £300.**
- 1.5 agrees to a reduced amount of £180 for the prompt payment, within 14 days of the fixed penalty notice for inability to provide a trade waste contract**
- 1.6 notes that a campaign against littering in Thurrock will begin during Summer 2016 and will include publicity relating to the issuing of FPNs.**

2. Introduction and Background

- 2.1 The physical appearance of the borough must be improved. It has suffered and continues to suffer from persistent fly tipping and littering across our town centres, open spaces, country lanes and roadsides. As Thurrock develops a sense of place and pride improving the appearance is a top priority for residents, businesses and visitors.
- 2.2 Environmental enforcement is one of the mechanisms the Council can deploy to address this. It covers action against fly tipping, littering, abandoned vehicles, waste carrier offences, fly posting, dog fouling, littering from vehicles and graffiti.
- 2.3 The environmental enforcement team at Thurrock consists of two officers and is managed through the environmental health, environmental protection team.
- 2.4 Environmental enforcement service requests can be made, via the Thurrock website or via the report it app. There has been a significant increase in the number of service requests for environment enforcement over the last three years. In the first two months of the financial year 16/17 the team received 783 service requests.



2.5 Environmental enforcement is enforced through various pieces of legislation including the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005. More recently the Anti-Social Behaviour, Crime and Policing Act 2014 gives the ability for Councils to use community protection notices to deal with some instances of environmental crime.

2.6 Fixed Penalty Notices can be issued for certain offences. It is the offenders opportunity to discharge their liability. If the fixed penalty notice is not paid then court action may be taken.

3. Issues, Options and Analysis of Options

A focused campaign around litter and fly tipping

3.1 A detailed marketing campaign is being developed to support the implementation of these changes. It will focus on encouraging behaviour change to reduce littering and fly tipping including promotion of successful enforcement activity and prosecutions.

3.2 The campaign will use a number of communication channels including printed materials, outdoor advertising e.g. bus shelters, information on bin stickers and our vehicle fleet, press releases and social media. The campaign will include work with the community, businesses and partners to build pride in Thurrock. It is likely to cost approximately £10,000 which will be funded from the existing central communication budget.

Fly Tipping

3.3 Fly tipping is defined as the unauthorised depositing of waste on land.

The Environmental Protection Act 1990 Section 33 deals with fly tipping and provides a maximum penalty on conviction of an unlimited fine and/ or five years imprisonment.

- 3.4 On 9th May 2016 the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into force. The regulations introduce a new fixed penalty notice for fly tipping of waste offences under Section 33 of the Environmental Protection Act 1990. The fixed penalty notices are intended to be considered as an option for dealing with small scale fly tipping incidents.
- 3.5 For individual fly tipping offences the decision to issue a fixed penalty notice or take an alternative form of action will continue to be determined with reference to the Councils Public Protection Enforcement Policy. Decisions on legal proceedings resulting from fly tipping offences will continue to be determined by relevant managers and approved by the Head of Legal Services.
- 3.6 Through this new legislation local authorities can set the level of the fixed penalty locally and when an authority does so the level must be between £150 and £400. Where this option is not taken by a Local Authority the level remains at the default level of £200.
- 3.7 Fixed penalty notices have to be paid within 14 days of being issued. Local Authorities can agree to reduced penalties locally for prompt payment (within 10 days of the notice being issued). Where a local authority exercises this option the reduced penalty must be between £120 and £399.
- 3.8 Failure to pay the fixed penalty notice renders the offender liable for prosecution for the original fly tipping offence. This paper is proposing that in Thurrock the fixed penalty is set at £400 with no reduced penalty for prompt payment.
- 3.9 With regard to littering officers already have the ability to issue fixed penalty notices for environmental crime such as littering and dog fouling where the amount of the penalty is £75. If the fixed penalty is not paid the offender could be taken to court and fined up to £2500. The use of these powers depends on the resources available, a matter addressed under the enforcement resource section below.
- 3.10 A further cause of littering is unsheeted or poorly sheeted lorries on Thurrock's roads that deposit rubbish along our roadsides. We are continuing to work with Essex Police and Highways England to address this. A recent operation by Essex and Police and Connect Plus Services (for Highways England) resulted in 13 lorry drivers receiving £100 fines for incorrect or no sheeting. We will work with both partners to ensure more enforcement operations take place and with local businesses to raise awareness of the issue and its impact.

- 3.11 The Council is obliged to remove fly tipping from its own land but not from land in private ownership, that is the responsibility of the landowner, for example those responsible for private flats. The Council is considering the introduction of a 'pay to clear' scheme whereby the Council will clear rubbish tipped on private land for a fee. This work will also consider an approach on land that is unregistered or in complex ownership, such as alleyways.

Trade Waste

- 3.12 Some of the fly tipped waste we are seeing within the borough can be categorised as trade waste, where it may be being fly tipped in streets or businesses are using public litter bins to dispose of their waste.
- 3.13 The Council has now employed a trade waste enforcement officer who will ensure that businesses in Thurrock are complying with the requirements of the Environmental Protection Act with regards to the disposal of their waste.
- 3.14 Any business not able to provide, on request, evidence of a waste disposal contract for the previous 24 months, or since beginning trading if less than 24 months, will be issued a fixed penalty notice for the amount of £300, as set by the legislation.
- 3.15 If the fixed penalty notice is paid within 14 days this amount will be discounted to £180.

Environment Enforcement Resources

- 3.16 There are several ways that the environmental resourcing can be enhanced in Thurrock as set out below. It is proposed that costed business cases be prepared for each option and that Cleaner, Greener, Safer Overview & Scrutiny Committee be asked to review those options and make recommendations back to Cabinet. The options initially identified include:
- Continue as is
 - Fund an increase in enforcement officers either temporarily or permanently
 - Increase the back office resource to free up officer time to investigate service requests
 - Instruct a private enforcement company

In the short term it is proposed that £20,000 of in year back office savings be used to enhance the environmental enforcement function to address immediate issues of fly tipping, littering and addressing the backlog of service requests.

Continue as is

- 3.17 There is an increasing number of service requests in relation to environmental enforcement. As can be seen from the figures earlier in this report there is a year on year increase in the number of service requests being received.

Fund an increase in enforcement officers either temporarily or permanently

- 3.18 By increasing the number of enforcement officers within the environmental enforcement team it would lead to service requests being dealt with in a more timely manner, investigation of offences continuing whilst work out in Thurrock continued and hopefully further prosecutions or issuing of fixed penalty notices which can act as a deterrent to people considering committing environmental crime. Enlarging the team would hopefully also give some capacity for some proactive work around areas such as littering being carried out. An additional £300,000 would create an additional 5 enforcement officer posts, a supervisor and give financial capacity for transport, supplies and legal costs.

Increase the back office resource to investigate service requests

- 3.19 When a service request is received it is allocated to one of the enforcement officers to go out and investigate.
- 3.20 If having been to the site of a fly tip evidence is found the officer then has to carry out a full investigation, including writing to the alleged perpetrator, gaining witness statements, interviewing the alleged perpetrator, putting together a case file and submitting the case file to legal. All of this work means that the enforcement officer is in the office not out in Thurrock investigating other environmental crimes.
- 3.21 In the case of an abandoned vehicle administration work has to be carried out to identify the owner of the vehicle, write to them with regards to the situation, deal with getting the vehicle removed if appropriate and released back to the owner if appropriate.
- 3.22 One way of dealing with this matter could be to put additional resource in to create a back office function. This could be in terms of some basic administration to help with items such as DVLA checks for registered keepers of vehicles, closing duplicate service requests etc. Alternatively a trained investigator could be employed to carry out the investigation once the enforcement officer has gathered the initial evidence in a case. This person or persons could carry out the investigations for the enforcement officers leaving the two enforcement officers to deal with service requests as they come in and possibly carry out some proactive work, particularly with regards to littering.

Instruct a private enforcement company

- 3.23 There are several companies in the market providing services in relation to littering and dog fouling enforcement.
- 3.24 The predominant financial model operated in respect of arrangements for private companies issuing fixed penalty notices for littering and dog fouling on

behalf of councils anticipates that companies will be funded to undertake this activity through the proceeds of tickets issues and paid.

- 3.25 There are a number of caveats which appear in agreements between companies and authorities that complicate the assessment of financial implications associated with these arrangements, these include:
- Some arrangements seen by officers specify the provision of administration services by the company issuing the notices for which charges are made. This clearly adds a cost to the local authority
 - All arrangements check rely on the achievement of a specified level of collection of penalty charges by the company to pay for the contract. Where this collection level is not achieved charges accrue to the local authority.
 - All arrangements checked anticipate that where none payment arises the legal services of the local authority involved in the contract will pursue offenders at the expense of the authority.
- 3.26 In light of the above factors if the council consider entering into a contract for these services it would be prudent to estimate the level of financial provision to made to cover the contract cost in the event of levels of collection falling below the breakeven point.
- 3.27 The costs of officer time compiling the prosecution case if the fixed penalty notice were not paid and the legal costs attributable to the Council should also be factored into a financial assessment.
- 3.28 There has been some adverse publicity associated with instances of fixed penalty issue by private companies that they have been deemed to be over zealous. This publicity cites the local authority on whose behalf the companies were operating and inevitably has the capacity to impact on the reputation of the authority concerned.

4. Reasons for Recommendation

- 4.1 There are several options for the future with regards to environmental enforcement which would need to be fully costed including possible income generation.
- 4.2 Fly tipping is a serious problem for Thurrock and gives rise to a drain on the resources of the authority when fly tips have to be cleared from public land. It is also burdensome for private land owners who are unfortunate enough to have their land targeted by fly tippers.
- 4.3 The imposition of a £400 fixed penalty for fly tipping would allow the enforcement officers charged with investigating these offences, where sufficient evidence was available, to deal with smaller scale fly tips by way of a fixed penalty notice and in some cases avoid the need for lengthy and

expensive court proceedings which could be reserved for the larger scale offences which occur.

4.4 Lack of proper disposal of their waste by business can lead to increase fly tipping and incorrect use of public amenities such as litter bins.

4.5 The ability to issue fixed penalty notices for non-compliance with regards to documentation for disposal of trade waste will lead to increased compliance within Thurrock and hopefully a reduction in fly tipping.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This report has been to Cleaner, Greener, Safer Overview and Scrutiny and a verbal update from that meeting will be given at Cabinet.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The recommendations in this report will positively impact the realisation of the Councils strategic priority to 'Promote and protect our clean and green environment'.

6.2 The recommendations in this report also contribute to building pride, respect and responsibility.

7. Implications

7.1 Financial

Implications verified by: **Carl Tomlinson – Finance Manager**

The level of service requests has increased year on year putting greater pressure on the Environmental Protection budget. The report recommends developing an options appraisal reviewing possible options for environmental enforcement. Each option will need to be understood in terms of income and expenditure implications as well as available funding.

The introduction of Fixed Penalty Notice's as set out in the report should contribute towards managing budget pressure by either acting as a deterrent or contributing funding to the service.

The detailed marketing campaign costing £10k will be funded from the central communications budget. The in-year savings of £20k relate to proposed back office management savings which are expected to be implemented by the end of September 2016.

7.2 Legal

Implications verified by: **Adam Rulewski – Lawyer, Prosecutions**

The Local Authority has the power to issue fixed penalty notices for small scale fly tipping events. This power has been available since 9 May 2016 and is therefore relatively new (see the *Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016*).

The minimum fine the Local Authority can set is £150.00 and the maximum is £400.00. The LA may set an early payment fee of not less than £120.00 if the penalty is paid within 10 days of the notice. The early repayment is discretionary.

The Local Authority also has power to issue Fixed Penalty Notices where a person fails to provide Waste Transfer Notes upon request to the Local Authority. The offence is not for failing to prove evidence of a trade waste contract, rather, for failing to provide copies of Waste Transfer Notes covering the disposal of all waste for the previous 2 years (or sooner if it is a business less than 2 years old). This must be set at £300.00 and the Local Authority may set an early repayment of no less than £180.00. (see – *Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007, Reg. 3(4)*)

7.3 Diversity and Equality

Implications verified by: **Rebecca Price – Community Development Officer**

Feedback from the Fairness Commission's (FC) community consultation in 2015 recorded significant concerns from residents on the state of the environment in Thurrock and the detrimental impact on pride and perceptions of the borough caused by littering. The options outlined in this proposal would help to address some of these concerns with a view to increasing responsible behaviour to reduce instances of fly-tipping across the borough in the future

There are no diversity or equality implications associated with the recommendations in this report

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

9. Appendices to the report

Report Author:

Lucy Magill

Head of Residents Services

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| | |
|---|---------------------------------|
| 12 July 2016 | ITEM: 6 |
| Cleaner, Greener and Safer Overview and Scrutiny Committee | |
| Report on Thurrock Community Safety Partnership | |
| Wards and communities affected: All | Key Decision: Non-Key |
| Report of: Lucy Magill, Chair of Thurrock Community Safety Partnership | |
| Accountable Head of Service: Lucy Magill, Head of Residents Services | |
| Accountable Director: Steve Cox, Corporate Director of Environment and Place | |
| This report is Public | |

Executive Summary

Performance:

All crime in Thurrock increased by 13.6% for the year 2015/16 when compared against the previous year with 12,443¹ crimes committed. Thurrock still has one of the highest crime rates in Essex, as well as a higher crime rate per 1,000 residents than our comparator community safety partnerships.

There were 5,607 incidents of Anti-social Behaviour in Thurrock in 2015/16 reported to Essex Police; a decrease of 4.7%, 276 fewer incidents, than in the previous year.

Priorities:

The Partnership Plan for 2015/16 identified 3 priorities from the partnership's Strategic Assessment. This allows us to develop and plan our activities to address the priorities outlined in the assessment whilst providing value for money, and an 'intelligence led' approach to community safety.

The priorities for 2015/2016 were:

1. **Reduce youth offending and re-offending of adults & young people**
This will address volumes crimes of: Domestic burglary; Most serious violence; Personal robbery and drug offences
2. **To reduce harm to and safeguard vulnerable victims** from: Domestic abuse; Sexual offences including rape; Child sexual exploitation; Serious Youth Violence; Hate crime; Anti-social behaviour; Cyber bullying; Honour based abuse and Serious Organised Crime encompassing Modern day slavery & Fraud where victims are vulnerable
3. **Violent extremism:** Delivering the Governments counter terrorism strategy – Prevent locally

¹ . These are preliminary Essex Police statistics and not yet confirmed by the Home Office

There are 2 changes to our priorities for 2016/17.

1. Reducing re-offending will address the volume crimes of domestic burglary and violent crime
2. Serious youth violence will be replaced by gang related violence as a priority to reflect the change in nominals we are now managing in Thurrock

Police and Crime Plan:

We have a newly elected Police and Crime Commissioner who will be publishing an updated Police and Crime Plan in October 2016. This will build on Roger Hirst's manifesto pledges of:

- Crack down on anti-social behavior
- Be tough on Domestic Violence
- Reverse the trend in serious violent crime
- Tackle gangs and organized crime
- Make the Police more local, visible and accessible

These priorities are reflected in our own local priorities.

1. Recommendation(s)

1.1 That Overview and Scrutiny Committee note the performance of the Thurrock Community Safety Partnership for the year 2015/16

1.2 That Overview and Scrutiny Committee support the 3 priorities of the Community Safety Partnership for the year 2016/17, which are:

- 1. Reduce Youth offending and re-offending of adults & young people**
This will address volumes crimes of Domestic burglary and violence;
- 2. To reduce harm to and safeguard vulnerable victims** from: Domestic abuse; Sexual offences including rape; Child Sexual Exploitation, Gang Related Violence; Hate crime; Anti-social behaviour; Cyber bullying; Honour based abuse, Modern day slavery and Fraud where victims are vulnerable
- 3. Violent extremism:** Delivering the Governments counter terrorism strategy – Prevent locally

1.3 That Overview and Scrutiny Committee note the links that have been made to support delivery of the PCC's Priorities

2. Introduction and Background

2.1 This purpose of this report is to:

- i) Update the committee on the of delivery of the Thurrock Community Safety Partnership (TCSP) priorities for 2015/16;
- ii) Highlight the priorities and actions to deliver the priorities in 2016/17 based on the findings of the strategic assessment of 2015;

2.2 Summary of crime performance for 1/4/15 to 31/3/16

| Crime | Total crimes | No. change | % change |
|-----------------------------------|--------------|------------|----------|
| Burglary in dwelling | 699 | -100 | -13.6% |
| Racially / Religiously aggravated | 138 | -17 | -11% |
| Robbery | 116 | +5 | +4.5% |
| Sexual offences | 248 | -1 | -0.4% |
| Vehicle offences | 1687 | +6 | +0.4% |
| Violence against the person | 305 | +665 | +28% |

- 2.3 The priorities for 2015/16 were a change for Thurrock's community safety partnership moving away from traditional core volume crimes to focusing on those more "hidden" crimes which often go unreported but have a huge impact on vulnerable victims and lead to long term health and well-being concerns and ultimately can result in safeguarding procedures. The Partnership also recognised 3 issues which are considered high risk but have insufficient information to fully understand the threat and the subsequent actions required. These are serious youth violence; modern day slavery and child sexual exploitation.

The Partnership has spent the last year gathering more information about these priorities and developing 2 year action plans to address. As all work on these priorities is very much in its infancy the Community Safety Partnership Board has agreed that these priorities should remain as is for the year 2016/17.

The strategic assessment is based on the risk matrix, which considers varying factors such as public concern, seriousness, harm and cost, and has been used to validate and support these priorities continuing.

In addition the TCSP has a statutory duty for re-offending and all partners need to prioritise through the integrated offender management scheme those causing most harm to the community that we live in.

2.3.1 Reduce Re-offending

To support this priority Thurrock Community Safety Partnership will:

- Work with partners to have robust Integrated Offender Management scheme in Thurrock and develop action plan
- Ensure the cohort has priority offenders on it including young people
- Have robust performance monitoring and access to data to identify criminogenic need
- Troubled Families will use and utilise established services to support families, where ASB and offending behaviour has been identified.
- Promote access to restorative justice project
- Continue to develop young people at risk programme to deter young people from offending

2.3.2 Reduce Harm to and Safeguard Vulnerable Victims

To support this priority Thurrock Community Safety Partnership will:

Violence Against Women and Girls

- Work with children's services to embed MARACs into the MASH
- Work to introduce risk avert into our secondary schools
- Troubled Families to work with partners to achieve outcomes, which will improve the delivery of a safer community by reducing costs and time spent on offending behaviour
- Improve support for low and medium risk victims of domestic abuse
- Develop an online training package to raise awareness of honour based abuse to professionals
- Support children and young people's partnership and Barnardo's to engage with the community on the practice of female genital mutilation

Anti-social behaviour

- High risk victims information shared with multi agency partners through locality action groups to enable safeguarding and victim focused outcomes
- Increase referrals to restorative justice
- Promote use of ASB case reviews

Hate Crime

- High risk shared with multi agency partners through locality action groups to enable safeguarding and victim focused outcomes
- TCSP analyst to provide quarterly problem profiles to identify scale of problem and develop ongoing responses
- Build, pride, responsibility and respect within communities, through hosting Tilbury festival
- Continue to develop the hate crime ambassador role and promote hate incident reporting centres
- Engage with communities through the Independent Advisory Group to Essex Police

Gang related Violence

- Conduct analytical review of drugs market
- Implement findings from peer review
- Share intel on those on the gang matrix through red operational group
- Increase awareness of gang related violence and links to CSE and missing persons across departments and agencies
- Raise awareness of "cuckooing" amongst vulnerable communities

Child Sexual Exploitation

- Ensure CSE embedded within gang related violence work
- Work with licensing to increase awareness amongst taxi providers
- Support LSCB with walk on line roadshows and fiercebook

Modern day Slavery

- Implement MDS action plan

- Roll out “stop the trafficking” training to front line professionals

Fraud

- Work with trading standards to raise awareness with vulnerable communities and professionals
- Work with neighbourhood watch to promote strengthening communities project

2.3.3 PREVENT Violent Extremism

To support this priority Thurrock Community Safety Partnership will:

- Continue to raise awareness with the community and professionals and links to safeguarding
- Deliver a conference to raise awareness in education establishments
- Follow Channel processes and refresh in Oct 2016
- Seek to better understand our emerging communities through mapping exercise
- Develop programme to raise awareness amongst youth ambassadors
- Link into virtual schools

2.4 The strategic assessment supports the agreement of the 3 identified priorities for Thurrock, the Community Safety Equality Impact Assessment has highlighted:

1. There is a need to focus on the vulnerable within our communities as they are at greater risk of serious harm
2. Older people are at greater risk of distraction burglary and rogue traders
3. Young people are at greater risk of sexual exploitation, cyber bullying, & gang related violence.
4. There is an under reporting of hate crime within the disabled, transgender, and sexual orientation communities
5. Learning disabled are At risk of being “cuckooed” in relation to gang violence
6. Females are more likely to be a victim of domestic abuse
7. There is a gap around information with regards to same sex domestic abuse victims.
8. Housing safeguarding team only work with council tenure victims leading to inequality in service
9. Hot spot areas remain as Grays, Chadwell St Mary, South Ockendon and Tilbury.

2.5 The structure of the partnership is in line with the priorities to ensure coordinated activity and will be further reviewed as we work with Essex police to develop our community safety partnership hub.

3. Issues, Options and Analysis of Options

3.1 Not Applicable

4. Reasons for Recommendation

4.1 The Thurrock Community Safety Partnership remains committed, through its members, to working with the PCC to develop and implement innovative programmes to tackle crime, keep our communities safe and improve support for victims. This will need to be undertaken against an increasingly challenging backdrop of funding and structural changes within our partner organisations.

The Overview and Scrutiny Committee are recommended to support the priorities for 2016 – 2017, which were identified as a result of a rigorous consultation process, augmenting the research referred to previously, which was designed to capture the concerns of our communities and colleagues in partner agencies and organisation. Each of the Priorities is supported by robust action plans geared up to drive activity which will be carefully monitored to chart progress.

Whilst developing individual action plans on hidden harms impacting young people; specifically gang related violence; CSE; on line safety; and Prevent it is important to recognise that there is a common theme in that the young people impacted by these crimes, sometimes as offenders, are themselves vulnerable due to a variety of factors including substance misuse; school exclusion; going missing from home; and exposure to domestic abuse.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 All partners contributed to the strategic assessment which looks at community concerns and impacts as well as quantitative crime data.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The Thurrock Community Safety Partnership is central to delivering Thurrock Council's strategic objective to: Build pride, responsibility and respect

6.2 The CSP action plan links closely to and supports delivery of Essex's domestic abuse commissioning strategy 2015-2020

6.3 The strategic assessment in identifying the 3 priorities took into account community concerns highlighted in the fairness commission and the partnership will take action to support the more vulnerable members of the community.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer

The CSP has a grant from the Police and Crime Commissioner of £35,799 and £18,000 contribution from Thurrock Council.

These funds have all been allocated to support delivery of the priorities

There are no financial implications from this report.

7.2 Legal

Implications verified by: **Martin Hall**
Housing Solicitor / Team Leader

There are no legal implications arising from this report

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

Our Equality Impact Assessment (EIA) has been refreshed following the strategic assessment and identified the following:

1. There is a need to focus on the vulnerable within our communities as they are at greater risk of serious harm
2. Older people are at greater risk of distraction burglary and rogue traders
3. Young people are at greater risk of sexual exploitation, cyber bullying, & serious youth violence.
4. There is an under reporting of hate crime within the disabled, transgender, and sexual orientation communities
5. Learning disabled are At risk of being “cuckooed” in relation to gang violence
6. Females are more likely to be a victim of domestic abuse
7. There is a gap around information with regards to same sex domestic abuse victims.
8. Housing safeguarding team only work with council tenure victims leading to inequality in service
9. Hot spot areas remain as Grays, Chadwell St Mary, South Ockendon and Tilbury.

This has been taken into consideration within our delivery plans

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

This report will help the Partnership ensure that it is delivering on its commitments to Section 17.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Partnership Strategic assessment 2015
- Partnership Delivery Plan
<https://www.thurrock.gov.uk/community-safety-partnership/thurrock-community-safety-partnership>
- Police and Crime commissioners manifesto
- PCC community safety funding grant application

9. Appendices to the report

- None, please see links above

Report Author:

Michelle Cunningham
Thurrock Community Safety Partnership Manager
Public Protection, Community Safety, Community Protection

**Cleaner, Greener and Safer Overview and Scrutiny Committee
Work Programme
2016/17**

Dates of Meetings: 12 July 2016, 11 October 2016, 6 December 2016 and 9 February 2017

| Topic | Lead Officer | Requested by Officer/Member |
|--|-----------------------------|------------------------------------|
| 12 July 2016 | | |
| Environmental Enforcement | Lucy Magill | Members/Officers |
| Thurrock Community Safety Partnership End of Year | Michelle Cunningham | Members / Officers |
| Work Programme | Democratic Services Officer | Members/Officers |
| 11 October 2016 | | |
| Street Cleaning Performance | Richard Parkin | Members / Officers |
| Country Parks Review | Richard Parkin | Members / Officers |
| Environmental Health – Food | Gareth Olive | Members / Officers |
| Work Programme | Democratic Services Officer | Members/Officers |

6 December 2016

| | | |
|------------------------------------|-----------------------------|------------------|
| Unauthorised Traveller Encampments | Jim Nicholson | Members/Officers |
| Fly-Tipping | Gavin Dennett | Members/Officers |
| Active Places Strategy | Grant Greatrex | Members/Officers |
| Work Programme | Democratic Services Officer | Members/Officers |
| 9 February 2017 | | |
| Community Safety Hubs | Michelle Cunningham | Members/Officers |
| Work Programme | Democratic Services Officer | Members/Officers |