

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Cleaner, Greener and Safer Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **14 July 2021**

Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.

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Membership:

Councillors Joycelyn Redsell (Chair), Jane Potheary (Vice-Chair), Steve Liddiard, Maureen Pearce, Elizabeth Rigby and James Thandi

Substitutes:

Councillors Alex Anderson, James Halden, Victoria Holloway and Graham Snell

Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee meeting held on 4 February 2021.	
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.	

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Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **6 July 2021**

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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.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Cleaner, Greener and Safer Overview and Scrutiny Committee held on 4 February 2021 at 7.00 pm

- Present:** Councillors Joycelyn Redsell (Chair), John Kent, Angela Lawrence, Elizabeth Rigby and David Van Day (Substitute) (substitute for Garry Hague)
- Apologies:** Councillors Mike Fletcher and Garry Hague
- In attendance:** Phil Carver, Strategic Lead Enforcement and Community Protection
Michelle Cunningham, Thurrock Community Safety Partnership Manager
David Kleinberg, Assistant Director for Counter Fraud & Investigations
Cheryl Wells, Emergency Planning and Resilience Manager
Jenny Shade, Senior Democratic Services Officer
-

Before the start of the Meeting, all present were advised that the meeting was being live streamed to the Council's online webcast channel.

81. Minutes

The minutes of the Cleaner Greener Safer Overview and Scrutiny Committee held on the 8 December 2020 were approved as a correct record.

82. Items of Urgent Business

There were no urgent items of business.

83. Declaration of Interests

Councillor Redsell declared a non-pecuniary interest that she was a member of the Community Safety Partnership.

84. Thurrock Community Safety Partnership Update

Michelle Cunningham provided Members with an overview of the report on the review of performance, both qualitative and quantitative, of the Thurrock Community Safety Partnership in 2020 and provided an insight into the priorities for the Partnership for 2021/22. Phil Carver provided Members with an overview of the environmental enforcement team's items of the report.

The Chair thanked Michelle Cunningham for the very good report.

With no questions from Members, the Chair moved to the recommendations.

RESOLVED

- 1. That Cleaner, Greener and Safer Overview and Scrutiny Committee noted the performance of the Thurrock Community Safety Partnership for the year 2020 and support the retention of the five priorities of the Community Safety Partnership for the year 2020/21, which are:**
 - 1. Tackle Violence against Women and Girls**
 - 2. Tackling Violence and Vulnerability**
 - 3. Local Community and Visibility**
 - 4. Tackling Offending**
 - 5. Counter Extremism and Terrorism**
- 2. That Cleaner, Greener and Safer Overview and Scrutiny committee recognised the changing environment and risks that poses to keeping communities safe.**
- 3. That Cleaner, Greener and Safer Overview and Scrutiny Committee recognised the requirement to continue to work collaboratively across Essex on the Police and Fire Crime Commissioners Violence and Vulnerability framework and to deliver on the recommendations within the Annual Public Health Report on Serious Youth Violence.**
- 4. That Cleaner, Greener and Safer Overview and Scrutiny understood the impact on the Council of the Domestic Abuse Bill.**

85. Community Safety Partnership Report on Prevent

Michelle Cunningham presented the report that provided Members with the opportunity to review the Councils response to the Counter Terrorism and Security Act 2015, ensured that they understood the local threat and to judge whether the strategy and actions planned would address that threat. Members were referred to the Home Office Prevent Handbook that outlined three key roles for elected Members in shaping and delivering Prevent activity locally and these were Leadership and Direction, Community Dialogue and Scrutiny.

Councillor Redsell thanked Michelle Cunningham for the report and asked for clarification on the Panels being referred to. Michelle Cunningham stated that the Channel Panel formed a key part of Prevent which was a multiagency approach to identifying those individuals who were at risk of being drawn into terrorism, had access to the nature and extent of that risk and provided early support to those identified as being vulnerable to being drawn into terrorism. The Strategic Prevent Board focused on the delivery of the wider aspects such as training, communications and engagement and would be fed up into community safety partnership for their awareness.

Michelle Cunningham stated the Pledge Card had been developed by the Members Working Group and had been aimed at members to highlight the

five key points and how to report suspicious activity. Councillor Redsell stated it would be good idea to send this out again to all Members.

Councillor J Kent referred to the training being delivered and questioned who this had been available to, what the take up of this training had been and had the training been available to elected Members. Michelle Cunningham stated this training had been offered by the Learning Development Team to schools, partners and internal professionals and would be happy for this to be available to Members. Councillor J Kent stated that Members should be invited to take part in these training sessions as Members may need to demonstrate that they had completed such training. That there was a misunderstanding on what Prevent was and the intentions of Prevent. This training should be mandatory for all Members and before any decisions were made on the Prevent Committee, Members should be given the opportunity to attend training to ensure they understood what the Prevent strategy was and what that role would be. Michelle Cunningham replied that Members had been offered sessions and would be happy to arrange further sessions.

Councillor J Kent recommended that a further recommendation 1.5 be added to this item in that all elected Members should undertake the Prevent training and to make this a mandatory requirement. Members were in agreement with this and would be added to the report.

RESOLVED

That Cleaner, Greener and Safer Overview and Scrutiny Committee Members:

- 1. Noted the increased National risk.**
- 2. Understood the implications for the Local Authority in relation to the Channel Duty Guidance.**
- 3. Considered the ratings and actions reported in the self-assessment Prevent duty toolkit for Local Authorities.**
- 4. Supported the Members working group to promote the important role that members play in raising awareness of Prevent, community tension monitoring and reporting concerns.**
- 5. That this committee recommend that all elected Members undertake the Prevent training and make this a mandatory requirement.**

86. Contract Renewal for Litter Enforcement

David Kleinberg presented the report that outlined the proposal for the Council to re-tender for the brought-in support services that assist the Council in meeting the objectives to improve the environment and neighbourhoods for Thurrock residents. Phil Carver provided an overview on the performance and

required standards of the contract to date and detailed future projections based on known comparatives and requested permission to progress the report's recommendations to Cabinet.

Councillor J Kent asked for some elaboration on the enforcements of environmental crime. Phil Carver stated that littering was a statutory offence and that there were processes in place for the Grays Town Centre PSPO which was written by Thurrock Council that the current contractor must abide by.

Councillor Rigby questioned how many contractors there were currently, how often they patrolled and what areas were covered. Officers informed Councillor Rigby there was currently one contractor and officers would be assigned to hot spot areas which may have been based on the number of complaints received from residents. Members were informed that contractors wore body-worn cameras and activated at the start of each interaction with alleged offenders.

Councillor Redsell questioned how many mobile cameras the environmental enforcement team had to which it was confirmed they had four.

Councillor J Kent stated his disappointment in the case being made for the in-house option as it currently did not highlight some of the real positives this could bring to the borough. There was also a lost training opportunity that could be attached to the issuing of fines. For example, for offenders being fined for dropping cigarette butts should be followed up with information or help on how to stop smoking. Councillor J Kent suggested that some flexibility, common sense and some education was required to be in place alongside enforcements.

Councillor J Kent stated that recommendation 2 as it currently stood was invalid and needed to be changed to reflect where the authority of delegation would fall. Members agreed to change recommendation 2 to say the authority of delegation would fall to the Director of Environment, Highways and Counter Fraud.

Councillor Redsell questioned if the service were to be tendered out who would be in charge of tickets and what would come back in house. Officers confirmed that in respect of tickets this would be based on percentage and currently the contractor received £42.50 for each fixed penalty notice.

Councillor Redsell questioned if the service were to go to another contractor how many more officers would there be in Thurrock. Officers stated this would be currently the same as now, one supervisor, four officers and one admin officer.

Councillor Redsell referred to the current contractor already in place and questioned what actual differences would it make in going out for another tender. Officers stated the current contract which had been working very well was due to expire in December 2021 and stated that the Council would be

looking at widening the contractors remit to deal with more offences which are absolute offences that are non-investigative.

Councillor J Kent raised the question that whoever was successful in winning the tender the Council would receive an increased percentage of fines. Officers stated that it would be two thirds of the payment to the contractor and one third to the Council. Councillor J Kent stated this was a hefty increase and reminded Members that if the services were kept in-house the Council would keep 100% of the fine payment.

Councillor Rigby questioned whether the contractor received any commission in the means of an additional fee or payment or were their payment purely based on the percentage of fines. Officers stated there was no commission with current contractors and would not likely to see that in any future contracts.

Councillor Redsell questioned what the risks would be to deliver an in-house enforcement service. Officers stated there would be costs to the Council such as financial and legal risks, training, equipment, sickness, conduct, capabilities, appraisals, redundancy costs. Members were also referred to the in-house comparisons within the report.

Councillor Redsell questioned whether the existing contractors could take part in the procurement exercise. Officers stated that they could.

Councillors Lawrence suggested that consideration could be given to shorten the contract to two years instead of four years. Officers stated that from experience contracts would be set at a four year minimum.

Councillor Van Day questioned whether the current contractors were employed to undertake any other services for the Council. It was stated they had delegated authority for fly-posting and graffiti.

Councillor Rigby questioned what the current contractual hours were. Officers stated the contract was from 7.00am to 5.00pm, Saturday working but there was a flexible agreement in place for these hours to be changed.

It was noted for the minutes that Councillor J Kent voted against recommendation 2.

RESOLVED

That the Cleaner, Greener and Safer Overview and Scrutiny Committee:

- 1. Noted the content contained within the report; and**
- 2. Recommend to Cabinet to delegate the authority for the tender and subsequent award of a new contract to the Director of Environment, Highways and Counter Fraud on a payment by results basis, based on Option 3 (3.3 of the report).**

87. Work Programme

Members were informed this was the last meeting of this municipal year, the chair thanked Members on the committee and looked forward to seeing everyone again in the next municipal year.

The meeting finished at 8.15 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**

14 July 2021		ITEM: 5
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Parking Enforcement vehicle removals		
Wards and communities affected: All	Key Decision: Yes	
Report of: Phil Carver, Strategic Lead for Enforcement		
Accountable Assistant Director: David Kleinberg, Assistant Director for Counter Fraud, Investigation and Enforcement		
Accountable Director: Julie Rogers, Director of Public Realm		
This report is Public		

Executive Summary

This report sets out proposals for the council to commence the use of vehicle removal in the council's parking enforcement approach in specific incidents.

The Council is a specified enforcement authority with responsibilities and duties in managing the traffic network with the aim of maintaining traffic flow, improving road safety and meeting the needs of people with disabilities.

The Council have delegated authority for enforcement against vehicles that are parked in contravention of parking regulations through its in-house Parking Enforcement Team. The service has seen traditional enforcement actions against high-risk incidents and persistent evaders being ineffective.

All parking enforcement conducted by the council is delivered in compliance with the statutory provisions of the Traffic Management Act 2004 (as amended) and in accordance with the Operational Guidance to Local Authorities.

This report seeks approval for the Parking Team to remove vehicles parked in contravention with priority removals to those classed as persistent evaders or if a vehicle is parked in a manner that is obstructive or dangerous to other road users, in line with legislative powers and best practice.

1. Recommendation(s)

Cleaner, Greener and Safer Overview and Scrutiny Committee are requested to:

- 1.1 **Recommend to Cabinet to approve Thurrock Council's Parking Team to execute enforcement action against vehicles parked in contravention with priority vehicle removal of persistent evaders as suggested by the Department for Transport within its statutory guidance.**
- 1.2 **Recommend to Cabinet to adopt the policy to remove vehicles which are parked in contravention of restrictions where a PCN may be issued if the vehicle is also parked in a manner that is obstructive or dangerous to other road users.**

2. Introduction and Background

- 2.1 Thurrock Council has an established enforcement team which has the regulatory powers to carry out the civil enforcement of parking contraventions by issuing Penalty Charge Notices (PCNs) and approving the removal of vehicles to which a PCN has been issued.
- 2.2 Motorists who receive a PCN for contravening parking restrictions have opportunity to either pay or appeal the charge. The party liable to make payment is the owner of the vehicle and in accordance with relevant regulations enquiries are made with the DVLA to obtain details of the registered keeper (who is legally presumed to be the owner). The keeper would be sent three statutory documents at different stages of the PCN, each of which explains the options available, including how to pay and what will happen if the document is ignored. As a final resort a warrant is obtained for unpaid PCNs and referred to enforcement agents for collection. This can result in the keeper being traced but in many occasions warrants are returned by enforcement agents at this stage as the keeper cannot be found.
- 2.3 The council incurs costs for pursuing unpaid PCNs including an £8 court registration fee for each case that is registered as a debt at the Traffic Enforcement Centre (before a warrant may be issued). Thurrock councils cost to the Traffic Enforcement Centre was £13,420 for the last financial year 20/21.
- 2.4 For some vehicles the DVLA fail to return any current keeper information, for Example if the previous keeper says they sold the vehicle but they do not know full details of the buyer and the new owner then fails to inform DVLA of their details. Parking Services are unable to take further action in such cases currently.

3. Issues, Options and Analysis of Options

- 3.1 Department for Transport statutory guidance defines a 'persistent evader' as having three or more unpaid PCNs per vehicle, which have not had appeals made against them within the timescales allowed by the regulations, or which following the rejection of an appeal have then remained unpaid.

- 3.2 This guidance recommends that local authorities adopt strong enforcement policy against persistent evaders, with the removal of the vehicle as a beneficial option as the keeper of the vehicle then has to provide evidence of where they live at the time of collection.
- 3.3 It is proposed that Thurrock Council adopts the policy to remove the vehicles of persistent evaders to prevent abuse of parking restrictions by drivers who may ignore the restrictions. The vehicles of persistent evaders who have committed a parking contravention in a designated parking place cannot be removed until at least 15 minutes have elapsed following the issue of a PCN.
- 3.4 In circumstances where a parking contravention has occurred outside of a designated parking place, the removal of the vehicle can take place immediately after the issue of a PCN. It is therefore also proposed that Thurrock Council adopts the policy to remove vehicles which are causing the most serious impact on traffic flow or road safety.
- 3.5 The suggested priority for the removal of vehicles is as follows:
- a) Vehicles parked in contravention of a restrictive parking regulation (such as on a yellow line, zig zag lines for a school keep clear marking / a road crossing, or bus stop clearway) in a manner that is causing obstruction to traffic flow or danger to other road users (including pedestrians, or in a restricted cycleway).
 - b) Persistent evaders parked where parking is restricted.
 - c) Persistent evaders parked in a parking place in contravention of a restriction.
 - d) Non permitted vehicles parked in a disabled bay.
- 3.6 In accordance with statutory guidance vehicles displaying a valid Blue Badge or diplomatic vehicles with a registration plate that is personalised or marked with a 'D' would be relocated rather than removed. Diplomatic vehicles with an X plate may be removed if they are a persistent evader.
- 3.7 The intention is to use the successful contractor for Thurrock Councils Vehicle Removal contract following a tender process. The contract would enable this removal activity to be carried out following directives of trained Civil Enforcement staff working for Thurrock Council's Parking Team.
- 3.8 The removal of vehicles which are persistent evaders should contribute to keeping the borough safer. As indicated above such vehicle owners often do not have their vehicle correctly registered at the DVLA. The reasons for the recommendations section, shown later in the report, explains the potential risks associated with such vehicles.
- 3.9 Persistent evaders do not pay PCNs to the local authority and also, depending on locations where the vehicle is left, parking charges (i.e. 'pay and display' charges). Money paid to the council in parking charges and PCN's is used to deliver the parking service and local transport priorities.

Indirectly local economies may be impacted due to other visitors not being able to find parking and not stopping to visit local businesses or facilities.

- 3.10 Spaces being taken up by vehicles which have not paid to park lead to higher utilisation of spaces, increasing the risk of other drivers having to drive round looking for a space. This also results in a negative impact on air quality.
- 3.11 The removal of vehicles which do not belong to persistent evaders but which are parked at locations where traffic flow is blocked will help keep the borough moving reducing congestion for other road users, including public transport.
- 3.12 The police do have powers to enforce against vehicles which are parked obstructively. There will be some circumstances only the police could still take enforcement action. For example where there are not parking restrictions in situ that enable Parking Civil Enforcement Officers (CEOs) to issue a PCN. The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions state local authorities should consult the police on the guidelines for CEOs to remove vehicles. Parking Services will consult with Essex police on the proposals if approved.
- 3.13 The police would be informed as part of standard practice about any individual vehicle removed to the pound following the issue of a PCN and the authorised removal.
- 3.14 Alternative Options Considered
 - 3.14.1 To continue to issue PCNs to persistent evaders rather than to also approve removal of their vehicles. However, this will result in such drivers continuing to use loopholes in the DVLA vehicle registration system to avoid payment of charges and the resulting negative impact on other road users. Not removing persistent evaders creates an unfair position between motorists who do correctly register their vehicles and pay relevant parking fees (and PCNs if they do incur these) and those motorists who evade enforcement.
 - 3.14.2 To continue to only issue PCNs to vehicles parked in contravention of higher level PCN contraventions at locations where they are obstructing or endangering other road users. However, another PCN cannot then be issued for 24 hours and the vehicle would then remain in a position where it is causing issues for other road users.
- 3.15 Equality of Opportunity Implications
 - 3.15.1 Overall there are no significant equalities impacts, positive or negative, from this proposal. There is a beneficial impact on the general public by introducing this policy.

- 3.15.2 Removing vehicles which are parked on restrictions where they are causing obstruction, creating significant traffic congestion, or a danger to other road users, benefits a cross section of people. For example, young people around schools, cyclists on cycle routes, commuters, public transport users, pedestrians on footways (including those pushing buggies, with visual impairments, or with restricted mobility).
- 3.15.3 The potential removal of vehicles which repeatedly park in contravention of restrictions in parking bays (including disabled bays) would improve the opportunities for Blue Badge holders to park. Reducing demand on bays from drivers trying to avoid payment of PCNs can also help improve traffic congestion and air quality as people are less likely to need to circulate to find an available space.
- 3.15.4 However vehicles that are being used by blue badge holders, but are persistent evaders or parked in a manner that is obstructive or dangerous to other road users, may be relocated but not removed (in accordance with Secretary of State guidance).
- 3.15.5 Parking Penalty Charge Notice income from the collection of tickets issued to persistent evaders (who may otherwise have avoided payment) may help contribute to any highway and environmental improvements to benefit local communities.
- 3.15.6 Reducing demand on bays from drivers trying to avoid payment of a Penalty Charge Notices can also help improve traffic congestion and air quality as people are less likely to need to circulate to find an available space.

3.16 Financial and Commercial Implications

- 3.16.1 Enforcement will be carried out by existing Civil Enforcement Officers working for Thurrock Councils Parking Team and removal of vehicles carried out by the successful contractor following a tender process for the Vehicle Removal Contract.
- 3.16.2 The charges for PCNs, vehicle removal, storage are set nationally – currently by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.
- 3.16.3 The current levels are £70 for a higher rate PCN (reduced to £35 if paid within 14 days), £105 for the vehicle removal, £12 per day for vehicle storage or each day / part day during which the vehicle is impounded (from midnight after the first full day the vehicle is stored). There may also be a £50 charge for vehicle disposal. The Council would need to pay the contractor for removal, storage and disposal costs from the Parking Services budget, but would recoup these costs if the vehicle is collected by the motorist, except for the VAT which TBC is liable for. In this circumstance, TBC would also receive the PCN income. If a motorist does not collect their vehicle and the likely trade value of the vehicle exceeds £1500, TBC will receive any income from the sale of these vehicles at auction.

- 3.16.4 We would anticipate most drivers whose vehicles are removed from locations where they are parked obstructively or dangerously will pay to collect their vehicle.
- 3.16.5 Out of the persistent evaders there is a risk some will not pay to retrieve their vehicle, but this may be somewhat offset by other costs associated with the vehicle continuing to offend.
- 3.16.6 If there is no current registered keeper on the DVLA records, the vehicle may be disposed of seven days after the date of removal (excluding weekends and bank holidays). If information is provided by the DVLA, a notice would be issued by recorded delivery to the keeper to advise the vehicle will be disposed of after seven days (excluding weekends and bank holidays) following the owner/keeper being served with the Notice of Disposal. Service of this notice is taken to be two working days after it was posted. This minimises storage costs incurred by TBC.
- 3.16.7 In other persistent evader cases where the motorist does pay to collect the vehicle, the requirement to provide proof to collect the vehicle opens the opportunity to collect other unpaid PCNs which the local authority would have otherwise been unlikely to recover.

3.17 Legal Implications

- 3.17.1 Section 73 of the Traffic Management Act 2004 ('the 2004 Act') states that there are offences which may be regarded as parking contraventions such that they are subject to civil enforcement. The list of parking contraventions is contained in Part 1 of Schedule 7 to the 2004 Act and includes (but is not limited to) circumstances where a vehicle is parked in contravention of a restriction on parking implemented by a Traffic Regulation Order or where there is a failure to comply with certain traffic signs under section 36 of the Road Traffic Act 1988.
- 3.17.2 The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 state that PCNs may be issued by civil enforcement officers where a parking contravention is observed. The Removal and Disposal of Vehicles Regulations 1986 ('the 1986 Regulations') further state at regulation 5C that where a PCN has been issued and the parking contravention arises from a failure to:
- a) pay a parking charge with respect to the vehicle;
 - b) to properly display a ticket or parking device; or
 - c) to remove the vehicle from the parking place by the end of the period for which the appropriate charge was paid
- 3.17.3 Then the vehicle may then be removed to either another position on the road it was found, another road entirely or to a place which is not a road (e.g. a depot) by a civil enforcement officer or a person acting under their direction.

This cannot occur until 15 minutes have elapsed since the issuing of the PCN where there are 3 or more penalty charges outstanding, 30 minutes in the alternative.

- 3.17.4 Where a PCN has been issued and the parking contravention arises out of any other circumstance (i.e. is not due to any of the matters referred to as a), b) or c) above) then the vehicle may immediately be removed.
- 3.17.5 Section 87 of the 2004 Act states that a local authority must have regard to any statutory guidance when exercising its functions in connection with the civil enforcement of parking contraventions. The aforementioned guidance recommends the proposals contained within this report.
- 3.17.6 There are other alternative powers under the Highways Act 1980 which may be used by the Council to achieve the removal of a vehicle which is causing a danger (including danger by obstruction) however unless the danger is immediate then its removal must be delayed by the giving of notice and the obtaining of a removal and disposal order from a magistrates' court.
- 3.17.7 The use of removal powers under the 1986 Regulations present an appropriate and proportionate response where a parking contravention has also occurred; said powers are exercised pursuant to and in accordance with the duty under section 122 of the Road Traffic Regulation Act 1984 (to secure the expeditious, convenient and safe movement of traffic) as well as enabling the Council to fulfil its network management duty under section 16 of the 2004 Act, which also states that the Council must manage its road network with a view to securing the expeditious movement of traffic.

4. Reasons for Recommendations

- 4.1 The removal of vehicles which are persistently parked in contravention of restrictions act as a deterrent to motorists. The British Parking Association (BPA) estimated persistent evaders cost local authorities more than £500 million a year ⁱⁱ. The BPA report also found that many such vehicles did not have MOTs, were not taxed or insured and in some cases were of interest to the police for other reasons.
- 4.2 Drivers seeking to collect a vehicle from the pound are required to provide proof showing they are the keeper of the vehicle and of their current address. Although under current legislation we cannot make the keeper pay other outstanding PCNs at the time of collection, this information can be used to pursue other unpaid PCNs relating to the same vehicle. The motorist would then still have options to pay or appeal the cases. There are hundreds of vehicles on Thurrock's streets which are classed as persistent evaders.
- 4.3 Warrants on unpaid PCNs expire after 12 months. In cases where the keeper cannot be traced due to keeper information not being up to date these are written off. In these instances as well as the debt being written off, Parking Services incur costs such as obtaining outdated DVLA information, printing and posting statutory documents and registering the debt. There are

also limitations of vehicles that can be seized when a warrant is pursued. For instance a vehicle that is under a finance agreement still with the company it is being purchased from, or is needed for the owner's trade (subject to its value).

- 4.4 Removal of persistent evaders should reduce the occurrence of vehicles being left where parking is not permitted, such as on yellow lines, at locations where vehicles may cause obstruction, negatively impact on traffic flow and / or being a hazard to other road users.
- 4.5 Parking pressure is high in many areas. In other instances the removal of persistent evaders should free up bays which other drivers could legitimately park in, for example resident permit holders, or people who would buy a ticket from an on-street machine. Such vehicles also prevent other visitors to the Borough from utilising spaces to visit local businesses and facilities.
- 4.6 The removal of vehicles that are parked causing a problem for other traffic passing, or in a hazardous manner for other road users, would improve traffic flow and road safety.
- 4.7 An awareness of the risk that vehicles belonging to persistent evaders' and / or parked in contravention of serious priority restrictions may be removed will act as a deterrent to such parking practices.

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

5.1 N/A

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

6.1 N/A

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

There are no direct financial implications arising from this report.

7.2 Legal

Implications verified by: **Tim Hallam**
Deputy Head of Legal and Deputy Monitoring Officer

Given the nature of this report there are no legal implications directly arising from it.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Team Manager, Community Development and Equalities

Overall there are no negative equalities impacts from this proposed policy which will be applied fairly and consistently regardless of protected characteristic with reasonable adjustments proposed for Blue Badge holders. There is a beneficial impact on the general public and protected groups through the application of this proposed policy. Positive equalities impacts may be achieved not least in relation to those that use pushchairs and prams as well as users of mobility aids including scooters and wheelchairs and individuals with visual impairments given the nature of some illegal parking behaviours and the disruption to footpaths and walkways this may cause. A full Community Equality Impact Assessment will be completed in relation to the policy prior to implementation

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

N/A

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):

N/A

9. **Appendices to the report**

N/A

Report Author:

Phil Carver
Strategic Lead, Enforcement
Public Realm

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14 July 2021	ITEM: 6
Cleaner, Greener and Safer Overview and Scrutiny Committee	
Thurrock Council Animal Welfare Review	
Wards and communities affected: All	Key Decision: Key
Report of: Gavin Dennett – Strategic Lead Public Protection	
Accountable Assistant Director: Leigh Nicolson – Assistant Director - Planning, Transport and Public Protection	
Accountable Director: Andy Millard – Director of Place	
This report is Public	

Executive Summary

During the political year ending in May 2021 the Cleaner, Greener and Safer Overview and Scrutiny Committee received a report on the work of Public Protection that related to animals.

As a result of this report the Committee determined that it should form a working group to review the Councils Animal Welfare Policy.

This work group was formed and comprised of Cllr E Rigby (Chair) and Cllrs Van Day and Fletcher. The work group met on several occasions to review the Council's Animal Welfare Policy.

A revised Animal Welfare Policy for Thurrock Council is attached as appendix 1.

1. Recommendation(s)

1.1 The Cleaner, Greener and Safer Overview and Scrutiny Committee recommend to Cabinet to adopt the revised Animal Welfare Policy for Thurrock Council.

2. Introduction and Background

2.1 The current Thurrock Council Animal Welfare Policy dates back to 2007. In the intervening period animal welfare issues around the keeping of pets and the public perception of animal welfare has evolved.

2.2 In light of the change in public perceptions around animal welfare issues and the passage of time since the last review of this policy the Cleaner Greener and Safer Overview and Scrutiny Committee decided that a review of Thurrock's policy was due.

2.3 A working group was established and this review was undertaken over the period from late 2020 to early 2021 and a revised animal welfare policy was devised. The subsequent elections in May 2021 delayed the reporting of this work to the committee.

3. Issues, Options and Analysis of Options

3.1 The Committee can recommend that the policy attached at appendix 1 is adopted as the Animal Welfare Policy for Thurrock Council. Alternatively the Committee can reject the revised policy and determine that Thurrock should continue to apply the existing policy.

3.2 The preferred option of officers and the working party is the adoption of the reviewed policy as it refreshes and updates the Councils policy on Animal Welfare.

4. Reasons for Recommendation

4.1 To provide an up to date Animal Welfare Policy for Thurrock Council.

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

5.1 The policy review was undertaken under the direction of elected members on the working party formed by Overview and Scrutiny. No additional consultation was undertaken.

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

6.1 The provision of an up to date Animal Welfare Policy helps to support the Councils priorities around Place and People.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director Finance

There are no direct financial implications associated with the recommendation of this report.

7.2 Legal

Implications verified by: **Tim Hallam**
Deputy Head of Legal and Deputy
Monitoring Officer

There are no direct legal implications associated with the recommendation of this report.

7.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead Community Development and
Equalities

There are no diversity and equality implications associated with the recommendation of this report.

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

None

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):

- Thurrock Council Animal Welfare Policy 2007

9. Appendices to the report

Appendix 1 - Proposed Reviewed Animal Welfare Policy

Report Author:

Gavin Dennett

Strategic Lead – Public Protection

Planning, Transportation and Public Protection

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THURROCK COUNCIL COUNCIL ANIMAL WELFARE POLICY

PLACE DIRECTORATE DECEMBER 2020

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Introduction

The Council recognises the benefits of the application of good animal welfare practices in society. Animals play an important role in the lives of our residents both in a work and social context. The roles played by animals include providing companionship to pet owners, providing vital assistance to people to overcome sensory impairments in the case of guide dogs and hearing dogs, providing assistance with security and law enforcement in the case of sniffer dogs and those dogs used for security purposes and providing a number of leisure and sporting activities for example, zoo visits, horse riding and horse racing. Animals also form an integral part of our environment contributing to its diversity and its beneficial impacts on human physical and mental health.

Executive Summary

This policy aims to provide an overview of the Council's view on the local delivery of animal welfare. It seeks to distinguish the Council's legal responsibilities and the areas where the Council can use its influence to improve animal welfare from matters which whilst pertaining to animal welfare are best managed by others.

The policy does not cover all elements of animal welfare but focuses on those elements that the Council considers to be important and within its sphere of influence as a local authority. It does not cover wild animals in nature or those animals used for research.

The Council believes that where applicable people with control of/or responsibility for animals should follow nationally mandated standards or take equivalent steps to ensure the welfare of these animals. The Council itself undertakes to follow such guidelines in circumstances where it has direct dealings with animals, for example in the operation of its stray dog service.

Context

The Council is of the view that people who have control of animals or are responsible for them, either on a temporary basis or on a longer term basis, for example as the owners of an animal have a duty to ensure they are not subjected to cruel or inhumane treatment. They are also responsible for ensuring that their animals have their basic requirements with regard to food, water and accommodate suitable for their species provided for. The council expects that good welfare practices will be applied for the life time of animals under the control of a person or organisation.

This includes the start and end of an animal's life where welfare steps appropriate to the age of the animal and its state of health should be taken. This would include appropriate steps to ensure young animals are not separated from their mothers prematurely and the provision of appropriate veterinary treatment or humane euthanasia where required and in any event to prevent unnecessary suffering.

Companion Animals

This Council supports the Animal Rights/Welfare Organisations in their call for greater protection for dogs and cats and all other companion animals in the community and considers that such matters should be a duty of the Permanent Council for Animal Protection and in particular this Council is of the opinion that: -

There should be greater Central Government Support for the various voluntary organisations concerned with animal welfare.

That a national compulsory dog registration scheme be introduced.

That all dogs be required to have at all times a means of identification of its owner.

The Council will give support where possible to the police authorities in their enforcement of the dangerous dog legislation.

Puppy Farming

The Council strongly opposes the practice of puppy farming and seeks to encourage responsible dog breeding practices.

With regard to feral cats

The Council will support any investigation into the health and incidence of feral cat populations, which may exist within the Borough and will use its best endeavours to achieve:

the humane capture and re-homing of feral cats to any appropriate welfare agency; and

assistance being given to appropriate voluntary agencies by the owners of premises populated by feral cats for the spaying and neutering of feral cats and for the promotion of their welfare.

With regard to horses

The Council considers the practice within the Borough of the unlawful tethering of horses and other livestock on highway verges, play areas and other Council owned land to be unacceptable and DECLARES that such animals will be removed by the relevant council department and sold or rehomed appropriately. The proceeds of any sale will be retained by the Council to offset against the cost of removal.

Performing Animals

Whilst this Council does not object to performing animals it is of the opinion that training methods should not involve suffering or fear by the animals nor should the performance by the animal be degrading in any way. This Council will, therefore, make every effort to ensure that: -

Circuses that include the use of animals (excluding domestic animals) will not be allowed on Council owned land.

Circuses visiting the Borough are inspected to ascertain, so far as is possible, that animals are well kept and cared for and that training methods are humane. Any suspected mistreatment or cruelty toward animals following such inspections will be dealt with robustly including using the resources of the RSPCA and the Council's Consultant Veterinary Service.

That animals are not put in fear.

Fishing

The council encourages anglers to abide by the current version of the Freshwater Rod Fishing Rules published by the Government. They encourage anglers to fish in accordance with relevant welfare standards that exist or are introduced subsequent to the adoption of this policy.

Factory Farming

This Council, whilst recognising that farming practice has an impact on the cost of food, supports the adoption of the best possible welfare standards for farmed animals. The Council believes that consumers should be encouraged to purchase food produced in accordance with farm welfare accreditation schemes where these are in place.

Exportation and Transportation of Animals

This Council supports the adoption and mandating of safe and humane practices in the transport and exportation of live animals.

Experiments on living animals

The Council opposes experiments carried out on living animals where an alternative method is available or where the purpose of the experimentation is not essential for the development of technology to treat human disease or promote human health.

Wildlife

The Council supports the protections for wildlife mandated by the Wildlife and Countryside Legislation currently in force. The Council will collaborate with the RSPCA and other interested parties to uphold standards of wildlife protection in the conduct of its own activities and to positively influence the conduct of others where this has an impact on the welfare of wild animals.

The role of Council Departments

A number of the Council's teams have a role to play that can influence standards of animal welfare in Thurrock. These include:

Licensing, who issue licences and registrations for a number of animal related undertakings and thereby have influence on the standards applied by businesses and individuals who have control of animals. Examples of this include licences for pet shops, animal boarding establishments for cats and dogs, dog breeding, the keeping of dangerous wild animals, horse riding establishments,

zoo licensing and the exhibition of animals. This last category includes circuses, use of animals in film and television productions and theatre work.

The various licensing regimes applicable to animal related activities provide an opportunity for the Council to exert influence over welfare standards, in some instances welfare standards are embodied in national model standards for example for species specific cage sizes in pet shops. In other cases the welfare of animals is promoted by the provision of specific advice on an animal welfare issue. In these instances the councils licensing officers will provide advice based on their experience or where necessary based on consultation with external experts either from interested organisations such as the dogs trust or RSPCA or Veterinary Surgeons with specialist knowledge of the species concerned.

Trading in Animals

This Council having statutory responsibility for the inspection of Pet Shops continues its policy of vigorous inspection so as to ensure that such animals as are kept in pet shops are maintained in proper and humane conditions and in particular the Council will have regard to such advice as may be given by the Council's Veterinary Consultant (and under any planning or other implications) before a licence is granted or refused.

FURTHER this Council deplores the use of animals as prizes of inducements and will not permit such activity on Council owned land and will encourage other land owners to do likewise.

Investigation of complaints of alleged breach of licence conditions

The Council's officers will promptly and thoroughly investigate and enforce any alleged breach of licence conditions as necessary seeking advice from its veterinary consultant.

NOTE: Whilst not prohibited by licence conditions, the Council discourages sales of exotic pets from pet shops.

The licensing team will, where advice fails to ensure compliance and welfare standards are not being upheld in the licensed keeping of animals, escalate action as per the Council's enforcement policy. Actions could include suspension or revocation of licences and/or legal action to secure compliance or prevent the activity.

Assets, who manage the Councils land and property, can influence the welfare of animals by the inclusion of appropriate conditions on hiring and lease agreements that they issue to permit the use of council land and premises by outside parties. These agreements are often bespoke and provide the opportunity for the Council to influence animal welfare by the exclusion of activities that are not conducive to animal welfare in the lease agreements lessees sign up to on taking over a council asset. For example grazing or the keeping of animals can be excluded from a lease if appropriate.

Trading Standards, operate the Councils stray dog service whereby a contractor accepts stray dogs reported within the Thurrock area and arranges for these to be kennelled and feed while attempts are made to identify an owner. Where this is not possible all reasonable steps are taken to rehome the dog with a suitable owner. Wherever possible the Council will avoid putting down healthy dogs.

Trading Standards are also delegated to work on the welfare of farmed animals. The service works with farmers to promote the responsible and humane treatment of farm animals on the farm and during transport.

Housing are responsible for the provision of a considerable proportion of rented residential accommodation within the borough. The department sets conditions on residential tenancies to promote the responsible keeping of pets and to ensure they are only kept in suitable accommodation and to prevent this activity disturbing other residents. The general stipulations regarding the keeping of animals in council accommodation is set out in section 4 of the Councils standard tenancy agreement.

Collaboration with Outside Agencies

The Council collaborates with other organisations that have an interest in animal welfare and health. These organisations include the Animal and Plant Health Agency and the Royal Society for the Prevention of Cruelty to Animals.

Legal Provisions

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Environmental Protection Act 1990 – Provision of a stray dog service

Housing Act 1996

Approach to Enforcement

Thurrock Councils approach to achieving compliance with legislation protecting animal welfare will follow the Council's Enforcement Policy. A graduated approach will be taken to achieving compliance ranging from the provision of advice through to the service of notices detailing measures that must be taken to achieve compliance up to prosecution of alleged offenders who consistently fail to meet their responsibilities under the relevant legislation.

**Cleaner Greener and Safer Overview & Scrutiny Committee
Work Programme
2021/22**

Dates of Meetings: 14 July 2021, 7 October 2021, 14 December 2021 and 3 February 2022

Topic	Lead Officer	Requested by Officer/Member
14 July 2021		
Thurrock Council Animal Welfare Review	Leigh Nicholson / Gavin Dennett	Officers
Parking Enforcement vehicle removals	Phil Carver / David Kleinberg	Officers
7 October 2021		
Street Cleansing Strategy	Daren Spring	Officers
Health & Wellbeing Strategy Refresh 2021-2026	Ian Wake	Officers
Impact on Air Quality in lockdown in the borough	Leigh Nicholson / Gavin Dennett	Members
Air Quality Modelling Assessment and Associated Work Update Report	Leigh Nicholson / Matt Kiely	Members
Community Safety Partnership: Response to ASB caused by Nuisance Motorbikes	Michelle Cunningham	Members
14 December 2021		
Community Safety Partnership Annual Report	Cheryl Wade	Officers
Cemeteries Strategy	Daren Spring	Officers

3 February 2022		
Update on Prevent	Cheryl Wade	Officers
Update on implementation of the Domestic Abuse Bill	Cheryl Wade	Officers

Clerk: Jenny Shade
Last Updated: May 2021