

## Minutes of the Meeting of the Cleaner, Greener and Safer Overview and Scrutiny Committee held on 5 September 2016 at 7.00 pm

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**Present:** Councillors Oliver Gerrish (Chair), Russell Cherry (Vice-Chair), Gary Collins, Terry Piccolo and Michael Stone

**Apologies:** Councillors Roy Jones

**In attendance:** Councillor Brian Little, Portfolio Holder for Transport / Highways  
Councillor Pauline Tolson, Portfolio Holder for Environment  
Councillor Aaron Watkins, Ward Councillor for Corringham and Fobbing  
Sean O'Callaghan, Chief Superintendent Essex Police  
Lyn Carpenter, Chief Executive  
Steve Cox, Corporate Director of Environment and Place  
Ann Osola, Head of Highways & Transportation  
Gavin Dennett, Environmental Health and Trading Standards Manager  
Charlotte Raper, 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.

### **7. Minutes**

The minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee meeting held on 12 July 2016 were approved as a correct record, subject to amendments to Minute 5: Report on Thurrock Community Safety Partnership at Councillor Collins' request.

*"Councillor Collins asked if there were data which showed a breakdown of crimes by the race ethnicity and country of origin of the perpetrator and if it could be included in future reports"*

This was amended to *Councillor Collins asked if there were data which showed a breakdown of crimes by the race ethnicity and country of origin of the perpetrator, and who their victims were, similar to data held by the FBI and if it could be included in future reports.*

### **8. Items of Urgent Business**

There were no Items of Urgent Business.

### **9. Declaration of Interests**

There were no declarations of interest.

## **10. Trap Racing Event**

The Environmental Health and Trading Standards Manager introduced the report which outlined the circumstances surrounding the unauthorised trap racing which took place on the last weekend in July, as well as the Council's response and recommendations in order to reduce the likelihood of a recurrence.

The Chief Superintendent representing Essex Police began his presentation by explaining that there had been a number of meetings held since the event to look at finding the best way forward but also assessing Police action at the time. Members heard that there had been a review of what prosecution action was available to the police in dealing with circumstances such as those in late July and the Chief Superintendent outlined the new protocol which had been put in place between Essex Police and Thurrock Council regarding unauthorised traveller encampments.

The Chair queried whether there was a belief that if something similar were to occur in the near future the outcome would be different. The Chief Superintendent expressed his confidence that the outcome would be different due to the discussions that had taken place including increased clarity around Local Authority and Police powers as well as improvements to the indicator system used.

Members heard that the Chief Superintendent had been dealing with unauthorised encampments personally since 1998. He continued to explain that whilst there was no national data on the matter there was no evidence to suggest there was any increase in local crime within Essex at the time of unauthorised encampments, in fact sometimes petty crime decreased as members of the public were taking more care such as locking garages and sheds or not leaving children's bikes out due to the perceived risk.

The Cabinet Member for Environment added that after the event, when there was an unauthorised encampment there was very good communication between Essex Police and Thurrock Council. She then asked the Chief Superintendent whether local crime rates increased when unauthorised encampment occurred.

The Chair then presented a question submitted in advance by Councillor Jones which asked why the police had not used the law Section 61 to move the encampment on that had set up in Corringham on Monday 25 July, as this camp was the advanced party ensuring the Manorway was ready for the racing on the weekend.

The Chief Superintendent explained that the issue began with fully understanding Section 61 which dealt with all forms of trespassing and made no reference to travellers as it was actually initially brought in to prevent encampments attempting to stop building works. It was not legislation that Police were expected to act upon routinely and it was very specific in relation to when it could

be called. The Committee was informed that the UK Human Rights act had also expressed that any police action must be lawful and take into account necessity and proportionality and that furthermore, the 2010 Equality Act specifically named Irish Travellers as a protected race and that the majority of travellers within Essex fell into this category. Members also heard how new legislation within the Republic of Ireland had pushed many travellers to the UK. The Committee was advised on the regulations around how unlawful camps should be set up to mitigate impact on the local community and also heard that when Police officers attended the site initially, before the trap racing event, the criteria to invoke Section 61 had not been met. The Chief Superintendent however did acknowledge that Police in Essex were aware of community tensions and tried to act

Councillor Collins then explained that Council Officers and the Cabinet had offered to block the Manorway with refuse trucks in order to deny the trap racing access to the road but the offer had been refused by senior police officers. Councillor Collins asked the Chief Superintendent to explain why the offer had been refused. The Chief Superintendent explained that the Police had a duty to ensure that every action taken was lawful and there had been no lawful justification to block the highway, a Court would have found the act unlawful. There had also been a need to consider hypothetical scenarios which might result from the decision, if for example, there had been a collision as a result both the Police and the Council would have faced Corporate Liability.

Councillor Stone expressed that he felt his question had been mostly answered already. He asked why, since the police had the powers to stop the event, they had chosen not to use them. He also asked if it were due to Police cuts and what was being done to stop it going ahead in the future. The Committee heard that the Dispersal Order had been a result of intelligence received by Essex Police however the number that arrived was far greater than said intelligence had suggested. The event had also been far better organised than anticipated, even including fast food vans and in reality the event had begun far earlier in the day than intelligence had suggested. Police had been forced to make an assessment regarding public safety and it had been considered safer to allow the event to continue than for there to be large police action to arrest numerous individuals for low level offences. Members were assured that police cuts had had no bearing on the decision and similarly any decision to bring in forces from other areas was not always due to a lack of resources.

The Chair sought clarity surrounding the Chief Superintendent's point, asking whether there were sufficient resources available on the day, or whether he had simply meant that the decision had not been due to cuts. The Chief Superintendent explained that the officers on the ground at the event fell far short of sufficient given the numbers present. He continued to outline that to arrest any one individual took two police officers and that once arrested individuals had to be sent to the nearest police station, which in this case would have been Grays. Grays police station had 18 cells and individuals are held one per cell due to legislation and a duty of care. Considering the offences, in policing terms, were low-level it would very quickly swamp the policing response to arrest the large group present.

The Chair gave a summary of the Committee's position stating that they did not want to be in this position again, there had been an unacceptable imposition upon local residents and businesses and as local politicians they were looking for some sort of commitment from the Police to prevent repeat occurrences. The Committee was assured that the Police fully understood the mood and feeling of elected Members and that prevention was a key priority that the police and the Council were actively working together on. There were different stages to the issue as it was not an offence to ride a pony and trap on a highway, nor for groups to wait along the side of the carriageway but it was an offence to race on the highway. The biggest problem faced was how to physically prevent it while considering safety. A number of options had been discussed though the Chief Superintendent felt it important to stress that Section 61 did not apply to highways.

The Chair followed on from this point surrounding other legal approaches and asked which looked attractive to the Police in a professional capacity. The Committee was reminded of the success of the Public Spaces Protection Order in place at Lakeside and also heard that Harlow had been successful in obtaining an 18 month injunction against travellers, admittedly following very different circumstances. Members also heard of the possibility of a Traffic Regulation Order, however temporary orders came with the downside of a lengthy application period. The Chair stressed that Members did not want the Council to be chasing the issue with set regulations for certain areas and that the ideal solution would be a robust Police presence.

The Chief Superintendent outlined that there had been a significant increase in traveller encampments within Essex as a whole with 132, having risen from 90 for the same period last year. Essex Police were trying to work with travellers and had learnt that there was still a rich economy for their trades within greater London, but while some travellers would talk to the police there were others who were unwilling.

Councillor Cherry asked whether, on the weekend in question, the police stopped other road users. The Chief Superintendent admitted he did not know but would send a written response. Councillor Cherry continued stating that stopping lawful road users was essentially aiding and abetting those acting outside of the law, and could it not have been possible to use the traffic to prevent the races taking place?

The Committee heard that the fact that the traffic along the Manorway was not continually fluid made using the natural traffic as a deterrent more difficult. It was also highlighted that police had been told specifically on the day that if the race could not take place along the Manorway participants would simply move and hold it elsewhere; the A13 or M25 being most likely venues. Should the event have moved to one of these sites and a fatal collision occurred the Police could be held accountable in a Coroner's Court. This risk cemented the fact that the key would be prevention rather than simply dispersal.

The Chief Executive interjected that the issue of managing traffic had changed between the Saturday and Sunday. The Committee heard that the tactics changed on Sunday as the racing was more limited, being over by 9am.

Councillor Piccolo referred to the Chief Superintendent's presentation, particularly surrounding details of how encampments should set themselves up, for example parking vehicles and caravans along hedgerows to minimise the impact on the local community and queried whether this was different if the hedges backed onto the gardens of private residences. He continued to express the view that, if the police could not block the Manorway as it would have been unlawful, surely the racing itself was an unlawful block of the highway, and added that he had submitted a Freedom of Information request as to whether the police recorded and followed up on any motoring violations during the race, as he had personally seen overburdened vehicles, with passengers hanging out of windows or in the backs of vans with no seatbelts, only to learn that they had not.

Members were informed that new protocols had come about as a result of some junior officers taking the legislation word for word, whereas obviously there should be some discretion if the hedges were part of back gardens or similar. As for the racing along the Manorway, in legal terms they were minor offences and pursuing afterwards would not have proven effective; at all times the Police had a duty to be proportionate in their actions.

Councillor Collins referred to the Chief Superintendent's earlier comments that there were a large number of travellers coming from Ireland and queried whether there had been any attempt to claim reparations from the Irish Government. The Chief Superintendent admitted that the easy answer was no, and he was not aware of any similar action that had been successful. Yet again there was a need to balance the cost of legal action with the possible outcome.

The Chair questioned the Head of Highways & Transportation regarding the draft recommendations and whether there were any measures which might mitigate the impact upon the local community. The Head of Highways & Transportation agreed that officers had considered all measures available and traffic calming measures had been deemed impractical due to the fact that large numbers of HGV vehicles use the road, as well as the significant traffic and its being a dual-carriageway. These measures were not only impractical but also prohibitively expensive. She continued to outline that a Traffic Regulation Order was a possibility; the road already came under an Urban Clearway Order which gave Police the power to move any vehicles parked, but there were still no powers to disperse people stood alongside or any traps which were on the highway but not racing. Members heard that it would be possible to obtain a Traffic Regulation Order which would prohibit the use of traps along the Manorway at any time.

Councillor Watkins explained that he had been present at the event on both days and that whilst on Saturday the Police had been escorting local traffic safely along the Manorway, there was no such provision in place on the Sunday and as a result lorries were forced to attempt to use the highway alongside the traps and there was increased risk. He asked why this had been the case, and what measures would be in place to prevent something similar occurring in the future.

He also wanted to pursue Councillor Piccolo's thought and asked whether all the vehicles involved in the event following the traps were checked for tax and insurance.

The Chief Superintendent admitted that as he had not been present he could not account for specific decisions of the senior officer on the scene, but assured Members that as the nature of events varied from Saturday to Sunday the officer would have opted for the best use of resources at the time. He reiterated that there had been ongoing discussions regarding the options available to make the road impractical for such events in future but the large number of HGVs which used the highway rendered several options, such as cattle grids, unsuitable. Members were assured that registration numbers for all vehicles along the highway were checked by the AMPR systems in place across Essex which automatically checked vehicles were taxed and insured. These checks confirmed that all the vehicles were taxed and insured, bar one, which was seized afterwards.

Councillor Cherry returned to Councillor Tolson's question regarding the impact on local crime rates during periods of unauthorised traveller encampments. He was concerned that the police view was that there was no increase however in his ward there had been increased incidents of theft from the local Tesco, distraction burglary and cases of individuals being defrauded. The Chief Superintendent reiterated that unfortunately for the Police they could only refer to statistics of recorded crimes; they could only act upon what they knew about. He continued to assure read through the methodology of every crime within his area daily and Tesco had not come up, so had there been a problem the store had not reported it to the Police. He offered that large companies should do more in terms of loss adjustment or prevention. With regards to distraction burglary, the Committee was reminded that these offences primarily targeted the elderly and these and defrauding people of their savings were nasty crimes and the police did all they could in these situations, however during there had been no spike in these incidents within the period in question.

Councillor Cherry agreed that shops and businesses should do more, such as perhaps making it impossible to obtain fuel without paying first. He also suggested a key word system within the police database to allow for more accurate figures regarding crimes committed by members of the traveller community.

Councillor Piccolo referred to the fact that the Police often put "markers" against the number plate of known drug dealers and asked whether it would be possible to do the same for vehicles which had been involved in unauthorised encampments, and to track their movements to prevent them returning regularly to the same area. The Chief Superintendent stressed that there was a clear distinction as it was illegal to be a drug dealer, not to be a traveller. Whilst the police did record details of vehicles involved in unauthorised encampments where there are issues but there was strict legislation surrounding civil liberties which stopped them tracking any individual's movements without just cause. He continued to explain that there were far more significant issues this tracking

resource could be used for, such as drug dealers, those with illegal firearms and wanted criminals.

Councillor Tolson asked whether the Chief Superintendent was aware of the incursion currently underway in Nutberry that day. He admitted he was not, but had spent the day involved in a murder in the Harlow area and would look into it.

The Chief Executive expressed her confidence as there was now a completely new and different approach being taken, as Members would have seen in wards where there had been incursions since the trap racing event.

There was now a written protocol in place between Thurrock Council and Essex Police which was both quicker and more effective. Essex Police were now also sending both her and others the contact details of those on duty for the weekend every Friday, as well as looking at what both the Council and the Police could do in future. The Police were well aware of the Council's view that such incidents were unacceptable and the protocol in place was also being used as a model of good practice across Essex. There had been much better communication and responsiveness since the incident in July. The Council had been challenging in its dealings with Essex Police and the new system was proving to be working effectively and though it would never be possible to get it right every single time the Chief Executive expressed confidence that going forward that would be the case 99% of the time.

The Chair drew the Committee's attention and gave a summary of the meeting, thanking Essex Police for their attendance and highlighting the depth of feeling that all parties must learn from these events and move forward constructively.

Members discussed the recommendations offered in the officer's report and suggested slight amendments, particularly surrounding recommendation 1.1 and 1.4. Members disagreed that 1.1 should include "*The Council urges any organisations or individuals that wish to use the Highway for these or other similar purposes to seek the necessary permissions and licences*" as this is already Council policy for events such as street parties, and need not be repeated. Members also felt it unlikely that there would be circumstances in which use of the Highway for a trap racing event would be authorised and the inclusion implied otherwise.

The Chair proposed an amendment to 1.4, which would remove any reference to traffic calming measures, as it had been discussed and agreed that the section of highway in question was unsuitable for such measures, both due to the level and types of traffic which commonly used it.

#### **RESOLVED:**

- 1) That Thurrock Council will not countenance unpermitted trap racing to take place in the Borough and will implement measures at its disposal to prevent it.**

- 2) That Essex Police and Thurrock Council continue to work in partnership to share intelligence about any unauthorised future trap racing in the Borough and that Essex Police commit to deploy the necessary resources to prevent a repeat occurrence.
- 3) That the Council instruct officers to consider the potential imposition of further legal restrictions on the use of the Manorway by way of a Public Spaces Protection Order or a suitable injunction.
- 4) That the Council pursue all effective road network management options to prevent future unauthorised trap racing in the Borough.
- 5) That a working protocol between Thurrock Council and Essex Police to guide our partnership approach to such unlawful events and gatherings in the Borough be prepared.

The meeting finished at 8.27 pm

Approved as a true and correct record

**CHAIR**

**DATE**

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