

14 December 2016		Appendix 1
Cabinet		
Environmental Enforcement Report (Draft)		
Wards and communities affected: N/A	Key Decision: N/A	
Report of: Cllr Pauline Tolson, Portfolio Holder for the Environment		
Accountable Head of Service: Julie Rogers, Head of Environment		
Accountable Director: Steve Cox, Corporate Director of Environment and Place		
This report is Public		
Date of notice given of exempt or confidential report: N/A		

Executive Summary

Cabinet in July 2016 received a report on Environmental Enforcement in Thurrock. This report provides an update on progress on this work over the past six months and outlines the proposed way forward

1. Recommendation(s)

- 1.1 Note the progress made on improving environmental enforcement work since July 2016.**
- 1.2 Agree to the development of an environmental enforcement strategy based on the proposals outlined in this report, in paragraphs 3.6 – 3.9.**

2. Introduction and Background

- 2.1 The importance of a clean and safe environment to the health and well-being of the local community is well-recognised and to this end the physical appearance of the borough has become a major priority for the Council. The council has embarked on a four-strand approach to addressing this priority:**
 - 1. Clean and tidy – maintaining the public realm in a clean and tidy state
 - 2. Prevent - preventing environmental crime
 - 3. Enforce – taking enforcement action against those who do damage
 - 4. Promote – promote our environment as a place to be proud of and enjoy

3. Issues, Options and Analysis of Options

- 3.1 Work has progressed on all four strands since July 2016. The 'Cut it, then Clean it' part of the 'Cut it, Clean it, Fill it' Campaign forms part of the work to ensure a clean and tidy borough. This pilot has proved successful and officers are now looking at how to maintain this work over the remainder of the financial year and beyond. Similarly, under the prevent strand, target hardening work has been undertaken using capital funding to make it harder to fly-tip in the borough. However, this report relates specifically to the work undertaken with respect to the enforcement strand of this approach and proposes an outline for further work, although it should be noted that the work of all four strands compliments each other and contributes jointly to the overall outcome of a cleaner borough. The following is an update on the work which has progressed since July.
- 3.2 **Enforcement Team:** a restructure of the Environment Department has been completed and a new Head of Environment post has been recruited to. The Environmental Enforcement team have moved from public protection into the Environment Team where they are closely aligned to the commercial waste team and the street cleansing team. The Street Cleansing team itself is being restructured following the successful 'Cut it, then Clean it' campaign and the new working arrangements will ensure both service areas work more closely together to better respond to addressing the increasing number of fly-tips and improving the time taken to remove them from public land.
- 3.2.1 Fly tipping is an increasing problem across the country and the position is no different in Thurrock. Since April 2016 there has been 1769 service requests reporting fly tips in the borough. These vary in size from single black rubbish bags to large scale fly tips on a 'commercial' scale. Some fly tips are of a significant size and have been reported to the Environment Agency in line with guidelines.
- 3.2.2 The Environmental Enforcement Team consists of two officers; a small team for the size of the issue facing the council. At Cabinet in July, officers were asked to develop options for enhancing the capacity of this team and to report the outcome back to Cabinet after consideration by the Cleaner, Greener Overview and Scrutiny Committee. A report was taken to the committee during October setting out four options for enhancing the work of the team and asking for comments on each. The options included continuing 'as is' recognising the small size of the team and the limits this places on their effectiveness; find additional resources to provide an additional 5 enforcement officers; provide additional back-office administration support for the enforcement team so freeing up more time for them in the field; commission a private company to provide an additional enforcement role to work alongside the in-house team, focusing initially on littering and dog-fouling. After discussion the Scrutiny Committee preferred the option of a pilot scheme using a private company. This approach is increasingly used by other local authorities to complement the wider work of their enforcement teams and from

discussions with other authorities, it appears that this approach can be cost-neutral as the income received from the FPN's covers the cost of the service.

- 3.2.3 Officers have worked to commission this approach via a private company called Kingdom Ltd via a 12-month pilot that is due to start on December 5th. Kingdom will provide two teams of two enforcement officers, a supervisor and office based administrative support to complete the required paperwork up to the court stage. Introducing this approach in Thurrock, working alongside the enforcement team, will enhance the team's capacity and provide a specific focus on littering and dog fouling work which is not currently pursued and will free up time to further investigate and pursue fly tipping incidents.
- 3.2.4 Initially, one team will focus on Grays High Street and the second team will move around the borough on a weekly basis focusing on hot-spot areas identified using intelligence data. The officers will wear uniforms that include identification that makes it clear they are working on behalf of Thurrock Council. The scope of the work of the team will be kept under review and can be extended by agreement. Officers will not issue FPN's to any person under the age of 18 or suspected to be suffering from mental ill health. The FPN Representations Policy, Littering Policy and Dog Fouling Policy have been updated and are attached as Appendices to this report.
- 3.3 **Littering Campaign:** A campaign ('love Thurrock') was introduced in summer highlighting the offence of fly tipping and littering and reminding people of potential fines. The campaign has continued through the autumn with additional messages added to the side of waste vehicles. A further push on the campaign will be introduced when the issuing of FPN's for littering and dog-fouling starts in December.
- 3.4 **Trade/Commercial Waste Team:** Some of the fly tipped waste we are seeing within the borough can be categorised as trade or commercial waste, where it may be being fly tipped in streets or businesses are using public litter bins to dispose of their waste. A trade waste enforcement service has been in place since June 2016 to ensure businesses comply with the Environmental Protection Act with regards to disposal of their waste. Since this date 121 businesses have been issued section 34 notices for being unable to provide waste transfer documentation on request and 144 new trade waste contracts have been put in place. In addition to ensuring these businesses now dispose of their waste in the correct manner, this has also resulted in £96K of additional income to the council.
- 3.5 Paragraphs 3.1 – 3.4 above have outlined the work recently progressed to enforce against environmental crime in Thurrock. However, much more still needs to be done to support the continuing improvement in the quality of the local environment, both by the council and with partners. There are a number of services within the council that contribute to a high quality environment including not just those based within the environment team but also planning, public protection, parking, housing and community safety as well as external partners/stakeholders including the Police, Environment Agency, network rail,

private landowners and neighbouring boroughs and local businesses. Finally, local people themselves and community organisations need to be involved.

- 3.6 The roles and work of all these stakeholders needs to be clarified and coordinated via a single strategy designed to best use resources to tackle the on-going problem of environmental crime. The strategy should specifically set out work in relation to the key issues including enforcement, and should update specific policies as appropriate.
- 3.7 The strategy should be clear on the council's policies to tackling these issues. Each issue should be individually addressed within the strategy, should be clear on the role of different partners and agencies and should set out a mechanism for prioritising actions, enforcement to ensure compliance with polices, sharing intelligence to better tackle issues and measures of improvement.
- 3.8 The current policy is clear that the council is only responsible for clearing fly tips on public land and this should be strengthened within the new policy to clarify the types of land for which responsibility lies with the council, for example the council is not responsible for clearing fly tips on private housing areas or on alleyways to the rear of properties that unadopted or private. Fly tipping on private land is the responsibility of the land owner. Clearance on unadopted land is the responsibility of the frontagers (adjacent landowners). The council can charge a landowner for the removal of fly tips on private land and can take enforcement action against a landowner who does not clear up and dispose of fly tipped materials appropriately. The strengthened policy needs to clearly reflect this position.
- 3.9 The strategy will also need to have a comprehensive supporting communications campaign to make it clear that environmental crime will not be tolerated in Thurrock. The campaign should help communicate the strategies policies and priorities and the behaviours needed to support the work. The approach to this will need to include education and advice on responsibilities, how to properly dispose of waste, details on how to report problems and highlight successes in tackling the issues. The campaign will need to use a range of techniques to communicate the various messages, including web based materials and social media, press releases highlighting successful enforcement actions, and face to face opportunities at meetings, local forums, etc.
- 3.10 It is proposed that a further report be brought back to cabinet to approve a comprehensive new strategy.

4. Reasons for Recommendation

- 4.1 The recommendations are to ensure that Cabinet and members are aware of the current status and progress made on improving environmental enforcement work since July 2016.

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

- 5.1 The Cleaner, Greener Overview and scrutiny Committee considered a report on 10th October which set out proposals for improving Environmental Enforcement and comments from that meeting have been considered within the proposals above. This report will also be considered at the Cleaner, Greener Overview and Scrutiny Committee on 6th December 2016.

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

- 6.1 This report supports the Councils priority to “Promote and Protect our Clean and Green Environment”.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer – Management Accountant

This work will be completed within existing budgets. The contract with a private operator to provide additional enforcement work will operate on a break-even basis. To ensure a break-even position the early payment waiver on a litter FPN has been waived.

7.2 Legal

Implications verified by: **Adam Rulewski**
Barrister – Litigation and Prosecutions

The council has a duty to enforce environmental regulations within its area and where it is the designated enforcement authority. The recommendations in this report support the delivery of this duty.

7.3 Diversity and Equality

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

The principles of good enforcement ensures that enforcement activity is consistent, proportionate, transparent, accountable and targeted. To this end the enforcement policy recognises that fixed penalty notices should not be issued to people under the age of 18 years, to vulnerable people or where a disabled person is relying on a dog for assistance.

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**

- Appendix 1 - FPN Representations Policy
- Appendix 2 - Littering Policy
- Appendix 3 - Dog Fouling Policy

Report Author:

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