

Minutes of the Meeting of the Cleaner, Greener and Safer Overview and Scrutiny Committee held on 11 May 2017 at 7.00 pm

Present: Councillors Oliver Gerrish (Chair), Russell Cherry (Vice-Chair), Gary Collins and Roy Jones

Apologies: Councillors Terry Piccolo and Michael Stone

In attendance: Julie Rogers, Head of Environment and Chair of Thurrock CSP
Beau Stanford-Francis, Contracts & Business Development Manager
Charlotte Raper, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website. Members were reminded that the meeting fell within the period of Purdah and as such debate should be undertaken in an appropriate fashion.

33. Minutes

The minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee meeting held on 9 February 2017 were approved as a correct record.

34. Items of Urgent Business

Councillor Collins highlighted a traveller incursion in Stanford-le-Hope and requested an update on the situation. The Chair advised Members that, following guidance from Officers, a briefing note would be circulated outside the meeting.

35. Declaration of Interests

There were no declarations of interests.

36. Contracted Environmental Enforcement Services

The Contracts & Business Development Manager presented the report which followed the pilot scheme for Environmental Enforcement Services introduced in December 2016. The pilot scheme had provided Officers with a level of understanding and there were plans to increase the scope of services, and introduce initiatives to ensure increased payment given the importance of at least maintaining cost-neutrality, if not offering a slight surplus to re-invest.

The Chair strongly welcomed the proposals, highlighting that the Committee had taken a great interest in the matter and were united in their desire to push

forward. He asked if there was any data around where Fixed Penalty Notices (FPNs) were being issued, it was understood that there would be a concentration on Grays town centre but was interested to learn about the rest of the borough too. The Committee was informed that each FPN issued included the ward and a breakdown of that data could be circulated to Members after the meeting. At present the enforcement team was not fully staffed and so Grays town centre was always manned and the remaining staff would rotate elsewhere in the borough. The new contract required full staffing levels and contractors would be penalised for failing to meet that standard. The Chair stressed the importance of the full force being felt throughout Thurrock.

The Chair also sought clarity around the structure of the contract, as presented on page 16 of the report. The Contracts & Business Development Manager explained that the estimated cost per ticket was based upon the pilot scheme and could change dependent upon the successful contractor.. The contract would be based on a recovery/reward basis. The Council would pay for tickets issued and income would return through the contractor. The Council would incur a loss for individuals who did not pay and would seek to prosecute accordingly. The payment rate was currently 64%, which offered a small surplus to reinvest in prosecutions. It was expected that the number of tickets issued would remain the same and the payment rate would stay the same or increase slightly as a result of publication and prosecutions. The contract would remain viable and possible return an increased surplus due to increased FPN values. The Chair outlined the need for Members and Officers to have a degree of oversight and control moving forward as the model offered a range from a loss of £30,000 to a net profit of £20,000.

Members were assured that there would be monthly contract meetings to monitor how payment rates were fluctuating and staff rotations could be amended accordingly. There was also a 3 month break clause in the contract so it was possible to exit if issues arose. It would not be possible to control repayment rate but Officers hoped to influence it through publication, prosecution and ensuring all tickets issued were issued correctly. The Head of Environment added that there were examples of similar schemes being successful, with one Council remaining cost neutral 7 years in, which should offer Members assurance.

Councillor Jones agreed the scheme was much needed. He asked how many enforcement officers had been active within the pilot, and what avenues were intended for publication. Members heard that the scheme had begun with 1 team leader, 1 administrator and 4 enforcement officers. Since then the team leader and 2 enforcement officers had left but 4 more were currently being trained. It was hoped that a longer term contract would ease problems retaining staff as there would be greater security. At present there were no specific details around publication, the request was for Members to agree the principal and then officers would approach local media outlets.

Councillor Collins expressed his appreciation for the work undertaken so far. He sought clarification around maximum penalty values and whether they

would automatically be raised or whether there would be debate each time. The recommendation sought approval for FPNs to be raised automatically to meet Government-set maximum values if they increased.

Councillor Collins referred to the Contract & Business Development Manager's earlier comments around obtaining payments from individuals aged 16-18 and asked whether parents could be made responsible if young people could not pay. It was felt that 16 was an appropriate age to set the minimum, however as it would be a criminal offence and not a civil matter the fine was against the offender and not their family.

Councillor Collins noted the 3 month break clause and enquired as to whether or not there would be a penalty for exiting the contract early. Members were assured that the current 3 month no fault clause would be carried into the contract, and similarly if the contractor were to breach the terms of the contract it was also possible for the Council to terminate the contract without fault. The contract would be monitored on a monthly basis.

The Chair was pleased to see the proposals brought before the Committee and that action was being taken to tackle the blight on the borough.

The Chair moved to amend recommendation 1.1 and Members agreed to add the following:

"That the Committee recommends to Cabinet that the award of the contract could be subject to the three following tests;

- i) That the enforcement activities will be across the entire borough according to need,
- ii) That the contract is structured in such a way to not expose the Authority to undue financial risk, and
- iii) That an adequate break clause or other means of exiting the contract be included in the agreement".

RESOLVED:

The Committee made the following recommendations to Cabinet:

- 1) To delegate authority for the tender and subsequent award of a contract for enforcement services on a payment by results basis to the Corporate Director of Environment and Place in consultation with the Cabinet Member for Environment for a period of up to 4 years, to the aggregate value of approximately £960,000.**

The Committee recommends to Cabinet that the award of the contract could be subject to the three following tests;

- i) That the enforcement activities will be across the entire borough according to need,**

- ii) That the contract is structured in such a way to not expose the Authority to undue financial risk, and
 - iii) That an adequate break clause or other means of exiting the contract be included in the agreement.
- 2) To remove early repayment discounts for fixed penalty notices issued for environmental crime offences as detailed in 4.3.
- 3) To set the value of fixed penalty notices to the maximum permissible amount for environmental crime offences as detailed in 4.3.

The meeting finished at 7.24 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