

4 October 2018		ITEM: 5
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Environmental Enforcement Update		
Wards and communities affected: All		Key Decision: N/A
Report of: Phil Carver, Strategic Lead – Enforcement and Community Protection		
Accountable Assistant Director: Daren Spring, Assistant Director – Street Scene and Leisure		
Accountable Director: Julie Rogers, Director of Environment and Highways		
This report is Public		

Executive Summary

This report provides Overview and Scrutiny Committee the opportunity to review the performance, service achievements and future priorities for the Environmental Enforcement Team.

1. Recommendation(s)

- 1.1 Cleaner, Greener and Safer Overview and Scrutiny Committee are requested to note the performance and service achievements and support the future priorities for Environmental Enforcement which is linked to the Council's priorities.**

2. Introduction and Background

- 2.1** The Environmental Enforcement Team consists of one Senior Environmental Enforcement Officer and four Environmental Enforcement Officers. The purpose of the Environmental Enforcement Team is to investigate breaches of legislation in regards to Environmental Crime and some aspects of Anti-Social Behaviour.
- 2.2** The service investigates and enforces within the scheme of delegation which includes the following:
- Fly-tipping and Accumulated Waste on Public Land
 - Abandoned Vehicles
 - Littering
 - Dog Fouling
 - Commercial Waste Offences

- Domestic Waste Offences
- Fly-Posting and Graffiti
- Public Space Protection Order
- Community Protection Warnings/Notices
- Advertising boards
- Unauthorised Encampments
- Vehicles for sale on the highway
- Vehicle repairs
- Nuisance parking

The above list is not exhaustive.

- 2.3 When the Officers have concluded their investigations into environmental crime, there are several options when considering how to deal with an offender. These include; warnings, fixed penalty notices, simple cautions and prosecutions.

3. Issues, Options and Analysis of Options

3.1 Service Achievements for Calendar Year 2017

- 3.1.1 During the calendar year 2017 Environmental Enforcement Service consisted of two Environmental Enforcement Officers and one Environmental Enforcement Supervisor who covered the whole of Thurrock, dealing with Environmental Crime and some aspects of Anti-Social Behaviour. During 2017 the Environmental Enforcement Services achieved the following:

- 3005 Fixed Penalty Notices were issued with a 72% payment rate
- 4 Community Protection Notices were issued
- 54 Abandoned vehicles removed
- 3739 service requests were issued to the team
- During 2017, 106 Fixed Penalty Notices for littering offences were prosecuted in the Magistrates Court. 119 cases proven; 2 cases lost and 40 yet to be heard, court date set. Upon conviction the average fines imposed by the courts £440 with the Council's Legal Services costs of £358 and victim surcharge £44. However, these fines are not awarded to the Council they are awarded to the Court.
- On 7 December 2016, Kingdom Services Group began their pilot scheme working on behalf of Thurrock Council tackling littering offences. As a result of the successful pilot scheme, a full procurement exercise was undertaken and in December 2017 Kingdom Services Group were contracted for a 5 year period.

- Environmental Enforcement Team issued 7 fixed penalty notices totalling £1,400 for vehicles that were assessed as abandoned at the car park at the rear of Dock Road & Lansdowne Road, Tilbury.
- Joint tasking operations were set up with the Police and Environmental Enforcement Service enforcing the Public Space Protection Order (PSPO) Zone that came into force in July 2017. This was carried out once a week in Grays Town Centre. A total of 111 fixed penalty notices were issued under the PSPO. The PSPOs and fixed penalty notices were issued for street drinking and failing to surrender alcohol, swearing, or using foul and abusive language or threatening behaviour.
- 16 fixed penalty notices were issued as a result of fly Tipping incidents that were reported to Thurrock Council during the calendar year of 2017 with a 100% payment rate.
- All Thurrock businesses premises were visited by the Environmental Enforcement Officers and inspections were carried out in relation to the disposal of their commercial waste. As a result 60 businesses were found to be non-compliant with their waste duty of care. Resulting in 9 non-compliant businesses being issued with a Fixed Penalty Notice of £300. This totalled £2700.
- There were 81 unauthorised encampments reported. Most of these encampments were dealt with by the council using the court process.

3.2 Service Achievements for Calendar Year 2018

- 3.2.1 In July 2018, three Environmental Enforcement Officers were recruited increasing the number of Environmental Enforcement Officers in the Service to four, plus one Senior Environmental Enforcement Officer.
- 3.2.2 This increase allowed for a new way of working to be introduced namely the 'Quadrant Model'. The Borough of Thurrock is now split into four areas with one Environmental Enforcement Officer assigned to one quarter of the Borough. This model allows each Environmental Enforcement Officer to concentrate on a specific area and target any activity concerning Environmental Enforcement including Anti-Social Behaviour based on specific Quadrant issues in liaison with the police.
- 3.2.3 From 1st April 2018 the Government increased FPN values and Thurrock Council implemented them accordingly. These increases are detailed below:
 - Littering increased from £80 to £150.
 - Flyposting (included advertising boards) and graffiti increased from £80 to £150.
 - Unauthorised distribution of free printed matter increased from £80 to £150.
 - 2349 fixed penalty notices were issued with a payment rate of 64%.

- 20 Community Protection Notices were issued by Environmental Enforcement Officers
- 18 Abandoned vehicles removed by Environmental Enforcement Officers
- 1451 service requests were issued to the team
- 15 fixed penalty notices for breaches of the Public Space Protection Order were issued to members of the public.
- There were 555 fly tipping incidents that were investigated by Thurrock Council Environmental Enforcement Officers of which 10 were issued Fixed Penalty Notices at £400 each. A total of £4000 was paid. The reason for the low percentage is mainly due to insufficient evidence.
- There were 63 unauthorised encampments reported. Public Highway and Council owned land that has been subject to unauthorised encampments are all inspected for preventative measures such as target hardening. There are various ways in which target hardening can be used such as natural planting of trees surrounded by bunding; wooden/metal fencing; pressure treated wooden bollards; metal or wooden knee rails and various gates with padlocks with special covers which cover the padlock. When assessing the best options for target hardening the Council take into consideration preservation of the locality.
- So far in 2018, 58 Fixed Penalty Notices are in the processes of being prosecuted for littering offences in the Magistrates Court. These cases are currently pending court hearing dates.
- The recent restructure within Environment and Highways Directorate brings together the Environmental Enforcement Officers, Civil Enforcement Officers, Kingdom Enforcement, Community Safety Partnership and CCTV. This structure will provide greater collaboration and efficient ways of working, providing greater capacity and ability to tackle Enviro-Crime within Thurrock; it will also help to achieve our goal of improving safety within the community.
- The Environmental Enforcement Officers are now equipped with Digital Radios to ensure their safety whilst lone working and to enable them to communicate with other officers including; CCTV, Parking, Community Safety and Kingdom Enforcement. The sophisticated Digital Radio system allows the Senior Environmental Enforcement Officer to efficiently deploy officers and CCTV when a priority investigation is reported, which will greatly improve efficiency of the service and officers, especially those assigned to the Quadrant Model.
- A new uniform was purchased in 2018 for the Environmental Enforcement Officers and comprises of high visibility jackets, black

trousers, safety boots and polo t-shirt. The t-shirt details Thurrock Council logo and Officer's designation on the left hand pocket. This provides a visual presence when officers are working on the streets of Thurrock.

- The Police and the Environmental Enforcement service have initiated a new joint partnership operation where once every three weeks they will be targeting known hotspot areas for Environmental and some aspects of Anti-Social Behaviour crime in Thurrock.
- Thurrock residents complained to Thurrock Council regarding HGV's parking on the public foot paths and grass verges at The Manorway in Stanford-le-Hope. As the HGV's were causing criminal damage to footpaths and grass verges, the Community Protection Notice Process was implemented to stop the HGV's causing this damage. The Environmental Enforcement service commenced a special night patrol from 6pm to 2am one night a week over a 6 week period to tackle the issue. As a result of the Environmental Enforcement Officers continuous enforcement action the amount of HGV's parking in this area has reduced significantly and so have the complaints from residents. The HGV companies were also issued with Community Protection Warnings, Notices and Fixed Penalty Notices as they are ultimately responsible for the conduct of their drivers.

To date the following have been issued:

- 1) 129 Community Protection Warnings were issued to HGV drivers (and their companies) for parking on the footpath/grass verge and they were asked to move on immediately by the Environmental Enforcement Officers.
- 2) 18 Community Protection Notice were issued to HGV drivers (and their companies) after they breached the Community Protection Warning after they had refused to move their vehicle.
- 3) 6 Fixed Penalty Notices were issued (2 for a driver and 4 for the company) after failing to remove their vehicle.

3.3 Future

Unauthorised encampments have been dealt with through applications at a Magistrate's court for Eviction Orders. However this process takes approximately two weeks and further time to evict the individuals which can cause distress for the local residents. Therefore, Thurrock Council with the support of the Police and Essex Countywide Traveller Unit has begun the process to apply for a High Court injunction Borough Wide. Should the Injunction be granted and in place, this will mean that any individual who has encampment within the area of the injunction order maybe removed much faster than the current process via a magistrate court.

A letter has been submitted for approval to request the same powers that London Boroughs have for Highways Act offences. These offences include for example, depositing skips on the highway without permission, depositing materials etc. on a made-up carriageway, depositing anything on the highway to the interruption of the user. The benefits to the council and residents by the Environmental Enforcement service being able to enforce the Highways Act is a cleaner, greener and safer environment for those who visit, live and work in Thurrock Council.

4. Reasons for Recommendation

- 4.1 This report provides Overview and Scrutiny Committee the opportunity to review the performance, service achievements and future priorities for the Environmental Enforcement Team.

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

- 5.1 N/A

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

- 6.1 There has been continuous improvement in the quality of the environment due to the work that the Environmental Enforcement Service has carried out to date. This ensures that Thurrock Council's priorities regarding People, Place and Prosperity are being met.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant (Environment & Highways Directorate and Place Directorate)
Finance & ICT

The Environmental Enforcement team has increased from two Environmental Enforcement Officers to four. These two posts are due to be cost natural and funded by income generation. Payment rates for Litter, Fly Posting and Graffiti and Free Printed Literature Fixed Penalty Notices have increased from £80 to £150.

7.2 Legal

Implications verified by: **Adam Rulewski**
Barrister - Litigation and Prosecutions Law and Governance

All relevant Codes such as the Police and Criminal Evidence Act 1984; the Criminal Procedures and Investigations Act 1996, along with all relevant policies and procedures are adhered to by all Environmental Enforcement Officers of the Council.

The Local Authority has a duty to prevent crime and disorder (s17 Criminal Justice Act 1988). The Local Authority has wide ranging powers and duties under The Environmental Protection Act 1990, Anti-Social Behaviour Crime and Policing Act 2014, Town and Country Planning Act 1990, Building Act 1984, Highways Act 1980, Traffic Management Act 2004 and related subordinate and primary legislation, to address those areas of responsibility outlined at 2.2 above.

Where it is necessary or expedient to protect or promote the interests of the inhabitants of its area, the Local Authority may institute proceedings (s222 Local Government Act 1972).

7.3 Diversity and Equality

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

The wide spread illegal activity in respect of Enviro-crime and some aspects of Anti-social behaviour a zero tolerance approach taken will ensure that all offenders who commit offences will be penalised consistently.

Concessions are made for young people under 16 and those who are classified as vulnerable including those who suffer from relevant mental health conditions.

A Community Equality Impact Assessment will inform any further actions required to ensure fair enforcement.

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

The Council's Environmental Enforcement and the Contracted Enforcement Service will continue to involve officers enforcing the Grays Town Centre Public Space Protection Order.

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):

None

9. **Appendices to the report**

None

Report Author:

Phil Carver

Strategic Lead – Enforcement and Community Protection

Environment and Highways