

Minutes of the Meeting of the Cleaner, Greener and Safer Overview and Scrutiny Committee held on 12 July 2016 at 7.00 pm

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

Apologies: Councillors Michael Stone

In attendance:
Steve Cox, Corporate Director of Environment and Place
Richard Parkin, Head of Environment
Jim Nicolson, Community Protection Manager
Matthew Boulter, Principal Democratic Services Officer
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.

1. Minutes

The minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee meeting held on 17 March 2016 were approved as a correct record, subject to amendments at Councillor Jones' request.

It was noted that in minute 30: Fire Authority Consultation Update, following comments regarding the lack of cuts made to Chelmsford Councillor Jones had also expressed disapproval at another fire pump being built at Great Dunmow. It was also noted that he had requested data for the rest of Essex which had not been provided.

2. Items of Urgent Business

There were no Items of Urgent Business.

3. Declaration of Interests

Councillor Cherry disclosed a Non-Pecuniary Interest in relation to Item 6: Report on Thurrock Community Safety Partnership in that the Vice-Chair was employed by Essex Police.

Councillor Piccolo also disclosed a Non-Pecuniary Interest in relation to Item 6: Report on Thurrock Community Safety Partnership in that he was a Member of Thurrock Safety Partnership.

4. Environmental Enforcement

The Community Protection Manager presented the report and Members were reminded that it would be presented to Cabinet the following evening so their comments would be welcomed. The Committee heard that it may be necessary for Officers to work at further business cases and bring the report back to Cleaner, Greener and Safer Overview and Scrutiny Committee in October 2016.

The Chair thanked the Community Protection Manager for his presentation and referred to page 16 and the Fixed Penalty Notice to be set at £400 with no reduction for prompt payment. The Chair enquired as to how usual this was and whether it would cause problems in obtaining repayments. The Committee heard that the thinking behind the highest possible fee was to support the Council's zero-tolerance policy. Residents were very angry about the state of the borough and any Council action was viewed positively, fining at the highest possible level would send a message to residents. Not offering a reduced rate for prompt payment was to follow the same line although the Community Protection Manager admitted that there may be issues whereby, since there would be no incentive to take a reduced fine, perpetrators may be of the opinion that they might as well dispute the penalty. However, there was such outrage in the community that the most robust opposition was required.

The Chair agreed that, personally, he supported a tough line against fly-tipping and that presumably officers could review payments and amend the policy in future if necessary. Members were assured that payments would be monitored as part of the process.

The Chair observed that a large range of offences was covered by the term "low-level fly-tipping" and asked if Officers could provide a simplistic explanation for residents. The Committee heard that the specification was generally smaller scale offences such as house clearances. These were difficult to detect and find evidence from, usually curbside dumping. Enforcement Officers visited every report of fly-tipping and often would find suitable evidence. The actions taken were deemed to be highly appropriate as these were criminal matters.

Councillor Jones referred to pages 17-18 of the report and asked whether it would be possible to obtain feedback from those currently working within the department as to which options would be preferable to them. Members heard that "continue as is" would generate further challenges for the department and that "Instruct a private enforcement company" could include significant issues despite some attractions. As such he believed the Enforcement Officers would favour "Fund an increase in enforcement officers either temporarily or permanently" or "Increase the back office resource to investigate service reports". The Corporate Director for Environment and Place interjected that a "chair day" had been held with the current Enforcement Officers, they had raised the point that more resources or frontline staff would enhance their performance. Members were assured that whichever recommendation was taken staff would be consulted.

The Vice-Chair asked whether there was any other view to run alongside straightforward enforcement as the Court process was expensive. He also suggested provisions for less affluent areas such as large skips for residents who couldn't drive to take their waste to the Civic Amenity Site as a means of stopping the need to use fly-tippers, but continue to run enforcement for individuals who still did not comply. The Committee was advised that the Council currently ran a collection service at a cost of £27 per 3 items; however the suggestion of a collection point had not been raised before and was interesting. The Corporate Director for Environment and Place added that running an in-borough service was a good idea however a large part of fly-tipping was coming in from outside of the local area.

The Chair supported the suggestion of a more holistic approach and offering options to lessen fly-tipping rather than relying solely on enforcement.

Councillor Jones focussed the discussion on abandoned cars and asked whether, if the owners were identified, the Council was still covering the cost of disposal. Members heard that if the owners can be identified the car would no longer be considered abandoned. Owners would be contacted and proceedings carried out however he would get the full details for Members after the meeting.

Councillor Collins supported The Vice-Chair's suggestion of a communal collection point so that residents who could not access the Civic Amenity Site could still dispose of larger items responsibly. He also questioned whether there were any options for non-payment such as impounding cars until costs were recovered. The Committee heard that the response to non-payment was Court proceedings and costs would be recovered that way, the power to impound vehicles sat with Police not the Council. When asked whether it was possible to work with the police Members heard that it was possible however Police resources were currently limited.

Councillor Piccolo asked whether officers believed, as the Courts required significant evidence as opposed to "reasonable certainty" required for a Fixed Penalty Notice, the proposed changes may lead to more people paying the fines as they would believe they had been caught already. Members were assured that payments were not the issue, people were paying and when the Courts convicted individuals there were fines and costs recovered.

Councillor Collins referred to paragraph 3.11 regarding private land and asked if sites which are not owned by anyone would become the responsibility of the Council.

The Head of Housing and Environment outlined that, currently, waste public land tended to build and build until the Council had to clear the site as a public nuisance. The plans would be to contact the land registry to discover the owner, and then contact them to remind them of their obligations and offer a price to clear the site. With regards to unregistered land the procedure was not yet clear as the policy was still in development and there was a risk of

being liable for trespassing if Council staff cleared a site with unknown ownership.

The Chair asked, with regards to dealing with private landlords, whether it would be a request from them or an order from the Council. Members heard that dealings would be at the request of the landlord. At present the process was still fairly new and although there needed to be a “carrot and stick” approach it was still unclear what the “stick” might be.

The Chair expressed the importance of knowing the Council’s legal powers when dealing with private landlords and suggested using a holistic approach to make management clear their own sites.

Councillor Collins referred to a section of wasteland in his ward which had become a dumping site and was overgrown. He had contacted the land registry to identify the owner but children played there and it was becoming a problem. He had had no luck and requested he could work with officers to resolve the issue. Officers agreed.

The Vice-Chair requested a register of private landlords so that the Council could monitor the situation as there was often an issue of private landlords renting out properties which changed hands often resulting in dumping of furniture and other household goods. He outlined how UKIP had taken charge of the environment around their office and cleared the back alley of waste, showing photos of the alley behind their office and the space behind a local shop. He proposed that the Council work with business owners so that they might adopt the space around their business and take some responsibility. The Corporate Director of Environment and Place noted the clear contrast between the two environments shown in the photographs and agreed that alleyways were a persistent problem, particularly around privately rented properties.

Councillor Jones referred to Community Protection Notices and asked what they entailed and what they had achieved. The Community Protection Manager explained that the Local Authority could designate against any Antisocial Behaviour and bring its own penalties. Failure to comply would result in a Fixed Penalty Notice and failure to pay would result in Court proceedings.

Councillor Jones asked whether these were regularly used and if so, what the result had been. Members heard they had been effective in controlling the cruisers around Lakeside and they were easy to follow up. There were plans to introduce a Community Protection Notice to combat drinking in Grays high street.

The Chair referred to P18 of the report and the figures of £300,000 and £20,000 in a year asking what £20,000 might obtain. The Corporate Director of Environment and Place outlined that that amount might cover more enforcement against littering or strengthening back office support, but that the £300,000 figure was indicative and there were still costings to be resolved.

The final details would be presented to the Committee in October and then to Cabinet.

The Chair turned the subject of debate to private enforcement agencies and the financial liabilities highlighted in the report as well as concerns surrounding overzealous companies. He highlighted the desire to avoid a situation where parents might be fined for a toddler dropping litter on the high street, rather than being asked to pick it up.

Councillor Piccolo raised concern on the impact this might have on small businesses regarding fines for lack of waste transfer notices. He continued to explain that many small businesses did not have adequate space for the receptacles recognised waste companies provided and that fining businesses retrospectively for naivety, even if they had not been causing any problems, could catch them unawares.

The Chair queried whether it would be possible to have a phased implementation of the 2 year look-back, whilst obviously still penalising those businesses clearly abusing waste disposal. The Head of Housing and Environment explained that the problem the Council faced was this was set out in law and was not Council policy, any business that could not provide waste transfer notices for the past 2 years (or the length of time they had been in business) would be liable for a Fixed Penalty Notice and the Local Authority was not in a position to put scales of right or wrong in place. The Council was therefore limited on discretion.

Councillor Piccolo expressed that he had not been aware of the need for Waste Transfer Notices outlined in law, but continued that now that he had been informed he would be happy if businesses were given the opportunity. As the Council had not been prosecuting until now was there some mechanism to handle the progress? The Head of Housing and Environment explained that it was difficult because the requirement was 2 years of evidence so even a 6 month amnesty would not give businesses enough time to accrue the evidence necessary making any discretion on the part of the Council very difficult.

Councillor Piccolo highlighted instances whereby businesses facing lengthy Trading Standards appeals would change hands very last minute to avoid the outcome and raised concerns that this may be the case with businesses facing Fixed Penalty Notices for lack of Waste Transfer evidence. Officers agreed that the Committee's comments would be reflected at Cabinet. It was also noted that those affected most would probably be small to medium sized businesses, but it was right that the Council did check and penalise people dumping waste inappropriately or businesses that could not provide a record of waste transfer notices for 2 years.

Councillor Jones asked what engagement with small shops and businesses was possible to ensure they knew where they stood. Members were reminded that this was not Council policy, but law and as such there was not much room for negotiation with small businesses. The fine is not for

disposing of waste inappropriately but for not having proof of Waste Transfer Notices for 2 years. The Corporate Director of Environment and Place agreed that looking forward the Council would remind businesses that this was enforceable.

Councillor Cherry asked when officers planned to begin prosecuting businesses without sufficient Waste Transfer Notices and was advised that the initial step was a Fixed Penalty Notice and businesses would not be prosecuted unless they failed to pay.

The Chair summarised the Committee's comments to be relayed to the Portfolio Holder and Cabinet:

- The Committee welcomed the move to add enforcement, subject to more detail at the meeting in October.
- The Committee supported a Fixed Penalty Notice of £400, subject to review of early payment possibilities.
- The Committee proposed a more holistic approach to waste, not solely enforcement, with options for residents and local businesses so that ideally instances do not reach the enforcement stage.
- The Committee echoed concerns of overzealous enforcement and the importance of proportionality.
- The Committee raised concerns surrounding the impact on small businesses and requested officers considered mitigation where possible.
- Members proposed provision for less affluent areas, such as communal waste collection points. Officers outlined the immense cost of disposal would make this a significant challenge for the Council and Members accepted the advice

RESOLVED:

- 1) That the Cleaner, Greener and Safer Overview and Scrutiny Committee comment on any aspects of the report the Committee wish Cabinet to consider.**
- 2) That the Committee note that Cabinet will be asking the Committee to consider costed business cases for environmental enforcement at its October meeting to report back to Cabinet.**

5. Report on Thurrock Community Safety Partnership

The Community Protection Manager presented the report and outlined to Members that the 13.6% increase of "all crime" was actually an increase in reported crime and compared it to a 17.6% increase in Braintree, 17.7% in Basildon and 17.9% in Rochford, to give context. The Committee were presented with the priorities for the upcoming year. The Community Protection Manager apologised that "violence against the person" on p25 should have read 3035 not 305. Members heard that the reduction in "burglary in a dwelling" of

13.6% was the 2nd largest reduction in the County. It was also expressed that whilst the figures showed a decrease in “Racially / Religiously aggravated” crime, there had been a spike since Brexit; again this was not only within Thurrock, but a nationwide phenomenon.

The Committee also heard that although “violence against the person” seemed alarmingly high, 61% of reported incidents were without injury and the 37% increase was relatively low compared to other parts of the County, with a 68% increase in Rochford. It was also stressed that this category was a somewhat “catch all” category. The Community Protection Manager explained that gang related violence within the borough was low however London had advised that the situation can turn rapidly when not being monitored and there had been increased activity with active gang members being relocated by Housing Associations from North London to the Chafford Hundred area, so Thurrock were working with Housing Associations and the Metropolitan Police. Members heard that the lack of an extensive night time economy, such as night clubs, and low Class A drug usage in the area helped keep gang activity in the area down. A gang related violence document was shown which would be circulated to members after the meeting.

The Chair thanked the Community Protection Manager for his presentation and agreed it was right that the Committee acknowledged the work of Thurrock Community Safety Partnership. He continued to state that the priorities outlined seemed the correct areas of focus and were in line with the Police Crime Commissioner’s views. He noted that Anti-Social Behaviour was a real issue in the borough.

Councillor Jones wanted to reinforce what had been said and added that the Youth Offending Service team were one of the best in the Country. He continued to ask what the make-up of the Thurrock Community Safety Partnership was. Members heard that the partnership included representatives from Thurrock Council, the Police, the Fire and Health services, Probation (both Community Rehabilitation Company and National Probation Service) and educational representatives.

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.

Councillor Collins continued to raise concern surrounding the “violence against women and girls” priority, stating that it was quite right that we protect those members of society but wondered if there were any facilities where men and boys could go to receive the same concern. The Community Protection Manager agreed with Councillor Collins’ point and highlighted that a suggested 20% of rape victims were male. Members were assured that there were services for men, both victim and perpetrator, as it was important to work with perpetrators too, at an early stage to prevent further victims. He continued that the priority was not gender specific, despite the misleading title; it had been called the Domestic Abuse Strategy elsewhere but had been renamed to cover rape and sexual abuse.

Councillor Collins asked about Female Genital Mutilation (FGM); how it was done and what happened to parents when it was discovered. Members were advised that FGM had only recently become a criminal offence. It was also highlighted that neither FGM nor forced marriage were recognised by any religion, as there was often reluctance to speak out in the fear of offending religious groups. The Committee heard that girls were either taken out of the country or a “cutter” was brought in and “cutting parties” were held. It was expressed that lots of advice had been given to schools to educate both students and staff. The same was true of forced marriage and he highlighted the importance of both raising awareness and educating people what to do if the situation arose. It was outlined that although the understanding previous had been that FGM only occurred in young girls, there was evidence that women after childbirth were also undergoing the process.

Councillor Collins asked what sanctions could be taken against the family and heard that it was a criminal offence a substantial custodial sentence.

Councillor Piccolo referred to the Council’s strategic objective to build pride and respect in the community and asked whether there was any proof a difference was being made. He referred to the Tilbury Festival and raised concern at offering events only in specific areas with others being overlooked and wondered whether it could be more generalised. He also asked for the ethnic breakdown of attendees to see whether it brought the community together or in fact marginalised residents.

The Community Protection Manager insisted that this was just an example and that similar events were happening elsewhere within the borough too. It was difficult to give an objective measure but the feedback from residents had been positive and there were hopes for more empirical evidence in future. There were signs that people had confidence that Thurrock Community Safety Partnership and Thurrock Council were taking the matter seriously.

Councillor Collins asked expressed that the stereotypical view of Hate Crimes was English people committing them against individuals of other races or ethnicities. He asked whether if the victim were English they would be addressed in the same way. Members were assured that absolutely, any allegation of hate crime, from either the victim or a witness, would be treated in the same manner. It was noted that there was lots of evidence to suggest that all sections of the community were vulnerable to hate crime.

RESOLVED:

- 1) That the Committee noted the performance of the Thurrock Community Safety Partnership for the year 2015/16.**
- 2) The Committee agreed to support the 3 priorities of the Community Safety Partnership for the year 2016/17, which are:**
 - Reduce Youth offending and re-offending of adults and young people**

- **To reduce harm to and safeguard vulnerable victims**
- **Violent extremism**

3) The Committee noted the links that have been made to support delivery of the PCC's Priorities

6. Work Programme

Members and Officers discussed the Work Programme and suggested additions and amendments to future meetings.

The Chair reminded Members that, following the report presented, the finalised business case for Environmental Enforcement would need to come to the Committee at its October meeting. He also requested the Portfolio Holder, Councillor Tolson, be invited to present an item at the October meeting outlining the Council's policy surrounding "clean it and cut it". The Chair's final request was for an item regarding the borough's parks and open spaces particularly referencing quality and maintenance, but acknowledged that this could possibly be covered in the Portfolio Holder's report.

Councillor Piccolo requested that, timeframes permitting, the reports on Unauthorised Traveller Encampments and Fly-Tipping be brought forward to the October meeting and the Country Parks Review and Environmental Health – Food reports be postponed until the December meeting.

Officers advised they would need to also include a report on Budget updates in the October Agenda. The Democratic Services officer informed the Committee that an updated document would be circulated to Members.

RESOLVED:

Members noted the Work Programme including the amendments.

The meeting finished at 8.30 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**