

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Cleaner, Greener and Safer Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **11 October 2016**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

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

Substitutes:

Councillors John Allen, Ben Maney, David Potter and Gerard Rice

Agenda

Open to Public and Press

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1. Apologies for Absence	
2. Minutes	5 - 12
To approve as a correct record the minutes of the Extraordinary Cleaner, Greener and Safer Overview and Scrutiny Committee meeting held on 5 September 2016.	
3. Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4. Declaration of Interests	
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Queries regarding this Agenda or notification of apologies:

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

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

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

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

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk



Cleaner, Greener & Safer O&S - Cabinet Member for Environment

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Cllr Pauline Tolson

11 October 2016



Clean it, Cut it, Fill it Campaign

- 3 month pilot starting August 2016
- Additional £150K for the 'clean it, cut it' element
- Restructured team to focus on service areas:
Street Cleansing, parks and green spaces,
major routes grass cutting
- Focus on improved standards of street
cleanliness and increased frequency of grass
cuts in open spaces and along major routes

Progress to Date

- 11 additional barrow beats have been introduced.
- Grays Town Centre has an additional beat and is now covered 6am – 6pm.
- Streets are now cleaned on a 10 day frequency where the new barrow beats have been introduced.
- Grass in parks and open spaces now cut every three weeks.
- In areas not accessible by tractors grass is cut every four weeks.
- Feedback we are receiving tells us the environment in Thurrock is getting back to an acceptable standard.

Key Issues for the Future



- Now we need to start addressing the other ‘Big issues’.
- Need to reduce ‘enviro-crime’ in Thurrock.
- Need to reduce the amount of waste we produce.

Reducing Enviro-Crime

- Additional resources for enforcement, with a focus on fly-tipping and litter.

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Communications campaign explaining littering is a crime and we will fine people.

- Ensure appropriate trade waste arrangements with our local businesses.





#LoveThurrock

RECYCLE IT



Reducing Waste

- Currently collect 75,000 tonnes of waste a year.
- Current combined waste collection and disposal cost of £12M per year – this can't continue.
- Recycling rate static at around 40% - this needs to be much higher.
- We need to review our waste strategy and address these issues.

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11 October 2016		ITEM: 6
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Street Cleansing Performance		
Wards and communities affected: None	Key Decision: None	
Report of: Sue Harper, Interim Head of Environment		
Accountable Head of Service: N/A		
Accountable Director: Steve Cox, Corporate Director of Environment and Place		
This report is Public		

Executive Summary

Street cleanliness is measured using a standardised visual inspection based on the approach previously used by the Keep Britain Tidy group and measured across the country. Local Environment Quality Survey (LEQS) inspections are carried out on a self-inspection basis by a trained officer on three occasions each year. The inspections include a number of different land types as set out in Appendix 1. Each site is inspected for litter, detritus, graffiti and fly-posting.

1. Recommendation(s)

1.1 To note the performance in relation to Street Cleansing and an update on the 'Clean it, Cut it, Fill it' programme.

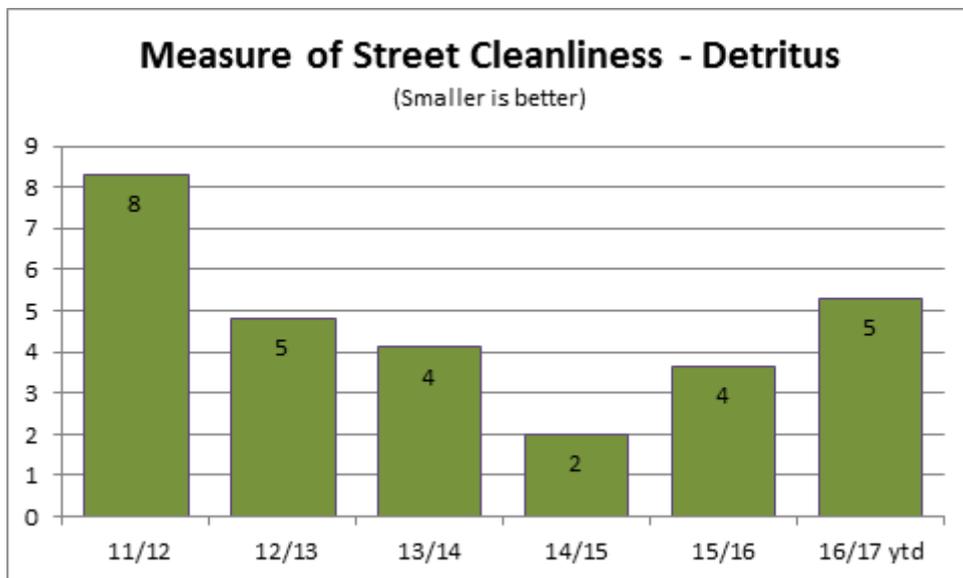
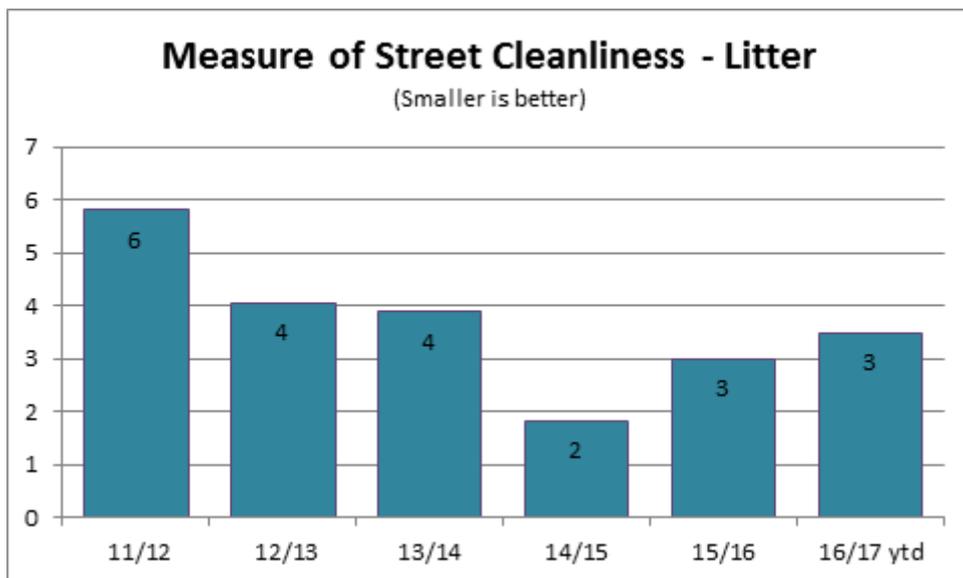
2. Introduction and Background

2.1 In Thurrock 300 sites are inspected, covering the different land types and inspections are split over wards to ensure all sites are inspected on a two year cycle. A score of A - D is allocated to each site and then a measure is applied to determine the number of sites that fall below the adequate level. A – B being an acceptable and C – D being below adequate. The last tranche of inspections in Thurrock took place in August. The wards inspected were:

- Grays Thurrock
- Little Thurrock Rectory
- Stanford -Le- Hope West
- Tilbury St Chads
- West Thurrock and South Stifford

3. Issues, Options and Analysis of Options

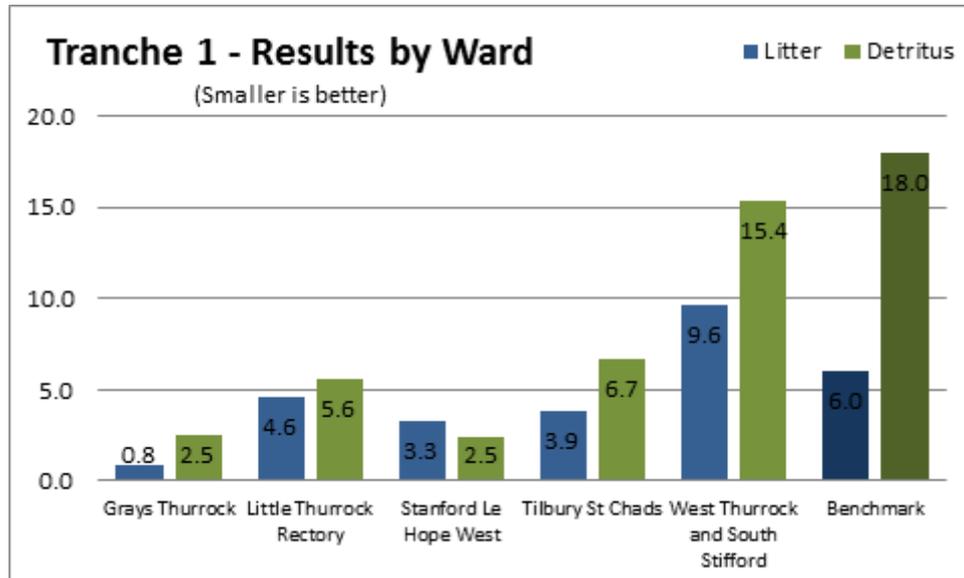
3.1 The graphs below show the results for cleanliness for both litter and detritus over the past five years. Whilst overall there has been a gradual improvement over the five year period, performance has reduced slightly in 15/16 and for the first part of 16/17. This reflects the reduction in resources allocated to the street cleansing service.



3.2 Benchmarking data is not published for other boroughs although an overall score for England is provided based upon those boroughs who participate in the inspection through Keep Britain Tidy. The 2014/15 score for England overall were litter – 6 and detritus – 18. It is recognised that Keep Britain Tidy

results may be judged harder than self-assessments and to this end officers will look to commission a Keep Britain Tidy inspection later in the year in order to allow us to more accurately benchmark our performance.

- 3.3 The August inspections are the first to be undertaken in Thurrock this year. The other two are planned for November and March. The results for litter and detritus are shown in the graph below.



- 3.4 The 'Clean It, Cut It, Fill It' programme was introduced this summer and has allowed for additional resource to be allocated to street cleansing. The Environment Team has changed the approach to delivery from having area based teams to teams dedicated to specific service areas, including a team dedicated to street cleansing. Additional resource has been allocated to 'hot spot' areas and eleven additional barrow beat teams have been introduced bringing the total to twenty overall. This additional resource has included an additional round in Grays town centre allowing the town centre to be covered between 6am to 6pm.
- 3.5 A review of the 'Clean it, Cut it, Fill it' programme will be carried out once the pilot period has finished at the end of October. These figures will be used as one input into that review to determine future resources for the remainder of 2016/17 and for 2017/18.

4. Reasons for Recommendation

- 4.1 The performance in relation to Street Cleansing is essential to assist in the 'Clean it, Cut it, Fill it' programme.

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

- 5.1 N/A

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

6.1 N/A

7. Implications

7.1 Financial

The 'Clean it, Cut it, Fill it' programme has been implemented and budget pressures have been included in the monthly budget monitoring report for Environment of 260k. Any review of the programme going forward will need to address how this level of service can be continued and the financial implications of this.

Implications verified by: **Jo Freeman**
Management Accountant

7.2 Legal

There are no Legal implications associated with this report.

Implications verified by: **David Lawson**
Deputy Head of Law and Governance

7.3 Diversity and Equality

There are no Diversity and Equality implications associated with this report.

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

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

To facilitate the 'Clean it, Cut it, Fill it' Campaign additional agency staff have been recruited. If the decision is made to continue to fund this higher level of service it will be necessary to consider the employment of permanent members of staff to cover this work.

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 – Land Types used for Street Cleansing Inspections

Report Author:

Sue Harper

Interim Head of Environment

Environment and Place

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Land Types Used for Street Cleansing Inspections

Main Retail/Commercial
Other Retail/Commercial
High Obstruction Housing
Medium Obstruction
Housing
Low Obstruction Housing
Industry and Warehouse
Main Roads
Rural Roads
Other Highways
Recreation Areas

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11th October 2016		ITEM: 7
Cleaner, Greener, Safer Overview and Scrutiny		
Environmental Enforcement and Fly Tipping Update		
Wards and communities affected: all	Key Decision: key	
Report of: Gavin Dennett – Environmental Health and Trading Standards Manager		
Accountable Head of Service: Sue Harper – Interim Head of Environment		
Accountable Director: Steve Cox – Corporate Director, Environment and Place		
This report is Public		

Executive Summary

At its meeting of 13th July 2016 the Cabinet resolved to consider options to enhance the resources available for Environmental Enforcement which has an important role in addressing the Council's 'Clean it Cut it Fill it' priority. The Cabinet requested officers to prepare business cases for options to achieve this aim.

The following options have been considered

1. Continue as is
2. Fund an increase in enforcement officers either temporarily or permanently
3. Instruct a private enforcement company to provide additional resource to enforce against littering in Thurrock's town centres.
4. Increase back office resource to free up officer time to investigate service requests and pursue prosecutions.

Scrutiny Committee is asked to comment on these options to inform a future Cabinet decision which will be based on an understanding of available resources in 2016/17 within the environment functions. That decision will be informed by the environment service review currently taking place which is due to be completed this autumn.

This report also provides a summary on past and future fly tipping work at paragraphs 2.3 and 2.4.

1. Recommendation(s)

- 1.1 **That Cleaner, Greener, Safer Overview and Scrutiny Committee comment on the options set out in this paper.**

1.2 To note that the Committee's comments will be used to inform the on-going review of the environment service, which will include resourcing options.

1.3 That the Committee comment specifically on the early introduction of a pilot scheme for the use of a private company to enforce against littering as part of the on-going anti-littering campaign.

2. Introduction and Background

2.1 The physical appearance of the borough must improve, it has been blighted by environmental crime ranging from dog fouling to large fly tips. In order to maintain an attractive environment for residents and businesses and maximise the effectiveness of the Clean it, Cut it and Fill it initiative the Council needs to crack down on irresponsible and criminal behaviour such as fly tipping, graffiti, fly posting, dog fouling, littering and the abandonment of vehicles.

2.2 Recent examples of persistent environmental crime that require additional resources to address include:

- Fly tipping and abandoning of vehicles in the car park at the junction of William Street and Gypsy Lane in Grays.
- Large scale fly tipping, most recently adjacent to a public footpath to the north of the A126 (Marshfoot Road) between Chadwell St Mary and Tilbury.
- Excessive littering in our town centres, in particular Grays Town Centre.

2.3 During the year between April 2015 and March 2016 the council received 2519 service requests from residents relating to fly tipping. Some of these will have been resolved but the Council successfully prosecuted 13 offenders. The cost to the Council's Environment Department to clear up fly tips from its own land over this period was £129k. So far this year 1466 service requests relating to fly tipping have been received and the cost to the Council's Environment Department is £74k.

2.4 The number of prosecutions for fly tipping successfully completed by the Council during 2015/16 was relatively low when compared to the number of incidents reported but it has to be borne in mind that the process of prosecution entails considerable work on the part of Environmental Enforcement officers, obtaining evidence, interviewing witnesses and suspects and drafting prosecution files. The recently introduced fixed penalty notice option for fly tipping offences will result in an increasing numbers of fly tippers being punished, particularly the small scale fly tippers who blight our alleys and country lanes. This should see improved results for the team and if the option to strengthen the team in this report is taken by the Council then this should further improve outcomes.

- 2.5 With regard to littering the Clean it campaign is in three sequential stages – extra resource to clean up the Borough; a public campaign to reduce littering; and thirdly to introduce stronger enforcement. The first stage of the Clean it campaign saw the introduction over the summer of an additional eleven barrow beats in locations across the Borough and an intensification of resources in key locations such as Grays town centre. This has had a positive impact on reducing the amount of litter on the streets and on improving the overall appearance of the Borough. The Clean it Cut it Fill it pilot period is due to finish at the end of October. The impact of the pilot will be assessed and used to inform the wider review of the environment service.
- 2.6 The second stage, running in parallel to the additional street sweepers, has been the ‘love Thurrock’ littering campaign that has been running for several weeks reminding people of the fines that will be applied for littering. That campaign will continue through the autumn. The third stage to coincide with the final weeks of the campaign is to step up the enforcement activity against littering and to extend the publicity to communicate the number of FPNs issued.
- 2.7 Environmental Enforcement is the primary method by which the Council regulates activity impacting the public realm. Together with the work of teams cleaning and maintaining the borough’s green and public spaces an appropriate degree of enforcement action assists in dissuading would be fly tippers and reduces the burden on operational teams who otherwise have to clear up after environmental crime.

3. Issues, Options and Analysis of Options

- 3.1 The potential options to increase the council’s input into addressing environmental crime are outlined below.
- 3.2 The ‘continue as is’ option would mean that the increasing incidents of environmental crime blighting Thurrock will continue to be dealt with at broadly the same rate as now. We have achieved considerable success in prosecution of offenders and the service of fixed penalty notices where evidence of environmental crime can be obtained. However, the increasing public concern about this issue as evidenced by the near doubling of service requests concerning this type of crime since 2013 has led officers to conclude that an up-scaling of enforcement activity, together with the implementation of the Council’s Clean it, Cut it, Fill it initiative is needed as part of the Council’s strategy to protect the boroughs public realm.
- 3.3 The option to fund an increase in the number of permanent officers undertaking environmental enforcement would provide the basis for officers to plan for an increase in activity over the medium term and schedule proactive operations to target hot spots and areas of concern to residents more frequently than the current establishment allows. It would address the increased demand from residents for action against environmental crime and help to exert downward pressure on the burden being experienced by

operational cleaning teams. This is the most expensive option and subject to sufficient resources being made available. The proposals provides indicative costs of providing five additional enforcement officer and administration support, along with associated back office costs and would be off-set by income obtained by issuing fines.

- 3.4 A more flexible and immediate option to maintain momentum on the campaign against littering is to employ the services of a private enforcement company. This approach is increasingly used by other local authorities to complement the wider work of their enforcement teams. The private contractor provides a team of trained staff to issue FPN's in agreed areas, along with office based administrative support to complete the required paperwork up to the court stage. 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. Introducing this approach in Thurrock, working alongside the enforcement team, would 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. Its introduction would be accompanied by a publicity campaign reporting the number of FPNs issued. The Committee's views on the specification for a pilot scheme would be welcome.
- 3.5 A further option is to increase back office resource to investigate fly tipping and abandoned car service requests and pursue the backlog of potential prosecutions and prepare new prosecution cases. This will free up Enforcement Officer time on the front line. The pressure upon the back office resource is likely to increase if more FPNs are issued as a result of the options above being implemented.
- 3.6 The wider review of environment services will look at options for increasing the number of front line officers able to issue FPNs. If pursued the necessary training will need to be provided. The views of the Committee on these options, or any combinations thereof are welcomed, to inform funding decisions. The resources available to implement these options will depend upon the outcome of the Clean it Cut it Fill it review at the end of October which itself is part of a wider review of the environment service. The Committee is specifically asked to comment on the proposal for working in partnership with a private company to enforce against littering.

4. Reasons for Recommendation

- 4.1 The operation of a flexible and adaptable enforcement team to counter environmental crime is essential to assist in the protection and improvement of the public realm in Thurrock.
- 4.2 The reinforcement of the in house team with the addition of a suitable private partner who can accommodate some of the work notably around littering and dog fouling will assist the team to increase enforcement activity from its recent levels to those required to counter the upsurge in offending.

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

5.1 This report constitutes the consultation with Cleaner Greener Safer Overview and Scrutiny Committee

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: **Carl Tomlinson**
Finance Manager

The options set out in this report have varying financial implications which will need to be understood in terms of income, expenditure and funding. With the exception of £20k from in year senior management savings, none of this has been budgeted for in this financial year. In year resources will have to be identified either from efficiencies in the environment services arising from the on-going review or separately by Cabinet as part of any extension to the Clean it Cut it Fill it campaign pilot.

7.2 Legal

Implications verified by: **Kevin Molloy**
Contracts Solicitor

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: **Becky Price**
Community Development Officer

A full community equality impact assessment will be completed on the preferred option before implementation to minimise the risk of negative implications for protected groups.

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

No significant additional implications

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**

- Appendix One – Business Case for increasing the number of environmental enforcement officers and engaging a private contractor to deal with littering and dog fouling.
- Appendix Two – Business Case for increasing back office resource available to the Environmental Enforcement Team.

Report Author:

Gavin Dennett

Environmental Health and Trading Standards Manager

Residents Services Business Case for Future Provision of Environmental Enforcement

Business Case Title	Environmental Enforcement Future Provision		
Revision No:	1	Date:	22nd September 2016
Lead Director	Steve Cox		
Lead HOS	Sue Harper		
Critical friend/Exec Bd			
Business Case Author	Gavin Dennett – Environmental Health and Trading Standards Manager		

Summary

The Environmental Enforcement Function was previously dealt with by a Community Protection Team at Thurrock. In 2013/14 this team consisted of 10 officers and dealt with 2016 service requests for environmental enforcement. As a result of successive departmental restructures and staff changes over the intervening period this team now consists of two officers. These officers have an interim manager from Environmental Health who currently undertakes this work in addition to his substantive duties.

The number of service requests received between 1st April 2015 and 28th March 2016 for potential environmental enforcement is 3699. The types of work included under the heading of environmental enforcement are fly-tipping, littering, abandoned vehicles, waste carrier offences, fly-posting, dog fouling, littering from vehicles, graffiti. Officers undertaking environmental enforcement would also be responsible for dealing with Freedom of Information requests associated with these activities.

In light of the reduced resources and increased workload the Environmental Enforcement officers are falling behind in addressing incoming work to the point where numerous incoming service requests are not being addressed quickly enough.

In addition to the previous staff changes and consequent reduction in resources devoted to combatting environmental crime the intervening period has seen the enactment of the Anti-social Behaviour, Crime and Policing Act 2014. This widens the scope for councils to pursue environmental crime by the use of community protection notices. It also raises public expectation and provides a means for Councils to be held accountable for their actions on these issues by way of the introduction of community triggers, a mechanism for residents to call for action to address shortcomings on the part of authorities.

Proposal

Reform a dedicated team recruiting or redeploying suitable officers and a team leader to undertake environmental enforcement work.

A small team of one supervisor and five environmental enforcement officers would restore some capacity for the Council to address environmental crime in Thurrock. If the supervisor and officers all undertook case work this would give a caseload of 600-650 requests per officer per year.

Engage a private contractor on a cost neutral basis to undertake littering and dog fouling enforcement. This will further enhance the capacity of in house officers to address fly tipping enforcement.

Strategic rationale

Environmental enforcement work helps to reduce the degradation of the street scene and quality of the environment in Thurrock by acting as a deterrent to those who would commit environmental crime such as fly tipping, abandoning vehicles, spraying graffiti, littering and other related offences

Approximate Cost

300k

Timescales

Activity	Timescale
Agree funding and devise a team structure	Determined by HR schedules and the availability of suitable staff
Plan and execute a recruitment campaign.	

Risks /Consequences

Failure to have a team working on environmental crime will adversely impact the area as there will be no deterrent to those committing environmental crime and spoiling our environment. Reduced capacity to clean up streets and public spaces due to changes at the Environment department exacerbate this situation.

Finance costs

Financial summary

General Fund budget 2014-15

	Staff £000s	Premises / Transport £000s	Supplies/ Services £000s	Direct Payments £000s	Third Party Payments £000s	Total Expenditure Gross	Income £000s	Net Expenditure £000s
Page 36								

Appendix 1

						£000s		
2016/17	250	10	30		10			300

Staff Related costs

Current number of posts (FTE and headcount)	1
Number of posts to be created/deleted (FTE and headcount)	5
Amount of salary cost/saving (inc on-costs)	250

Non- Staff Related costs

Premises and buildings (inc utilities)	
Transport	10
Supplies and services	30
Other (please specify)	10 Legal Costs

Benefits – non financial

Improvement in the quality of the public realm

Costs & Resources Required

Direct costs	250
Redundancy costs	
Accommodation costs	
Procurement and/or Legal costs	10
Other HR costs	
Other (please specify)	30 Equipment and Supplies 10 Transport

Impact/Consequences of proposal – not covered in financial section

Impact on Corporate Priorities/objectives/ performance targets/standards

Priority 1. Create a great place for learning and opportunity	
Priority 2. Encourage and promote job creation and economic prosperity	
Priority 3. Build pride, responsibility and respect	
Priority 4. Improve health and well-being	

Priority 5. Promote and protect our clean and green environment

Whilst contributing to a number of Council priorities the provision of an Environmental Enforcement team will act primarily to address priority 5.

Impacts on partners

Improvements in the state of the public realm benefit all partners both directly and indirectly.

Impacts on customers / community and equality/diversity implications

Better environment will improve the perception of both residents and visitors to Thurrock and assist in attracting investment and skilled persons to contribute to Thurrock's community.

Other impacts/implications

Detailed above

Assumptions, Dependencies & Exclusions

Timeframes Assumptions/ Dependencies/Exclusions	The feasibility of delivering the benefits associated with this proposal are dependent on securing sufficient funding and being able to attract and recruit suitable staff.
Benefits Assumptions/ Dependencies/Exclusions	
Costs Assumptions/ Dependencies/Exclusions	
Other/ General Assumptions/ Dependencies/Exclusions	

Any other comments to support proposals

Appendix 1

The issues that could be dealt with by a moderately resourced environmental enforcement team would positively impact on the borough as a whole and improve the quality of the public realm. The ongoing risk of reputational damage to the Council would be reduced by the adoption of this proposal.

The staff resource currently devoted to this area of work at Thurrock does not compare well with similar authorities in Essex.

Figures have been provided in the spreadsheet attached to this business case to illustrate the demand for work in this area compared with the staff resource allocated to it for these authorities and Thurrock.

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Residents Services Business Case for Future Provision of Environmental Enforcement

Business Case Title	Environmental Enforcement Future Provision		
Revision No:	1	Date:	22nd July 2016
Lead Director	Steve Cox		
Lead HOS	Sue Harper		
Critical friend/Exec Bd			
Business Case Author	Gavin Dennett – Environmental Health and Trading Standards Manager		

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Proposal

Provide an embedded admin resource to liberate officers to undertake further investigation work

Strategic rationale

Reducing the administration burden on the existing environmental enforcement officers will enable them to devote more of their time to detection of environmental crime and prosecution of offenders.

Approximate Cost

33k

Timescales

Activity	Timescale
Recruitment or redeployment process	Subject to HR timescales

Risks /Consequences

This option relies on the ability of the embedded admin officer to take evidence gathered by the enforcement officers and formulate legal case files, in addition to answering queries and update records. This will split the process of investigating and actioning service requests between multiple officers and could potentially result in an increase in officer time spent on admin as communication and meetings between officers required will increase.

Finance costs

Financial summary

General Fund budget 2014-15

	Staff £000s	Premises / Transport £000s	Supplies/ Services £000s	Direct Payments £000s	Third Party Payments £000s	Total Expenditure Gross £000s	Income £000s	Net Expenditure £000s
	33k							

Staff Related costs

Current number of posts (FTE and headcount)	0
Number of posts to be created/deleted (FTE and headcount)	1
Amount of salary cost/saving (inc on-costs)	33k

Non-Staff Related costs

Appendix 2

Premises and buildings (inc utilities)	
Transport	
Supplies and services	
Other (please specify)	

Benefits – non financial

Improvement in the quality of the public realm
--

Costs & Resources Required

Direct costs	
Redundancy costs	
Accommodation costs	
Procurement and/or Legal costs	
Other HR costs	
Other (please specify)	

Impact/Consequences of proposal – not covered in financial section

Impact on Corporate Priorities/objectives/ performance targets/standards

Priority 1. Create a great place for learning and opportunity	
Priority 2. Encourage and promote job creation and economic prosperity	
Priority 3. Build pride, responsibility and respect	
Priority 4. Improve health and well-being	
Priority 5. Promote and protect our clean and green environment	Provides increase in the capacity to address this council priority.

Impacts on partners

As existing

Impacts on customers / community and equality/diversity implications

Positive benefit.

Other impacts/implications

Detailed above

Assumptions, Dependencies & Exclusions

Timeframes Assumptions/ Dependencies/Exclusions	
Benefits Assumptions/ Dependencies/Exclusions	
Costs Assumptions/ Dependencies/Exclusions	
Other/ General Assumptions/ Dependencies/Exclusions	

Any other comments to support proposals

This option increases the costs to the Council by 33k but will have a considerable benefit on the detection and prosecution of environmental crime offences by way of freeing up investigation capacity.

**Cleaner, Greener and Safer Overview and Scrutiny Committee
Work Programme
2016/17**

Dates of Meetings: 12 July 2016, 11 October 2016, 6 December 2016 and 9 February 2017

Topic	Lead Officer	Requested by Officer/Member
6 December 2016		
Country Parks Review	Sue Harper	Members / Officers
Active Places Strategy	Grant Greatrex	Members/Officers
Unauthorised Traveller Encampments	Jim Nicholson	Members/Officers
Work Programme	Democratic Services Officer	Members/Officers
9 February 2017		
Community Safety Hubs	Michelle Cunningham	Members/Officers
Work Programme	Democratic Services Officer	Members/Officers

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