

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

### **Executive Summary**

At its meeting of 13<sup>th</sup> 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