

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND  
SCRUTINY COMMITTEE,  
HELD ON MONDAY, 28TH SEPTEMBER, 2020 AT 7.30 PM  
THE MEETING WAS HELD IN ACCORDANCE WITH SI 2020/392.**

<b>Present:</b>	Councillors Chittock (Vice-Chairman, in the Chair), Amos, Clifton, Davidson, Davis, V Guglielmi, King and Miles
<b>Also Present:</b>	Councillors Barry, McWilliams, G L Stephenson and M E Stephenson
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Tim Clarke (Assistant Director (Housing and Environment)), John Fox (Public Health, Wellbeing & Environmental Protection Manager), Leanne Thornton (Safer Communities Manager), Jonathan Hamlet (Street Scene Officer), Keith Durran (Democratic Services Officer), Matthew Leach (Technical Officer (Street Scene)) and Karen Harges (IT Training Officer)
<b>Also in Attendance</b>	Assistant Chief Constable Andrew Prophet (Essex Police)

**1. THE CHAIR**

The Chairman, Councillor Skeels, sent his apologies and the Vice-Chairman, Councillor Chittock, sat as Chairman in his place.

**2. APOLOGIES FOR ABSENCES AND SUBSTITUTIONS**

An apology for absence was submitted on behalf of Councillor Skeels (with Councillor V Guglielmi substituting).

**3. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 3 February 2020 be approved as a correct record and were be signed by the Chairman.

**4. DECLARATIONS OF INTEREST**

Councillor Clifton declared an interest for the public record in regards to agenda item 7, the mitigation measures for impact of public firework displays, as he had in the past organised public firework displays and would continue to do so in the future.

**5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

Pursuant to the provisions of Council Procedure Rule 38, Councillor Davis asked the Chairman of the Committee:-

*"Would this committee encourage TDC to support the 'green agenda ' by encouraging the use of 'reusable' nappies"?*

The Chairman responded to Councillor Davis as follows:-

*“As we are aware Tendring District Council has approved a climate emergency motion and a working party has been established, with a Councillor Coley leading. The working party are now considering a draft action plan to be reported to cabinet for recommendation on the full Council, I understand this work is ongoing, this committee could discuss whether it wishes to include this with in its work program going forward based on our community leadership role under item 10 of this evening’s agenda”.*

**6. SCRUTINY OF ELEMENTS OF COMMUNITY SAFETY AND MEASURES TO ADDRESS ANTI-SOCIAL BEHAVIOUR**

The Committee considered elements of the work of statutory bodies and others to make communities safer and ensured that the voices of local people were heard on policing and measures for deterring and detecting anti-social behaviour.

**7. 5.A ASSISTANT CHIEF CONSTABLE PRESENTATION ON ANTI-SOCIAL BEHAVIOUR**

The Assistant Chief Constable shared with the Committee his thoughts on the subject of “Tackling Anti-Social Behaviour during COVID-19”. On the day following the Committee’s meeting he was presenting to a Local Government Association (LGA) webinar on that subject; along with other speakers. The event detail for the LGA webinar read as the following:

*“During the lockdown period, councils and the police reported an increase in calls about antisocial behaviour. Some of these complaints can be partly attributed to people who were perceived to have broken the social distancing rules. This increased pressure on antisocial behaviour teams to respond to noise nuisance and neighbour disturbances came at a time when councils and the police faced considerable pressures on their wider services. As we enter the period of recovery, with many people staying at home or shielding, this webinar will focus on how councils and the police responded to antisocial behaviour during the COVID-19 pandemic. We will discuss lessons learned and how this might affect our local antisocial behaviour strategies going forward”.*

After a detailed discussion relating to the topic of antisocial behaviour the Committee thanked Assistant Chief Constable Prophet for his attendance and his insights into the matter.

**8. 5.B COMMUNITY SAFETY REPORT**

The Committee heard that Essex Police, through funding by the Police Fire and Crime Commissioner (PFCC) had given all districts permission to recruit a Town Centre Team (TCT). The TCT for Clacton consists of one police sergeant, a number of police constables and Police Community Support Officers (PCSOs).

Tendring TCT had been utilised to tackle four (4) broad issues in the centre in collaboration with community safety partners (including various TDC departments, Open Road, Phoenix Futures, Anglia Care Trust, Department of Work and Pensions (DWP) and Peabody).

Those issues were:

- Anti-Social Behaviour (ASB) in all its forms – street drinking, homelessness (specifically begging within homelessness), poor behaviour. – Op Luscombe (Led by Tendring District Council) commencement date 18th September 2020.
- Day Time Economy - Shoplifting, hate crime and pick pockets.
- County Drug Lines – drug dealing, carriage of weapons, the effects criminally from being an addict and High Harm violence through turf disputes or debt collection.
- Night Time Economy – High Harm (HH) through drunken violence.

Members were informed that Policing of the Town Centre and specifically ASB had become everyday business. TDC had employed an ASB Patrol Officer since August 2019. He was embedded within the TCT and worked predominantly from Clacton Police Station, working the same shifts as the TCT. From September 18th the ASB Patrol Officer would play a vital sign-posting role in a multi-agency initiative providing support to people that had been found in Clacton Town centre, rough sleeping, street drinking or were suspected of begging in a public place.

Identified individuals would be invited to attend an Intervention Hub at Trinity Methodist Church, Pier Avenue, Clacton-on-Sea. The Hub would have representatives from Rough Sleeper outreach workers, TDC Homelessness Team, Health and Wellbeing services, Support Agencies, Charities and Drugs and Alcohol referral services. Attendees would have been able to have sought help in matters that may have been causing them to offend or any matters that were concerning them. All discussions would be private and confidential.

The report outlined that in 2019, TDC contributed funding to the police to support Operation Spider; an initiative to provide high visibility patrols within Clacton town centre. In 2020 no such funding request had been received. However, the Council had provided, at the request of the police, funding of £5K to support special projects run by the TCT to address the four issue areas as outlined above and especially to tackle ASB in the town in all its forms. The special projects for that activity were due to commence in the autumn of 2020. At the time of the report, details of the projects were still to be confirmed.

Tendring had various 'watch groups' such as Neighbourhood Watch (NHW), Frinton Residents Group and Pub Watch. In addition there were other watches including Farm Watch and Horse Watch but at that time it was unclear as to how active those groups were. Although the Community Safety partnership did not meet with these groups on an individual basis, regular contact was maintained through other means; the key one of which was the Independent Advisory Group (IAG) which met on a quarterly basis. In addition, plans had been made to have a separate meeting with the NHW however that has been delayed as a result of the Coronavirus crisis.

The watch groups were intended to facilitate a two way flow of information.

After some discussion it was moved by Councillor Miles, seconded by Councillor V Guglielmi and:-

**AGREED** that the Committee notes the contents of this report.

It was then moved by Councillor V Guglielmi, seconded by Councillor Miles and:-

**AGREED** that the Committee would receive an update at a future meeting in terms of the progress made by Operation Luscombe.

**9. 5.C INSTANCES OF FLY TIPPING ON PUBLIC LAND**

The Committee was given an overview of reported instances of fly tipping on public land and the associated trends along with the process and actions undertaken as part of the investigations, deterrents employed and removal of fly tipping from public land. Jon Hamlet (Street Scene Manager) explained that the table below highlighted the numbers of reported fly tips recorded by the Council on a monthly basis from January 2019 up to and including August 2020.

Calendar Month	Reported Fly tips	Calendar Month	Reported Fly tips
January 2019	79	January 2020	152
February 2019	95	February 2020	117
March 2019	74	March 2020	111
April 2019	80	April 2020	185
May 2019	89	May 2020	160
June 2019	80	June 2020	213
July 2019	72	July 2020	250
August 2019	85	August 2020	167
September 2019	133		
October 2019	131		
November 2019	107		
December 2019	95		

For further reference and context the following table provided annual totals for the last full 5 years and the figures for the year 2020 (till date of the report):

Year	Number of reported fly tipping
2015	1205
2016	1381
2017	1342
2018	1221
2019	1120
2020 (to date)	1380

The monthly data highlighted the impact of COVID and the subsequent closure of the ECC recycling centres combined with households producing extra black bag household waste and DIY/construction waste during that period. Excluding 2020 the general trend in fly tipping from 2016 was one of a gradual reduction.

**Fly tipping investigation and action process and deterrents**

Members heard that with a continued commitment from the authority to combat fly tipping an additional Technical Officer post was created during the Autumn of 2019 within the Street Scene Team. The Officer whose previous experience was working within Essex Police was responsible for the investigation of all fly tipping reports on public land.

Since his introduction the team had tightened up on the reporting procedure to ensure that all incidents of fly tipping were firstly reported in the correct manner; via the online portal or the customer support team; that allowed for more efficient and accurate data capture and response to FOIs, the identification of hotspot areas and pattern monitoring. Single point of report receipt allowed for more rapid response to incidents; same or following day all fly tipping reports were visited to first check their validity, if still present and on public land the incident was searched for evidence, if none was found and depending upon the location door knocking of the local area was undertaken to ascertain the potential origins of the waste.

Where evidence was found the homeowner was visited and depending upon the incident a three tiered approach was undertaken which encompassed the corporate guidance on firstly engaging with the community, educating and lastly enforcing. All reports of fly tipping were logged along with evidence found, actions taken including offenders details, which were monitored for future reports of fly tipping.

That approach had had dramatic effects in reducing the amount of repeated fly tipping without the need to take enforcement action and whilst on the surface it might have appeared that no formal enforcement action had taking place the effect of the Officer being seen to search for evidence and carrying out door step interviews with a first stage warning was a deterrent and had a positive impact. It was stressed that where the process deemed it necessary and within the public interest the team would take enforcement action.

### **CCTV**

The Committee was informed that as an additional deterrent and to also aid in the capture of evidence the Officers were investigating the use of suitable covert and overt cameras. It was noted that every fly tipping location was unique which in turn would impact the camera system(s) that could be utilised.

### **Partnership working**

It was reported that the Holland Marshes between Holland-on-Sea and Great Holland was a habitual location for fly tipping; the area at night was remote with no street lights and contained a number of off street laybys which were subject to fly tipping, ranging from individual items up to tipper loads. One layby in particular was subject to fly tipping due to it having an overgrown earth bund in front of it which provided a level of privacy to those who wished to undertake those criminal acts. The Street Scene team worked with a local landowner, the Councils engineering department, Veolia and a private waste removal contractor (grab lorry), not only was the waste cleared but the overgrown vegetation cut back, cleared and the earth bund removed and levelled off so the area provided no hiding place for the fly tippers and vastly improved the street scene of the area.

The works were carried out in the first half of July and prior to that there were frequent, and oftentimes substantial, incidents of fly tipping. In the two months since the completion of the works there had only been a single incident at the location which was of much smaller scale than “regular” fly tips.

**BEFORE**



**AFTER**



**Removal of fly tipping**

Matt Leach (Street Scene Technical Officer) addressed the Committee and explained that the removal of fly tipping was typically carried out by three methods:

1. Evidence was found and following a door step interview the householder removed the waste and disposed in a suitable manner.
2. Fly tipping of non-hazardous household waste where no suitable evidence was found and was consequently passed on to the Veolia Hit Team to remove (3.5 tonne caged vehicle driver + loader), Veolia invariably carried out this duty within 72 hours/3 working days of receipt of the job. As part of the new street sweeping contract an additional mobile crew similar to the Hit Team were also available for the removal of fly tipping, whilst their availability was limited with other duties, that additional available resource could help during busy periods or removal of larger fly tips.
3. Fly tipping of hazardous waste and non-household waste (asbestos, oils, caravans, large quantity soils/hard-core/mixed waste) where no suitable evidence was found, those were passed on to specialist contractors, each of whom held the relevant waste carriers licence and waste permits to transport and dispose of those items. Due to their specialism the turnaround for these removals invariably takes longer but normally no longer than 10-15 working days.

The Committee thanked Jon Hamlet (Street Scene Manager) and Matthew Leach (Technical Officer) for their input and noted their report with no comments.

#### **10. A.4 ENFORCEMENT OF NOISE NUISANCE**

It was reported to the Committee that noise nuisance was enforced by the Environmental Protection Team which sat within the Housing and Environment Department and was primarily enforced in terms of statutory nuisance via the Environmental Protection Act 1990 which gave powers to investigate, serve notice and take enforcement action including prosecution and seizure of equipment.

The powers to enforce noise nuisance were provided by the Environmental Protection Act 1990 and those also provided the powers for investigation of noise nuisance and right through to prosecution and seizure of equipment.

The basic enforcement process was as follows:

- Complaint received and triaged to see if it was valid for investigation.
- Witness Report Form sent to complainant to record times and duration of noise and the effect it had on the complainant.
- Letter sent to potential perpetrator informing them of complaint and that it would be investigated.
- Following return of Witness Report Form referred on for further investigation or complainant informed of no further action.

- Installation of noise monitoring equipment and/or officer visits to establish if noise nuisance existed.
- If a noise nuisance had existed a notice may have been served requiring remedial action.
- Failure to comply with the notice may have resulted in prosecution of the offender.

### **Types of noise**

Members heard that noise could be from a number of different sources which could include the playing of loud music, animals such as barking dogs or cockerels crowing, industrial noise from processes, event noise etc.

Noise associated with normal daily living would not constitute a nuisance and industrial noise could use the defence of best practicable means whereby if the business was using current best practice no action could be taken against them.

### **Determination of a noise nuisance**

The Committee was informed that the noise nuisance was not just determined on the level of noise but on a number of other factors as well which would include duration of the noise, the type of noise, time of day and the effect on a normal individual. There was also a distinction between what an individual may find annoying and what may constitute a statutory nuisance under the legislation.

### **Effects of Covid- 19**

It was reported to Members that in terms of noise nuisance enforcement two significant changes had occurred during the period of Covid- 19. Initially complaints had dropped off in the early stages of lockdown, however as people spent more time at home they were more aware of noise created by neighbours and the number of complaints rose considerably.

The installation of noise monitoring equipment had been suspended to ensure the safety of officers and complainants as that involved entering people's properties and installing equipment which had to be handled both by officers and the complainant.

That had restricted noise enforcement activity although for significant cases officers had been visiting sites to determine if a noise nuisance was present.

### **Enforcement activity**

The table below identified the number of complaints received and enforcement actions

Type of noise	2017	2018	2019	Jan-Aug 2020
Animals	91	71	48	39
Construction Noise	2	5	0	11
Mechanical (e.g. DIY)	18	21	9	19
Amplified Music	56	56	38	97

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Totals of above	167	153	95	166
All noise total	225	192	130	198
Notices Served	3	1	2	1
Prosecution	1	0	0	0

(The “all noise” total included all types of noise complaint for example commercial premises, agricultural, ice cream vans, fireworks and other non-classified noise and generally there were less than 10 instances of each of those)

Key points noted were the very significant increase in noise complaints in the period January to August 2020 and that was heavily focussed around amplified music which was associated with more people being in their properties during the lockdown period. There was also an increase in mechanical noise which includes for example DIY which would also be expected with people being in their properties more although the increase was not to the same extent as amplified music.

The prime activity around noise was advice. That would include to the complainant if their complaint was not likely to constitute a nuisance. More importantly advising a potential perpetrator that they were causing a noise may result in amended behaviour or advice could be given about remedial action that could be taken which resolved the potential nuisance.

No cases of seizure equipment had been undertaken in the last year. That power would be used where there was ongoing excessive nuisance which constitutes a statutory nuisance with notices served which had expired and where there was no engagement with the Council but instead ongoing non-compliance. That would routinely be associated with very significant antisocial behaviour.

Environmental Health was a statutory consultee under the Licensing Act 2003. If a statutory nuisance was determined then it was possible to object to future Temporary Event Notices. There had been no instances where objections had been raised in the last year because no statutory nuisances had been determined for sites which had Temporary Event Notices.

The last prosecution for non-compliance with a notice was in 2017 and related to cockerels in an urban area with crowing starting as early as 4am. The outcome of that case was that the owner finally decided not to keep the cockerels and therefore removed the cause of the nuisance.

The Committee **AGREED** to note the contents of this report.

#### 11. **EDUCATION OF CHILDREN IN THE DISTRICT - THE START OF THE 2020/21 ACADEMIC YEAR**

The Committee looked at information by school as to whether (at the start of the autumn term) it was fully open to teach the full range of year groups or whether restrictions were in place that meant that was not the case.

An email enquiry was made to ascertain the answer to the Committee's question on Monday 14th September following the re-commencement of the school term. Philippa Holliday, Assistant Director of Education – North East, Education Directorate - North East Essex, Essex County Council had provided the following confirmatory reply:

“Other than the normal transition of year groups including nurse and reception age pupils, all schools in Tendring were fully open from Wed 9th Sept.”

It was moved by Councillor Miles, seconded by Councillor V Guglielmi and:-

**AGREED** that the Committee would, at a future meeting, receive a report on pupil participation within the District and to that end Officers were requested to invite the Assistant Director of Education (Essex County Council) to attend the Committee at that time.

## **12. MITIGATION MEASURES FOR IMPACT OF PUBLIC FIREWORK DISPLAYS**

The Committee heard that with the onset of the latter half of the year a number of events were traditionally marked with firework displays and from mid-October until the end of the year firework sales took place from supermarkets, some convenience stores and a growing number of temporary specialist shops.

Furthermore that year organisers of firework events would have had to consider the precautions necessary to reduce risk of transmission of COVID-19 infection at gatherings in outdoor areas.

Fireworks could only be sold at certain times of the year:

- from 15 October to 10 November
- from 26 December to 31 December
- the first day of Chinese New Year and the 3 days before it
- the first day of Diwali and the 3 days before it

A licence from ECC, issued under the Explosives Regulations 2014, was required in order to store up to 2 tonnes of explosives. The sale of fireworks outside of the dates above required an all year round seller's licence in addition to the storage licence.

A leaflet published by Environmental Protection UK provided further information around the sale and use of fireworks (see link below)

<http://environmental.wpengine.com/wp-content/uploads/2016/03/Fireworks.pdf>

Fireworks and bonfire displays for various celebrations had in some instances been the cause of injuries to those attending. Furthermore, disturbance is caused to local residents' families and pets and animal based business such as riding schools, kennels and catteries. A District wide promotional campaign and advance publicity of organised displays should help to reduce such injuries and disturbance.

It was thus timely to consider the benefits of a campaign to remind the public and organisers of local events about the precautions that should be taken to reduce risk of injury and disturbance to the local area.

In order to organise a display for a charitable or business purpose the person in charge should be able to competently carry out a risk assessment in order to fully consider the hazards to the safety of people attending or working on the site and the control measures that would be necessary to reduce the risks of injury as far as was reasonably practicable. In addition -

- Officers from the environmental health department were authorised to take formal action regarding breaches of the Health and Safety at Work, etc. Act 1974 regarding risks to health and safety and the Environmental Protection Act 1990 in relation to statutory nuisance from noise disturbance. As firework displays are often one off events it was extremely difficult to take action in respect of noise disturbance;
- The sale of fireworks, including any product safety issue, was regulated by the Trading Standards team at Essex County Council. Any campaign led by TDC could be run in partnership with ECC Trading Standards.
- Where the display includes the sale of alcohol or any other licensable activity or was located on licensed premises the person in control of the activity must have regard to the four licensing objectives, namely the -
  1. Prevention of crime and disorder.
  2. Public safety.
  3. Prevention of public nuisance.
  4. Protection of children from harm
- For single events where up to 500 people were involved (spectators and staff included) a Temporary Event Notice would be required but if greater numbers of people were involved the event could be referred to the Tending Safety Advisory Group which was made up of representatives from HSE, Essex County Council, and Essex Fire Service and Essex Police.
- Advance notice of public firework displays would allow more time for local residents to take their own measures to minimise disturbance to young children and pets and for businesses to put measures in place to reduce stress to animals kept on their premises. The Council did not have any statutory powers to require the advance advertising of public displays but could, via various media channels, encourage the advertising of such events.

The Council had a presence on social media sites for disseminating advice and information which has been found to be effective in reaching significant numbers of people in the area and could be used to promote safety measures and consideration to reduce noise disturbance through earlier finishing times and low noise fireworks and displays.

After some discussion it was **RESOLVED** that Council be informed that:-

- a) the Committee supports Councillor S. Honeywood's motion to Council in relation to mitigation measures for the impact of firework displays;
- b) the Council should promote responsible approaches to firework displays in relation to the safety of those attending and in order to help to reduce disturbance to local communities including advance public notice of public firework displays;
- c) the Council includes an online questionnaire on its website to monitor complaints in relation to fireworks; and
- d) the Committee adds this matter to its work programme and returns to it in January 2021 in order to look at the data collected.

### **13. RECOMMENDATIONS MONITORING**

The Committee had before it the current Recommendations Monitoring Report. The Committee was aware that this report outlined any recommendations it had made to the Cabinet, the Cabinet's response and any relevant updates. There were no recommendations nor updates to report on this occasion.

The Committee noted the contents of the report.

### **14. SCRUTINY OF PROPOSED DECISIONS**

Pursuant to the Provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and / or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. At this time there were no such proposed decisions.

### **15. WORK PROGRAMME OF THE COMMITTEE FOR THE REMAINDER OF 2020/21**

The Committee had before it an updated work programme 2020/21.

After some deliberation it was **RESOLVED** that:

1. the work programme be amended to add a meeting with the Assistant Director of Education (ECC) at an appropriate time in the future in order to discuss pupil participation; and
2. the Committee will return to the issue of Mitigation Measures for the Impact of Public Firework Displays at its meeting due to be held on 18 January 2021.

The meeting was declared closed at 10.00 pm

**Chairman**