



# COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

**DATE:** Monday, 28 September 2020  
**TIME:** 7.30 pm  
**VENUE:** Meeting to be held in accordance with SI 2020/392. Link to live stream will be found at <https://www.tendringdc.gov.uk/livemeetings>

**MEMBERSHIP:**

Councillor Skeels  
Councillor Chittock  
Councillor Amos  
Councillor Clifton  
Councillor Davidson

Councillor Davis  
Councillor King  
Councillor Miles  
Councillor Overton  
Councillor V Guglielmi

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Keith Simmons Email: [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or Telephone on 01255 686580

DATE OF PUBLICATION: Monday, 21 September 2020

## **AGENDA**

### **1 Apologies for Absence and Substitutions**

An apology for absence was submitted on behalf of The Chairman Councillor Skeels (with Vice-Chairman Councillor Chittock acting as Chairman and Councillor Valarie Guglielmi as acting Vice Chairman).

### **2 Minutes of the Last Meeting (Pages 1 - 4)**

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on 3<sup>rd</sup> February 2020.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District and which falls within the terms of reference of the Committee.

### **5 Scrutiny of elements of Community Safety and Measures to address Anti-Social Behaviour**

To consider elements of the work of statutory bodies and others to make communities safer and to ensure that the voices of local people are heard on policing and measures to deter and detect anti-social behaviour.

#### **a Assistant Chief Constable presentation on Anti-social Behaviour**

The Assistant Chief Constable has agreed to share 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 will be presenting to a Local Government Association (LGA) webinar on this subject; along with other speakers. The event detail for the LGA webinar reads as follows:

"During the lockdown period, councils and the police reported an increase in calls about anti-social 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 anti-social 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 anti-social behaviour during the COVID-19 pandemic. We will discuss lessons learned and how this might affect our local anti-social behaviour strategies going forward."

**b** Community Safety Report (Pages 5 - 10)

This report sets out information in respect of the requests of the Committee to address such matters as 'Operation Spider' and town centre policing, the extent and activity of 'watch' groups in the District and the work of the reconstituted Multi-Agency Co-ordination Panel in respect of addressing a range of criminal and anti-social behaviours.

**c** Instances of Fly Tipping on Public Land (Pages 11 - 14)

The report will give the Committee 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.

**d** Enforcement of Noise Nuisance (Pages 15 - 18)

The Committee will have before it a report to explain the extent of noise nuisance reports and whether or not these are increasing, the response to such reports and the outcomes in the forms of advice, seizure of equipment, reviews of licences, enforcement notices and prosecution of offenders.

**6** **Education of children in the District - the start of the 2020/21 Academic Year** (Pages 19 - 20)

The Committee will look at information by school as to whether (at the start of the autumn term) it is fully open to teach the full range of year groups or whether restrictions are in place that mean this is not the case.

**7** **Mitigation Measures for Impact of Public Firework Displays** (Pages 21 - 24)

To provide information to the Committee to enable those to consider Cllr Sue Honeywood's motion to Council on 21st January 2020 (Minute 76 refers) in respect of public firework displays.

**8** **Recommendations Monitoring** (Pages 25 - 26)

To present to the Committee the updated Recommendations Monitoring Report, outlining any recommendations the Committee have sent to Cabinet. The Committee is requested to consider the report and determine whether any further action is required on the recommendations submitted.

**9 Scrutiny of Proposed Decisions (Pages 27 - 28)**

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee will review any new and/or amended published forthcoming decisions relevant to its terms of reference and decide whether it wishes to enquire into any such decision before it is taken.

Matters may only be raised on those forthcoming decisions at Committee meetings where the Member has notified the Committee Services Manager in writing (or by personal email) of the question they wish to ask, no later than Midday, two working days before the day of the meeting.

**10 Work Programme of the Committee for the remainder of 2020/21 (Pages 29 - 36)**

To present to the Committee a draft detailed Work Programme 2020/21, to consider the detail and ordering of the Work Programme.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Community Leadership Overview and Scrutiny Committee is to be held in the To Be Decided at 7.30 pm on Monday, 30 November 2020.*

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**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND  
SCRUTINY COMMITTEE,  
HELD ON MONDAY, 3RD FEBRUARY, 2020 AT 7.30 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Skeels (Chairman), Chittock (Vice-Chairman), Amos, Clifton, Davidson, Davis and Miles
<b>In Attendance:</b>	Anastasia Simpson (Head of People, Performance and Projects), Rebecca Morton (Executive Projects Manager), Debianna Messenger (Work Based Learning Manager) and Debbie Bunce (Legal and Governance Administration Officer)
<b>Also in Attendance:</b>	Claire Kershaw (Director of Education, Essex County Council), Stephen Chynoweth (Head of Education and Early Years, Essex County Council) and Kevin Wilby (School Organisation Officer, Essex County Council)

**88. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor King with no substitute.

**89. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee held on 13 January 2020 were approved as a correct record and signed by the Chairman.

**90. DECLARATIONS OF INTEREST**

Councillor Clifton declared that, in relation to Agenda Item 7, Work Programme – Scrutiny of Proposals for the Next Municipal Year, he had a personal interest in that he organised Firework Displays.

Councillor Miles declared that, in relation to item 6, Education, Economy and Skills, she had a personal interest insofar as she was a School Governor.

**91. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

On this occasion no Councillor had submitted a notice of a question.

**92. RECOMMENDATIONS MONITORING REPORT**

The Committee was aware that it would normally receive the updated Recommendations Monitoring Report which outlined any recommendations that the Committee had made to Cabinet but on this occasion there was no such report.

**93. EDUCATION, ECONOMY AND SKILLS**

The Council's Work Based Learning Manager (Debianne Messenger) gave a presentation on Apprenticeships which included information on "What is an Apprenticeship", Education and Skills Funding Agency, Ofsted Monitoring Visit and current successes.

Following Members questions, the Work Based Learning Manager was thanked for her presentation and the Committee congratulated the team for their successful apprenticeship provision.

Claire Kershaw (Director of Education), Stephen Chynoweth (Head of Education and Early Years) and Kevin Wilby (School Organisation Officer) all from Essex County Council also attended the Committee and gave a presentation to the Committee which included an analysis of the performance of schools in the District of Tendring against other Districts in Essex and England Averages. This also included statistics on Early Years (Good Level of Development at 5 years old), End of Primary School (KS2 RWM outcomes for 11 year olds) and End of Secondary School (KS4 English and Maths 16 years old). The Committee looked at the statistics for Tendring against the rest of Essex and England. The Director of Education explained the reasons behind those figures.

There was also information was also provided regarding the South Tendring Primary Partnership, the Harwich Education Partnership, the Mid Tendring Education Partnership, the Colne Cluster (East Tendring) and the Stour Education Partnership, where schools were grouped into areas and worked in partnership with each other in order to lead their own improvements.

Further information was submitted regarding school organisation in respect of school places and about the way that the County Council was dealing with expanding schools where needed.

It was also noted that the current 6<sup>th</sup> Form at Clacton County High School would be moving to the Tendring Education Centre (former Bishops Park School) in Jaywick from September. This would then create room at Clacton County High School for expansion.

Members asked questions regarding extra school places being needed in areas of the District where house building was prolific, especially in the Kirby and Walton-on-the-Naze areas and were assured that the Education Team had undertaken a study whereby they could gauge what provision would be needed going forward and that they were already planning for expansion in various schools across the District.

Following questions and discussion, Clare Kershaw, Stephen Chynoweth and Kevin Wilby were thanked for their presentation and their time.

The Council's Executive Projects Manager (Rebecca Morton) then provided an update report to the Committee on the Education and Skills agenda within the District.

Members were aware that the Council's Corporate Plan 2020-2024 placed Community Leadership at the heart of everything and within that context a number of projects were being undertaken by the Council to support children and young people and their families in the District. Whilst Essex County Council had the statutory responsibility for Education, the report aimed to summarise key work supported by the Council which

included work undertaken/supported by officers in the People, Performance & Projects, Health, Community Safety and Regeneration teams.

### **Education**

The priority had been to ensure that partnership working continued to be effective and that the Council continued to provide support, encouragement and commitment to working collaboratively with schools to improve school attainment levels and raise aspirations and opportunities for children and young people across the District.

The work being undertaken to support the Education agenda also supported both the Essex and Tendring Children & Young People's Strategy 2016 and Tendring's Delivery Plan 2019/2020. Tendring's priorities were:-

1. **Start Well** – to continue to support schools in improving and maintaining attainment levels, and a positive experience and opportunities through school to allow each child to achieve their full potential
2. **Stay Safe** – children and young people feeling safe in their community
3. **Mental Health & Emotional Wellbeing** – enjoying good mental health and wellbeing
4. **Positive Futures** - working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing.

The Executive Projects Manager also provided the Committee with an update on the following items:-

1. Education – Start Well, Raising Aspirations and Positive Futures
2. North East Essex Teacher Training
3. Teach First
4. IntoUniversity
5. School Places
6. Young People Not in Education, Employment or Training (NEET)
7. Start Well/Stay Well – Mental Health & Wellbeing

Following discussion it was **RECOMMENDED TO CABINET** that:

Members consider becoming School Governors as it provides both support for schools and also an opportunity to develop a greater understanding of schools and education.

**94. WORK PROGRAMME**

The Committee had before it a draft detailed Work Programme for 2019/20. It was aware that Scrutiny must be Member led and as such the Committee were asked to consider the detail submitted and confirm or amend the scope of the reviews for the remainder of the municipal year.

The Committee considered the Work Programme and it was decided that the Leisure and Tourism Portfolio Holder (Councillor Porter) be invited to the next meeting of the Committee on 6 April 2020.

The Committee also had before it a document detailing the scrutiny already undertaken by the Committee during this municipal year.

The Committee had a discussion and it was **AGREED** that:

(a) Once the list of scrutiny proposals for the next municipal year, the item on rail fares includes buses and

(b) the item in respect of Mitigation Measures for the Impact of Public Fireworks Displays have a separate sub-group of the Committee which could look into this item in detail and report back to the Committee on its findings.

In respect of (b) above, Councillor Clifton agreed to contact the Head of Democratic Services and Elections (Keith Simmons) to discuss setting up this sub-group.

The meeting was declared closed at 9.25 pm

**Chairman**

## COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

28<sup>TH</sup> SEPTEMBER 2020

### REPORT OF ACTING HEAD OF PEOPLE PERFORMANCE AND PROJECTS

#### A.2 COMMUNITY SAFETY

Report prepared by Leanne Thornton Safer Communities Manager

#### PURPOSE OF THE REPORT

To consider elements of the work of statutory bodies and others to make communities safer and to ensure that the voices of local people are heard on policing and measure to detect and detect anti-social behaviour.

#### INVITEES

Chief Inspector Lily Benbow (Tendring District Commander ) Essex Police

Chief Inspector Benbow will be undertaking a presentation to the Committee as well as answering questions on all aspects of policing and the Multi Agency Co-ordination Panel and Anti Social Behaviour.

#### BACKGROUND

To consider elements of the work of statutory bodies and others to make communities safer and to ensure that the voices of local people are heard on policing and measure to detect and detect anti-social behaviour.

1. Given the previous financial support of this Council for Operation Spider activity to provide a more visible police presence in Clacton town centre over the summer, the Committee is interested to look at the experience in 2020 where no such Operation was jointly funded by this Council.
2. The extent to which Homewatch (or other Watch) groups exist across the District, the information flow to and from them and the support they require will be examined.
3. To enable the Committee to scrutinise the work of the new/revived Multi-Agency Coordination Panel (MACP); that has the remit of examining enforcement powers and protocols between various agencies locally to ensure that the most effective response possible is put in place to a range of criminal and anti-social behaviour. The Committee envisages receiving a written report setting out the work of the MACP over the 6 or more months since it was (re-) established and the intentions for the following year. Indicators for success of the MCAP should be included with

a commentary on progress towards those.

## DETAILED INFORMATION

1. Essex Police, through funding by the Police Fire and Crime Commissioner (PFCC) have 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).

Tending TCT is being 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).

These issues are:

- 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 18<sup>th</sup> 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.

Policing of the Town Centre and specifically ASB has become everyday business.

TDC has employed an ASB Patrol Officer since August 2019. He is embedded within the TCT and works predominantly from Clacton Police Station, working the same shifts as the TCT. From September 18<sup>th</sup> the ASB Patrol Officer will play a vital sign-posting role in Operation Luscombe, a multi-agency initiative providing support to people that have been found in Clacton Town centre, rough sleeping, street drinking or are suspected of begging in a public place.

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

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 has been received. However, the Council has 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 this activity are due to commence in the autumn of 2020. At the time of writing details of the projects are still to be confirmed.

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

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

3. See Appendix - Written report provided by Chief Inspector Lily Benbow, District Commander for Tendring, setting out the work of the MACP over the 6 or more months since it was re- established and the intentions for the following year.

#### **RECOMMENDATION**

**That the Committee notes the Report provided and determines whether it has any comments or recommendations to put forward to the relevant Portfolio Holder or Cabinet.**



## Multiagency Coordination Panel (MACP) Tendring District - Interim Review

### Executive summary

This report sets out a review of the Tendring District Multiagency Coordination Panel (MACP). The panel's inaugural meeting took place on the 5<sup>th</sup> November 2019 and has been convening approximately every six weeks since.

The initial Terms of Reference (TOR) aimed at managing partnership enforcement against serious and organised criminality at a local level, specifically Organised Crime Gangs and County lines. In January 2020 the Terms were amended with agreement from the panel to include Hate crime within its remit.

A full review was planned in March 2020 however due to our need to respond to the pandemic this did not take place. Although there was a slight delay for April's panel convening, virtual meetings have since taken place with good attendance and referral levels. For the foreseeable future all meetings will continue as virtual meetings.

### Performance overview

The panel includes representatives from all relevant partnership agencies, including the Safer Communities Manager (TDC), District Commander, Children Social Care and the local Youth Offending Team (YOT). Representatives from various departments within both TDC and police are in attendance. Since its inaugural meeting there has been a consistent high attendance level from all partner agencies.

A 4P (Prevent, Prepare, Protect and Pursue) plan has been prepared for the OCG within the Tendring District and is managed by Inspector Richards and the Lead Responsible Officer (LRO) Chief Inspector Benbow. The plan is reviewed regularly through the Serious and Organised Crime (SOC) Board for Essex Police. Activities by action owners are progressed at panel meetings with progress documented on action plan logs. Prevention and disruption activities of County lines are coordinated through the Districts fortnightly Tasking and Coordinating Group. There is one other OCG awaiting scoring confirmation by the SOC Board which will be confirmed within the coming weeks.

No. OCG in Tendring	No. OCG Disruptions <sup>1</sup>
1	23

Table 1.1

Table (1.1) provides details of the two OCG's within Tendring and the number of disruptions carried out since November 2020.

<sup>1</sup> Disruptions are the use of existing law enforcement and other agency tactics to support a problem-solving approach

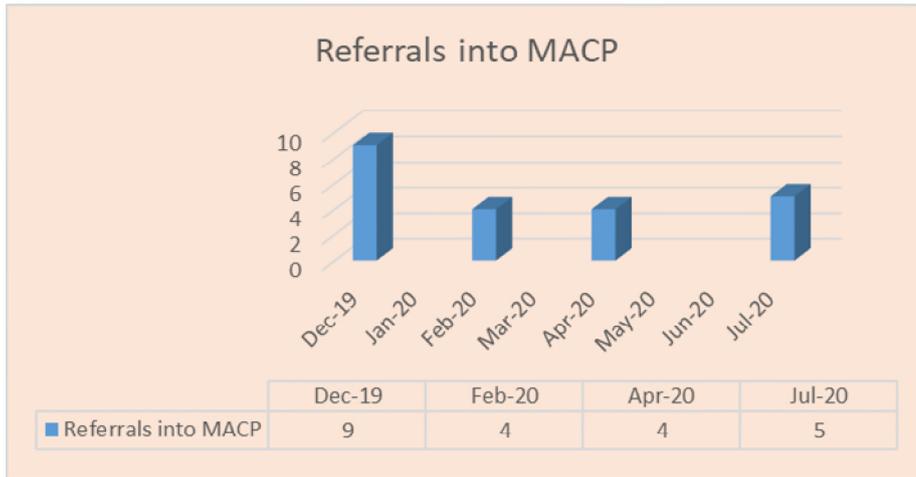


Table 1.2

Referrals (Table 1.2) have come from several agencies (DWP, Police, Clacton County High School, Tendring District Council) with the referrer attending and presenting their case to the panel for discussion.

On two occasions complex problem solving was initiated through referrals and two separate task and finish groups were established. URN 008/12/19 resulted in the successful eviction of a resident who had been responsible for numerous offences in the neighbourhood. The individuals concerned had engaged in both hate crime and ASB.

A day of action took place in early 2020 following extensive partnership work. Positive news stories were reported with residents thanking agencies for their commitment and problem-solving approach. The task and finish group for URN 001/01/2020 remains ongoing as activity has been delayed due to the pandemic.

Other positive outcomes include:

- Referrals into the Children & Young Person Officers, helping to divert two students from getting involved in County Lines activity.
- Authority to award a discretionary housing payment to an individual.
- Referral for Serious Mental Illness (SMI) status.
- Subject and family successfully re-housed within the District ensuring the subjects child was not further exposed to County lines activity and successfully placed in a local school. Subject also received debt management support.
- Referral to St. Helen's Hospice.

## Governance and processes

Since inception the Panel has been co-chaired by the Police District Commander and a representative from the Fire Service. All referrals and actions are managed by the Safer Communities Manager at TDC. Referrals and actions are communicated through email with password protection on shared documents.

## Recommendations

- Examining the MACP key objectives against activities indicates there may be further opportunities to develop partnership positive outcomes for victims of hate crime. Although the number of hate crimes reported in Tendring has seen a reduction since the

same time last year (Mar/Apr/May), the North LPA have seen a 7.8% increase in reported hate crime over a rolling 12 months. 42% of victims in the NLPA do not support police intervention. A greater focus on partnership problem solving in respect of hate crime resolutions may help in increasing the confidence of victims to engage.

- A coordinated and consistent media approach to ensure good news stories are publicised may increase confidence within the community in using a multi-agency approach.
- Clarity in the category of referral and subsequent outcome may assist in being able to better identify best practice and provide a structure by which a public health approach can be more readily applied.
- An in-depth review should be commissioned as we approach the 12-month date since its inaugural meeting.

## **Conclusion**

The number of referrals, actions completed, and positive outcomes indicates that there was a clear need to re-establish the MACP. Partner agencies have maintained a consistent presence at all meetings with a strong culture of relationship building and problem-solving taking place.

**Chief Inspector Lily Benbow**  
**District Commander for Tendring**

**August 2020**

## COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

28<sup>th</sup> September 2020

### REPORT OF Councillor Michael Talbot

#### A.3 Instances of Fly Tipping on Public Land

Report prepared by Jonathan Hamlet

#### PURPOSE OF THE REPORT

Flytipping on public land

#### INVITEES

Councillor Michael Talbot Portfolio Holder for Environment and public spaces, who will be in attendance to answer questions.

Responsible Officers for investigation of fly tipping on public land: TDC Street Scene Officer Darren O'Neill and TDC Technical Officer Matt Leach.

#### BACKGROUND

To provide the committee with 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.

#### DETAILED INFORMATION

##### Instances of fly tipping over recent time.

The table below highlights the numbers of reported flytips recorded by this authority on a monthly basis from January 2019 upto and including August 2020.

Calendar Month	Number of reported flytips
January 2019	79
February 2019	95
March 2019	74
April 2019	80
May 2019	89
June 2019	80
July 2019	72
August 2019	85
September 2019	133
October 2019	131
November 2019	107
December 2019	95
January 2020	152

February 2020	117
March 2020	111
April 2020	185
May 2020	160
June 2020	213
July 2020	250
August 2020	167

For further reference and context the following table provides annual totals for the last full 5 years and the figures for the current year; 2020:

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

The monthly data highlights 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 this period.

Excluding 2020 the general trend in fly tipping from 2016 is one of a gradual reduction.

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

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 is responsible for the investigation of all fly tipping reports on public land.

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

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

This approach has had dramatic effects in reducing the amount of repeated fly tipping without the need to take enforcement action and whilst on the surface it may appear that no formal enforcement action is taking place the effect of the Officer being seen to search for evidence and carrying out door step interviews with a first stage warning is as a deterrent having a positive impact, It must be stressed that where the process deems its necessary and within the public interest the team will take enforcement action.

## CCTV

As an additional deterrent and to also aid in the capture of evidence the Officers are investigating the use of suitable covert and overt cameras. It must be noted that every fly tipping location is unique which in turn will impact the camera system(s) that can be utilised.

## Partnership working

Holland Marshes; between Holland on Sea and Gt Holland is a habitual location for fly tipping; the area at night is remote with no street lights and contains a number of off street laybys which are subject to fly tipping, ranging from individual items upto 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 wishes to undertake these criminal acts. Working with a local landowner, TDC 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 of to now provide an area with no hiding place for the fly tippers and vastly improving 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 flytipping. In the two months since the completion of the works there has only been a single incident at the location which is of much smaller scale than "regular" flytips.

## BEFORE



## AFTER



### Removal of fly tipping

Removal of fly tipping is typically carried out by three methods:

1. Evidence is found and following a door step interview the householder removes the waste and disposes in a suitable manner.
2. Flytipping of non-hazardous household waste where no suitable evidence is found and is consequently passed on to the Veolia Hit Team to remove (3.5 tonne caged vehicle driver + loader), Veolia invariably carry 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 are also available for the removal of fly tipping, whilst their availability is limited with other duties this additional available resource can help during busy periods or removal of larger fly tipping.

3. Flytipping of hazardous waste and non household waste (asbestos, oils, caravans, large quantity soils/hardcore/mixed waste) where no suitable evidence is found, these are passed on to a specialist contractors each of whom hold the relevant waste carriers licence and waste permits to transport and dispose of these items. Due to their specialism the turnaround for these removals invariably takes longer but normally no longer than 10-15 working days.

## COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

28 SEPTEMBER 2020

### REPORT OF [ASSISTANT DIRECTOR HOUSING AND ENVIRONMENT]

#### A.4 ENFORCEMENT OF NOISE NUISANCE

(Report prepared by [John Fox and Rebecca Duff-Cole])

##### PURPOSE OF THE REPORT

To consider the extent of noise nuisance reports and whether or not these are increasing, the response to such reports and the outcomes in the forms of advice, seizure of equipment, reviews of licences, enforcement notices and prosecution of offenders.

##### INVITEES

None

##### BACKGROUND

The Chairman of the Community Leadership Overview and Scrutiny Committee indicated that he wished to see a report on noise nuisance and its enforcement.

Noise nuisance is enforced by the Environmental Protection Team which sits within the Housing and Environment Department and is primarily enforced in terms of statutory nuisance via the Environmental Protection Act 1990 which gives powers to investigate, serve notice and take enforcement action including prosecution and seizure of equipment.

##### DETAILED INFORMATION

###### Enforcement Process

The powers to enforce noise nuisance are provided by the Environmental Protection Act 1990 and these provide for investigation of noise nuisance and right through to prosecution and seizure of equipment.

The basic enforcement process is as follows

- Complaint received and triaged to see if it is valid for investigation
- Witness Report Form sent to complainant to record times and duration of noise and the effect it has on the complainant
- Letter sent to potential perpetrator informing them of complaint and that this will 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 exists
- If a noise nuisance does exist a notice may be served requiring remedial action
- Failure to comply with the notice may result in prosecution of the offender

## Types of noise

Noise can 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 will not constitute a nuisance and industrial noise can use the defence of best practicable means whereby if the business is using current best practice no action can be taken against them.

## Determination of a noise nuisance

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

## Effects of Covid- 19

In terms of noise nuisance enforcement two significant changes have occurred during the period of Covid- 19.

Initially complaints 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 was suspended to ensure the safety of officers and complainants as this involves entering people's properties and installing equipment which has to be handled both by officers and the complainant.

This has restricted noise enforcement activity although for significant cases officers have been visiting sites to determine if a noise nuisance is present.

## Enforcement activity

The table below identifies 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
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 includes all types of noise complaint for example commercial premises, agricultural, ice cream vans, fireworks and other non classified noise and generally there

are less than 10 instances of each of these)

Key points to note is the very significant increase in noise complaints in the period January to August 2020 and this is heavily focussed around amplified music which is associated with more people being in their properties during the lockdown period. There is 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 is not to the same extent as amplified music.

The prime activity around noise is advice. This will include to the complainant if their complaint is not likely to constitute a nuisance. More importantly advising a potential perpetrator that they are causing a noise may result in amended behaviour or advice can be given about remedial action that can be taken which resolves the potential nuisance.

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

Environmental Health is a statutory consultee under the Licensing Act 2003. If a statutory nuisance was determined then it is possible to object to future Temporary Event Notices. There have been no instances where objections have been raised in the last year because no statutory nuisances have been determined for sites which have 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 this case was that the owner finally decided not to keep the cockerels and therefore removed the cause of the nuisance.

## **RECOMMENDATION**

**That the Committee determines whether it has any comments or recommendations it wishes to put forward the relevant Portfolio Holder or Cabinet.**

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## COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

28<sup>TH</sup> SEPTEMBER 2020

### REPORT OF ACTING HEAD OF PEOPLE PERFORMANCE AND PROJECTS

#### A.5 EDUCATION OF CHILDREN

Report prepared by Carol Magnus, Acting Head of People, Performance and Projects

#### PURPOSE OF THE REPORT

Solely for information, the Committee will look at information by school as to whether (at the start of the autumn term) it is fully open to teach the full range of year groups or whether restrictions are in place that mean this is not the case.

#### INVITEES

N/A

#### BACKGROUND

Solely for information, the Committee will look at information by school as to whether (at the start of the autumn term) it is fully open to teach the full range of year groups or whether restrictions are in place that mean this is not the case.

The information received may contribute to the debate on the other items at this meeting/the next meeting of the Committee.

#### DETAILED INFORMATION

An email enquiry was made to ascertain the answer to the Committee's question on Monday 14<sup>th</sup> 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 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 9<sup>th</sup> Sept.”*

#### RECOMMENDATION

**That the Committee notes the Report provided and determines whether it has any comments or recommendations to put forward to the relevant Portfolio Holder or Cabinet.**

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## COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

28<sup>TH</sup> SEPTEMBER 2020

### REPORT OF ASSISTANT DIRECTOR – HOUSING & ENVIRONMENT

#### A.6 Mitigation Measures for Impact of Public Firework Displays (Report prepared by *Mark Baker and Tim Clarke*)

##### PURPOSE OF THE REPORT

To provide information to the committee to enable them to consider Cllr Sue Honeywood's motion to Council on 21<sup>st</sup> January 2020 in respect of public firework displays.

##### INVITEES

None

##### BACKGROUND

Councillor Sue Honeywood's Motion to Council on 21 January 2020:

"Fireworks are used by many people throughout the year to mark different events. While they can bring much enjoyment to some people, they can also cause significant problems and fear for other people and animals.

This Council therefore resolves:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people — including the precautions that can be taken to mitigate risks; and
- to encourage local suppliers of fireworks to stock "quieter" fireworks for public display."

##### DETAILED INFORMATION

With the onset of the latter half of the year a number of events are traditionally marked with firework displays and from mid-October until the end of the year firework sales take place from supermarkets, some convenience stores and a growing number of temporary specialist shops.

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

Fireworks can 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, is required in order to store up to 2 tonnes of explosives. The sale of fireworks outside of the dates above requires an all year round sellers licence in addition to the storage licence.

The attached leaflet published by Environmental Protection UK provides some further information around the sale and use of fireworks. <http://environmental.wpengine.com/wp-content/uploads/2016/03/Fireworks.pdf>

Fireworks and bonfire displays for various celebrations have 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 is 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 will be necessary to reduce the risks of injury as far as is reasonably practicable.
- Officers from the environmental health department are 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 is extremely difficult to take action in respect of noise disturbance
- The sale of fireworks, including any product safety issue, is regulated by the Trading Standards team at Essex County Council. Any campaign led by TDC could be run in partnership with Trading Standards.
- Where the display includes the sale of alcohol or any other licensable activity or is located on licensed premises the person in control of the activity must have regard to the four licensing objectives
  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 are involved (spectators and staff included) a Temporary Event Notice will be required but if greater numbers of people are involved the event may be referred to the Tending Safety Advisory Group which is

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 does not have any statutory powers to require the advance advertising of public displays but can, via various media channels, encourage the advertising of events.

The Council has 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

## **RECOMMENDATION**

**That the Committee determines whether it has any comments or recommendations it wishes to put forward the relevant Portfolio Holder or Cabinet regarding social media and press releases to**

- **promote responsible approaches to firework displays in relation to the safety of those attending,**
- **help to reduce disturbance to local communities and**
- **provide advance notice of public firework displays**

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# COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

28 SEPTEMBER 2020

## RECOMMENDATIONS MONITORING REPORT

Recommendation(s) Including Date of Meeting and Minute Number	Actions Taken and Outcome	Completed, follow- up work required or added to Work Programme
<p><b>Date of meeting:</b> 3<sup>rd</sup> February 2020 <b>Minute:</b> 93 <b>Recommendation:</b></p> <p>Following discussion it was <b>RECOMMENDED TO CABINET</b> that: Cabinet that Members consider becoming School Governors as it provides both support for schools and also an opportunity to develop a greater understanding of schools and education.</p>	<p>Further to the report being submitted the Portfolio Holder responded as follows</p> <p>“I thank the Community Leadership Overview and Scrutiny Committee for their recommendation.</p> <p>I fully endorse the idea of Members considering School Governorship in support of local schools and to that end, I provide below, the link to Essex County Council’s School Governors web page for any member that may be interested in pursuing this.”</p> <p>It should be noted that while this was recommendation and response from the Portfolio Holder had been scheduled for consideration by Cabinet on the 20 March 20220, in light of COVID19 pandemic this was cancelled.</p>	<p>To be confirmed.</p>

**COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE**

**28 SEPTEMBER 2020**

**RECOMMENDATIONS MONITORING REPORT**

**Community Leadership Overview and Scrutiny Committee**  
**28 September 2020**

**OVERVIEW AND SCRUTINY PROCEDURE RULE 13 – SCRUTINY OF PROPOSED DECISIONS**

(Prepared by Keith Durran – forthcoming decisions published since 10/02/2020)

In presenting the following, the Committee's attention is drawn to the agenda item notes in respect of Overview and Scrutiny Procedure Rule 13.

<b>DESCRIPTION OF DECISION</b>	<b>KEY DECISION – YES/NO</b>	<b>DECISION MAKER</b>	<b>Decision Due Date</b>
None at present.			

The Council's notice of forthcoming decisions can be found on the Council's Website at:-

<https://tdcdemocracy.tendringdc.gov.uk/mgDelegatedDecisions.aspx?RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=0&META=mgforthcomingdecisions&v=0&bcr=1>

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**Community Leadership Overview and Scrutiny Committee (OSC)**

**Work Programme 2020/2021**

**SCRUTINY PROPOSALS FOR THE REMAINDER OF NEXT MUNICIPAL YEAR**

Article 6.01 of the Council’s Articles and Rule 7 of the Council’s Overview and Scrutiny Procedure Rules both require each OSC to submit a work programme for the year ahead and a review of the previous year’s activities to the Annual Meeting of the Council for approval.

The Committee will need to determine its programme for scrutiny in 2020/21; including items covered, the scope of the programmed reviews and whether Portfolio Holders or others are to be invited to present to them. Specific information requirements of Councillors to undertake the programmed reviews should also be identified as should any Councillor development needs.

The following have been identified to this point:

<b>Date of Committee Meeting</b>	<b>Broad topic for examination</b>	<b>Matter to be examined and the purpose of the examination</b>	<b>Relevant Portfolio Holder(s)/Outside bod(y)(ies)</b>	<b>Relevant TDC Officer</b>
28 September 2020	Community Safety	To consider elements of the work of statutory bodies and others to make communities safer and to ensure that the voices of local people are heard on policing and measure to detect and detect anti-social behaviour. Given the previous financial support of this Council for Operation Spider activity to provide a more visible police presence in Clacton town centre over the summer, the Committee is interested to look at the experience in 2020 where no identical Operation was jointly funded by this Council.	Cllr Lynda McWilliams  Essex Police  Homewatch/Community Safety Forums – representatives to be invited	Anastasia Simpson/Carol Magnus Tim R Clarke John Hamlet

		<p>The Committee will also look at the instances of fly tipping over recent time and the extent to which occurrences are increasing or not, measures to deter fly tipping and detection and action against those who do fly tip. The Committee will look at the speed of response to fly tipping on public land.</p> <p>Within this work stream, the Committee will examine the extent of noise nuisance reports and whether or not these are increasing, the response to such reports and the outcomes in the forms of advice, seizure of equipment, reviews of licences, enforcement notices and prosecution of offenders</p> <p><i>In addition, the Committee will look at enforcement in respect of alcohol licensed premises including under age sales, proxy sales, fire safety, right to work and compliance with conditions. The extent to which advice is given, closure notices issued, reviews undertaken and prosecution of offenders will be considered by the Committee.</i></p> <p>The extent to which Homewatch (or other Watch) groups exist across the District, the information flow to and from them and the support they require will be examined.</p>	<p>)          ) This element is          ) deferred to the          ) meeting on 30          ) November 2020          )          )</p>	
		<p>To enable the Committee to scrutinise the work of the new/revived Multi-Agency Coordination Panel (MACP); that has the remit of examining enforcement powers and</p>	<p>Cllr Lynda McWilliams  Essex Police</p>	<p>Anastasia Simpson/Carol Magnus</p>

		<p>protocols between various agencies locally to ensure that the most effective response possible is put in place to a range of criminal and anti-social behaviour. The Committee envisages receiving a written report setting out the work of the MACP over the 6 or more months since it was (re-) established and the intentions for the following year. Indicators for success of the MCAP should be included with a commentary on progress towards those.</p> <p><b>As identified by this Committee at its meeting on 7 October 2019 (Minute 78 refers)</b></p>		
	Education of children	<p>Solely for information, the Committee will look at information by school as to whether (at the start of the autumn term) it is fully open to teach the full range of year groups or whether restrictions are in place that mean this is not the case.</p> <p>The information received may contribute to the debate on the other items at this meeting/the next meeting of the Committee.</p>	<p>Cllr Lynda McWilliams</p> <p>Essex County Council Education/Individual Schools and Academy Trusts</p>	Anastasia Simpson/Carol Magnus
	Mitigation Measures for Impact of Public Firework Displays	<p>Councillor Sue Honeywood's Motion To Council on 21 January 2020:</p> <p>"Fireworks are used by many people throughout the year to mark different events. While they can bring much enjoyment to some people, they can also cause significant problems and fear for other people and animals.</p> <p>This Council therefore resolves:</p>	Essex County Council Trading Standards	Tim R Clarke

		<ul style="list-style-type: none"> <li>• to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;</li> <li>• to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people — including the precautions that can be taken to mitigate risks; and</li> <li>• to encourage local suppliers of fireworks to stock “quieter” fireworks for public display.”</li> </ul>		
30 November 2020	Health and Wellbeing in the District	In early 2021, an update in terms of the progress made to reduce deprivation locally, to address key health measures including through the intended integrated neighbourhood team for Tendring South. The update should also include the position on funding for primary care provision from the Clacton Hospital site and the operation of the reconfigured GP services from Kennedy House, Kennedy Way, Clacton-on-Sea. <b>As identified by this Committee at its meeting on 13 January 2020 (Minute 84 refers)</b>	Cllr Lynda McWilliams  Health Alliance, Clinical Commissioning Group	John Fox
		The Committee will look at the Covid-19 measures to control the spread of the virus, identify and ensure those exposed to it are isolated, to protect the most at risk. This work stream will look at plans to respond locally to a second wave of the virus and the overlapping considerations of preparations and precautions associated with seasonal flu.	Cllr Lynda McWilliams  Health Alliance, Clinical Commissioning Group/ECC Public Health	JohnFox

		<p>The extent to which Community Groups and volunteers are able to support the most vulnerable across the District during the Covid-19 pandemic, the information flow to and from those groups and the support they require will be examined.</p>	<p>Community Groups providing support to those shielding/most vulnerable during the pandemic – representatives to be invited</p>	
		<p>That the Community Leadership OSC be requested to consider adding the following to its work programme:</p> <p>a) The funding and outcomes of the Mental Health Hub; and</p> <p><b>As referred by the Resources and Services OSC on 8 January 2020 and accepted by this Committee on 13 January 2020 (Minute 87 refers).</b></p>	<p>Cllr Lynda McWilliams</p> <p>Melanie Hammond, chief executive of The Mental Health Hub</p>	<p>Anastasia Simpson/Carol Magnus</p>
		<p><i>The Committee will also look at the deferred element from the Community Safety Theme (on Alcohol Licensing) identified above for the 29 September meeting.</i></p>		
18 January 2021	Private Rented Sector – conditions and improvements to conditions	<p>The use of the £100K grant funding received from the Government for a housing conditions survey in Jaywick Sands to help shape how the Council engages with landlords and improves conditions for anyone living in substandard accommodation.</p> <p><b>As identified by this Committee at its meeting on 13 January 2020 (Minute 87 refers)</b></p>	<p>Cllr Paul Honeywood</p>	<p>Tim R Clarke</p>

	Tackling Homelessness	<p>That the Community Leadership OSC be requested to consider adding the following to its work programme:</p> <p>b) A review of the Spendells proposed capital scheme and the contribution the scheme is intended to make to address homelessness.”</p> <p>As referred by the Resources and Services OSC on 8 January 2020 and accepted by this Committee on 13 January 2020 (Minute 87 refers).</p>	Cllr Paul Honeywood	Tim R Clarke
22 March 2021	Tendring4Growth (originally programmed for scrutiny at the 2 December 2019 Committee meeting)	<p>To enable the Committee to consider the Tendring4Growth underpinning theme in the new Corporate Plan. A report to Cabinet on this matter was submitted to its meeting on 24 January 2020 (item 8 in the agenda for that meeting).</p> <p><b>As identified in the 2019/20 work programme as needing to be arranged</b></p>	<p>Cllr Mary Newton</p> <p>Chamber of Commerce/ Tendring Business Leaders Assoc./ Clacton Women in Business and others – representatives to be invited</p>	Paul Price
	Rail Fares – the economic and social impact of increases	<p>Rail Fares – the annual increase in fares and the impact on residents and the affordability of commuting from the area.</p> <p><b>As identified by this Committee at its meeting on 13 January 2020 (Minute 87 refers)</b></p>	<p>Cllr Mary Newton</p> <p>TDC Transport Liaison Group</p> <p>Greater Anglia – representatives to be invited</p>	Paul Price

			Ontrack Rail Users' Association – representatives to be invited	
10 May 2021	To be determined	To be determined	To be determined	To be determined

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