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Resources and Services Overview and
Scrutiny Committee

1 November 2021

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 1ST NOVEMBER, 2021 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Codling, Griffiths, Harris and Morrison
Also Present:	Councillor Talbot (Portfolios Holder for Environmental & Housing)
In Attendance:	Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Graham Nourse (Assistant Director (Planning)), Keith Simmons (Head of Democratic Services and Elections), Mark Westall (Head of Customer and Commercial Services), Jonathan Hamlet (Street Scene Officer), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

[Note: Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Graham Nourse (Assistant Director (Planning)), Mark Westall (Head of Customer and Commercial Services) and Matt Cattermole (Communications Assistant) were able to contribute to the meeting remotely through the use of the Microsoft Teams platform]

28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Land, as a Member of the Committee, (with no substitution).

An apology for absence was also submitted on behalf of Councillor C Guglielmi as Portfolio Holder with responsibility for enforcement.

29. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 20 September 2021 be approved as a correct record.

30. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any on the agenda for this meeting.

31. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

32. REVIEW OF THE WORK PROGRAMME

The work programme of the Committee was circulated to it with the agenda for the meeting. At the meeting a proposed revised Work Programme was circulated addressing the issues previously approved (Minute 27 of 20 September 2021 refers) and providing for a review of the performance at the half year point against the key priority actions for 2021/22.

Further to the above, the Committee was invited to re-schedule the meeting to be held on 20 December 2021 and instead hold that meeting on 13 December 2021.

The Committee also had before it at the meeting, the scoping document for the Joint Scrutiny Panel to look at Economic Development and Growth. .

The Committee noted the contents of the report and **RESOLVED** to approve the changes set out and otherwise relayed to it (as set out at Appendix A to these Minutes). The Committee also **RESOLVED** to approve the scoping document for the Joint Scrutiny Panel to look at Economic Development and Growth (as set out at Appendix B to these Minutes)

33. **REPORT OF DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE. - A.2 - TENDRING DISTRICT COUNCIL ENFORCEMENT**

The Committee had undertaken an enquiry into the Council's enforcement function as "Effective Enforcement and Regulation" was a priority in the Council's Corporate Plan 2020-24 (within the theme of Delivering High Quality Services).

To assist the Committee with its enquiry, the Committee received a report in the name of the Portfolio Holder for Corporate Governance and Finance. His report referenced the Corporate Enforcement Group (CEG) which had been formed in 2017 with a view to coordinating the enforcement response across the Council under the overarching Corporate Enforcement Strategy. The Group had had a number of iterations and the current membership comprised of Portfolio Holders, Directors, Assistant Directors and Senior Managers within the Council with the aim to improve and develop the enforcement response across the Authority.

It was also reported to the Committee that all authorised Officers, when making enforcement decisions should abide by the Corporate Enforcement Strategy, and the supporting documented procedures, both within the appendices and departmental processes.

Enforcement enabled the Council to ensure rules were followed in a way that improved outcomes for residents in Tendring. The Council's investment and wide range of enforcement activity successfully helped to keep the District clean and tidy, supported high quality housing, kept people safe whilst travelling, and ensured better health.

The Council would exercise its regulatory activities in a way which was:

 ***"Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.***

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- ✚ **Accountable** – *our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.*
 - ✚ **Consistent** – *our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.*
 - ✚ **Transparent** – *we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.*
 - ✚ **Targeted** – *we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities”.*

The report had also provided an overview of training for officers to equip them to carry out their enforcement duties in accordance with the legislative requirements and the Corporate Enforcement Strategy. In addition, details of enforcement activity across the Council, including against fly tipping, littering, stray dogs, dog fouling, noise nuisance, situations prejudicial to health, filthy and verminous premises, pests, contaminated land, permitting of polluting processes, abandoned vehicles, regulated housing conditions in the owner occupied and privately rented housing (including in respect of the licensing of mobile home sites and houses in multiple occupation), enforcement of tenancy conditions and the collection of rent for those properties where the Council was the landlord, planning enforcement and anti-social behaviour (with partners).

In response to questions, Members were advised that the Council's Community Ambassadors had also been trained in issuing Fixed Penalty Notices for dog fouling, littering and fly tipping. Those Notices had been recently revised and re-produced.

After a short discussion it was **RESOLVED TO RECOMMENDED TO CABINET** that:

1. the protection of trees on land to be developed be considered with the view to seeking to prevent a loss of trees in sites that are approved for development,
2. Essex County Council be requested to plant a tree for each highway or other tree removed by it as close as possible to the site of the removed tree,
3. the Council looks at, in conjunction with Ward Councillors, the reintroduction of Perspex lamp post signs to reinforce the message about not dog fouling and the penalty for those that allow their dogs to foul,
4. the Council discuss again the relative advantage of deploying covert cameras as part of enforcement, particularly for those specific areas where there is reoffending, in order to identify those offenders,
5. the legal position be considered on the responsibility of those who sell fast food for litter that comes from the packaging provided by those who sell fast food,
6. the reasoning why there have been no FPN's issued in respect of breaches of the PSPO, dog fouling, fly-tipping and littering be shared with the Committee,
7. the Council uses social media and the press to make a push to highlight our Community Ambassadors, ASB case officer and Town Centre Officer, the powers they have and the tickets, fines they can issue.

In addition to the above, the Committee **RESOLVED** to request that the detail that could not be provided to it at the meeting in respect of the following, be provided at the earliest opportunity:

“In relation to Anti-Social Behaviour, whether it be a nuisance, public disorder, fly tipping, dog fouling etc..

How convictions have we in the last 5 years?

How many court appearances have we got in the last 5 years?

How many tickets and or notices have we issued in the last 5 years?”

34. REPORT OF PORTFOLIO HOLDER FOR ENVIRONMENT AND PUBLIC SPACES - A.3 - WASTE AND RECYCLING SERVICE

The Chairman welcomed Cllr Talbot, Portfolio Holder for Environment to the Scrutiny Committee meeting together with John Hamlet, Street Scene Manager. Full Council, at its meeting on 13 July 2021, instructed this Committee to conduct a thorough review of recycling bring sites, the process of determining public litter bin sites and the clearing of the A12/A133 near the waste transfer station. The aim approved by Council was that this Committee could enquire into those elements of the strategic approach to waste and recycling and the delivery against that approach.

The Committee then heard a prepared oral statement from Councillor Talbot, who then left the meeting.

The Chairman invited the Committee to establish a Task and Finish Group to look at the Waste and Recycling elements requested by Full Council for this Committee to enquire into and that this group be chaired by Councillor Daniel Land.

35. SCRUTINY OF PROPOSED DECISIONS

The Committee **NOTED** the contents of the report.

36. RECOMMENDATIONS MONITORING REPORT

The Committee **NOTED** the contents of the report.

The meeting was declared closed at 10.01 pm

Chairman