



# Agenda

## Environment and Enforcement Committee

Wednesday, 4 July 2018 at 7.00 pm

Brentwood County High School, Shenfield Common, Seven Arches Road,  
Brentwood CM14 4JF

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### Membership (Quorum – 3 )

Cllrs Parker (Chair), Bridge (Vice-Chair), Mrs Fulcher, McLaren, Morrissey, Naylor, Poppy, Tierney and Wiles

### Substitute Members

Cllrs Barrell, Barrett, Clarke, McCheyne, Mrs Pound and Mrs Slade

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### Agenda

Item	Item	Wards(s) Affected	Page No
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1.	<b>Apologies for Absence</b>		
2.	<b>Minutes of the Previous Meeting</b>		5 - 8
3.	<b>Verbal update</b>		
4.	<b>Recycling Road Shows, Campaigns and Second Recycling Sack deliveries</b>	All Wards	9 - 14
5.	<b>Town Centre Public Spaces Protection Order</b>	All Wards	15 - 36
6.	<b>Enforcement &amp; Fly Tipping</b>	All Wards	37 - 44

7. **Fixed Penalty Notices**

All Wards 45 - 50

8. **Urgent Business**

A handwritten signature in black ink, appearing to read 'P. L. R. B.' with a large, sweeping underline.

Chief Executive

Town Hall  
Brentwood, Essex  
26.06.2018

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## Information for Members

### Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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### Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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### Point of Order/ Personal explanation/ Point of Information

#### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

#### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

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## Information for Members of the Public

### Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

### Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.


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### Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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 **Access**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

 **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



## Minutes

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### Environment and Enforcement Committee Wednesday, 6th December, 2017

#### Attendance

Cllr Parker (Chair)	Cllr Cloke
Cllr Bridge (Vice-Chair)	Cllr Mrs Fulcher
Cllr Barrell	Cllr Kendall
Cllr Clarke	Cllr Mrs Slade

#### Apologies

Cllr Mrs Middlehurst

#### Also Present

Cllr Mynott

#### Officers Present

Stuart Anderson	-	Deputy Operations Manager
David Carter	-	Environmental Health Manager
Mike Dun	-	Trade Waste Officer
Zoey Foakes	-	Governance & Member Support Officer
Tracey Lilley	-	Community Safety Manager
Dawn Taylor	-	Business Support Services Manager

#### 200. Apologies for Absence

Apologies were received from Cllr Mrs Middlehurst.

#### 201. Minutes of the Previous Meeting

The minutes from the Environment and Enforcement Committee held on 24 October 2017 were approved as a true record.

#### 202. Presentations

Mr Carter presented to the committee on recent fly tipping figures.

Year on year figures from 2016/17 to 2017/18 had dropped from 30 cases down to 16 cases.

From June to September 2017, there had been 43 cases of fly tipping with 2 that had led to prosecution and 2 cases issued with a Fixed Penalty Notice.

Ms Taylor informed committee members of four more Recycling Roadshows taking place where the team would be available to assist residents with what can be recycled or reused after the Christmas Festivities, for helpful recycling tips, advise on Christmas tree recycling and the opportunity to stock up on free recycling sacks and food waste bags.

A kerb side collection for Christmas trees on garden waste collection would commence on Monday 8<sup>th</sup> January 2018.

### **203. Enforcement Update - Verbal Update**

Ms Lilley updated the committee on recent activity around Enforcement:

Around 25 Council officers had undergone vetting through Essex Police for Community Safety Accreditation Scheme. It was hoped that training would commence early 2018 after which the accredited officers would then have increased powers to enforce across the Borough.

Recording enforcement activity had moved forward with the operating systems put in place. Once fully operational, the hope was that officers would have the ability to record activity whilst “out on the field” with mobile devices.

A Housing Officer had been seconded to look after ASB cases which would improve consistency and ensure all cases were logged on the system which would improve information sharing, efficiency and streamlining of services.

The Town Centre Public Spaces Order was being expanded, as agreed by Essex Police. There would be a period of consultation, after which the order would come into force.

There had been some positive results in terms of enforcement against parking on verges and pavements. Discussions were ongoing with Essex County Council to establish boundaries and responsibilities before the full scheme could be considered. At this stage the Council would not be able to enforce against parking on land that fell under Essex County Council Highways. Nevertheless, close partnership working was being adopted.

A positive outcome was achieved regarding planning enforcement in Blackmore and Ingatestone resulting in around £9,000 worth of fines and costs.

Two mobile cameras had been erected in Hutton Recreation Ground and William Hunter Way car park which would be monitored by Brentwood Borough Council CCTV. The project was as a result of partnership working

with Thurrock Council. The cameras have infra-red capability and when activated send an email alert to CCTV.

The Community Safety Partnership had provided funding for the purchase of body worn cameras and dash cams. A successful trial had taken place in partnership with Baytree Security.

#### **204. Fees and Charges**

Fees and charges made by the Council for various services were reviewed on an annual basis by the relevant Committees relating to the Services.

Recommended amendments to fees and charges were incorporated into the budget setting process to take effect from the following financial year.

A motion was **MOVED** by Cllr Parker and **SECONDED** by Cllr Bridge to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED** that:

- 1. The proposed fees and charges attached in Appendix A, B and C are agreed and incorporated within the 2018/19 budget.**
- 2. The members agree to reduce the period of time for an Exclusive Right of Burial (ERB) from 100 years to 50 years.**

#### **Reason for recommendations**

The recommendation was to increase charges by 3% (rounded to the nearest pound) plus the exceptions detailed within the report. The changes would make a small contribution to the subsidised services provided by the Council and aim to recover the cost of the services being provided.

#### **205. Open Space Protection Measures Update**

At the meeting of the Environment and Enforcement Committee on 24 October 2017, Members approved officers to investigate additional security measures on Council land.

The report recommended that actions were taken over the winter months where possible – as estimated costs were not available it was recommended that the authority was delegated to the Chair and Vice Chair in consultation with officers to determine appropriate works and approve costs from within existing 2017/18 budgets to undertake works before the financial year end.

A motion was **MOVED** by Cllr Parker and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

**Members authorise officers in consultation with the Chair and Vice Chair of Environment and Enforcement Committee to agree a maximum of £25K of additional expenditure to the existing 2017/18 capital programme to improve security in identified areas of land owned by Brentwood Borough Council.**

**Reason for recommendation**

To continue to effectively reduce the likelihood of unauthorised incursions onto Council and Parish Council land in the Borough and to reduce the impact of additional expenditure, particularly on-site clearance.

**206. Air Pollution**

At the meeting of the Environment and Enforcement Committee on 24 October 2017, Members requested a report to update on air quality in the Borough.

The report aimed to update on general air quality in the Borough and also to consider arrangements for monitoring.

Members requested that a report would come back to committee on whether the equipment could or could not be deployed and what locations would be suitable.

A motion was **MOVED** by Cllr Parker and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

**Members note the contents of the report and instruct officers to investigate potential locations to redeploy the continuous monitoring equipment if considered appropriate and viable.**

**Reason for recommendation**

The recommendation to investigate suitable locations was to enable continued use of existing equipment redeployed to provide useful data whilst the analyser continues to function.

**207. Urgent Business**

There were no items of urgent business and the meeting concluded at 20:45.



4<sup>th</sup> July 2018

## Environment & Enforcement Committee

### Recycling Road Shows, Campaigns and Second Recycling Sack deliveries

**Report of:** Dawn Taylor – Business Support Services Manager

**Wards Affected:** All

**This report is:** Public

#### 1. Executive Summary

- 1.1 This report is to notify Members of the forthcoming Recycling events planned for the summer months. Officers will raise awareness of recycling by answering questions, providing advice and handling out rolls of orange recycling sacks and food waste bags to residents.
- 1.2 For Members to be aware that officers from Street Scene will be working with partners of The Cleaner Greener Group on two campaigns later this year (dates to be confirmed), one campaign will concentrate on Litter and the second campaign to continue the campaign launched last year #CrimeNotToCare, regarding 'Duty of Care' awareness to try and tackle fly-tipping issues.
- 1.3 A second delivery of orange sacks and food waste bags will take place in September/October 2018; 40 sacks will be delivered in one roll to every household (excluding flats, which are on request).

#### 2. Recommendations

- 2.1 **Members to note and support the arrangements for the forthcoming Summer Recycling Road shows; and to note that Brentwood Borough Council will be working again with the Cleaner Greener Group later in the year on campaigns tackling litter and fly-tipping.**
- 2.2 **Members to note that a second delivery of orange sacks, food waste bags and a recycling information flyer will be made in September/October 2018.**

### **3. Introduction and Background**

3.1 We have a few Summer Recycling Road shows planned during the summer months, where the team, as in previous years, will be out and about to assist residents with recycling queries, handing out orange sacks and food waste sacks, and promoting the leasing of the Councils Garden Waste bins. The events scheduled are detailed below:

- Friday 20<sup>th</sup> July – Land adj to Chapel High ruins, High Street Brentwood. 11am – 1pm.
- Friday 27<sup>th</sup> July – King Georges Park, Brentwood, (within the Council's Fun Day (commences 10.30am)
- Friday 3<sup>rd</sup> August – Blackmore Village Hall, (within the Council's Fun Day)
- Friday 17<sup>th</sup> August – Bishops Hall Park, Pilgrims Hatch, (within the Council's Fun Day)
- Friday 31<sup>st</sup> August – King Georges Park Brentwood, (within the Council's Fun Day)
- Tuesday 11<sup>th</sup> September – Foyer area at The Brentwood Centre, Doddinghurst Road, Brentwood. 11am to 1pm
- Friday 14<sup>th</sup> September – Land adj to Chapel High ruins, High Street Brentwood. 11am – 1pm.

3.2 The two campaigns with The Cleaner Greener group will again work with partners such as Keep Britain Tidy, MacDonald's, Dominos, KFC, Essex County Council and Local Essex Authorities, to work on raising awareness about 'Duty of Care' and Litter. The dates of campaigns will be circulated alongside details of how Members, Parish Councils and residents can get involved locally, once finalised.

3.3 The Council traditionally delivered sacks for dry mixed recyclables on an annual basis; as a trial, two deliveries are being made in 2018/19. A total number of 66 sacks for the year will have been delivered to every household (excluding flats, which are on request); for 2017/18 52 sacks were delivered to every household.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Through the personal approach of face to face engagement at road shows with residents, it is possible to give more specific information and receive useful feedback on the Council's Operational services, which other communication mediums such as information on the calendars delivered cannot achieve on their own. It gives Officers a chance to engage with people to ensure that residents fully understand the Council's recycling and waste services and to address any issues. It is also an opportunity for residents to stock up on orange recycling and food waste bags to enable them to continue recycling.
- 4.2 By continuing to join forces with other Local Authorities and partners in supporting campaigns regarding raising awareness on fly tipping and litter matters and the continued reinforcement of these messages all over Essex, the message will reach more people than undertaking individual campaigns within each area.
- 4.3 In 2016/17 2.3 million sacks were issued and 5,276 tonnes of mixed dry recyclables were collected. In 2017/18 3.2 million sacks were issued and 5,195 tonnes of dry mixed recyclables were collected.
- 4.4 The additional sacks procured in 2017/18 resulted in further costs of £40,411.
- 4.5 Despite the increase in the numbers of sacks used, this did not result in a commensurate increase in the tonnage of dry mixed recyclables collected.
- 4.6 The orange sacks are also distributed through 27 outlets, and currently there is no mechanism in place to restrict the issuing of them.

#### **5. Reasons for Recommendation**

- 5.1 Holding road shows can assist in helping increase awareness about recycling and gather feedback from residents about the service.
- 5.2 Working with partners on campaigns to raise awareness about Duty of Care, fly-tipping and litter issues will help to raise the same consistent message throughout Essex, with shared resources.

- 5.3 As a trial, two deliveries of orange sacks are to be made in 2017/18 in order to assess their usage and establish identifiable savings.
- 5.4 A benefit of having a later delivery in the year, close to the Christmas holiday period, will help to remind and encourage residents to participate in the Council's recycling services as it is intended to deliver food waste sacks and an information flyer also.

## **6. References to Corporate Plan**

- 6.1 The approval of the recommendations will benefit the street scene and environment: -
- Focus on reducing waste of all kinds by promoting either re-use or recycling
  - Run community clean campaigns to improve neighbourhoods
  - In partnership with the whole community, we aim to make the Borough an even better place to live, work and visit.
- 6.2 To ensure the provision of efficient and effective services to our residents and businesses.
- 6.3 A Modern Council – providing increased customer satisfaction in the quality of Council services.

## **7. Implications**

### **Financial implications**

### **Financial implications**

**Name & Title: Jacqueline Van Mellaerts, Interim Chief Financial Officer**

**Tel & Email: 01277 312 829**

**[jacqueline.vanmellaerts@brentwood.gov.uk](mailto:jacqueline.vanmellaerts@brentwood.gov.uk)**

- 7.1 The second delivery in orange sacks is for awareness and good customer practice to increase recycling within the borough. As 66 bags are being issued as oppose to 52 bags for 2017/18, there will be increased costs along with the additional resources required for the second delivery. However, in order to assess the usage and establish any identifiable savings, this trial will need to be monitored thought out the year, to conclude whether it will be worth perusing for future years.

**Legal Implications**

**Name & Title:** Daniel Toohey, Legal Services Manager

**Tel & Email:** 01277 312860 [daniel.toohey@brentwood.gov.uk](mailto:daniel.toohey@brentwood.gov.uk)

7.2 There are no legal implications arising from this report.

**8. Appendix**

None

**Report Author Contact Details:**

**Name:** Dawn Taylor

**Telephone:** 01277 312668

**E-mail:** dawn.taylor@brentwood.gov.uk

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**4<sup>th</sup> July 2018**

## **Environment and Enforcement Committee**

### **Town Centre Public Spaces Protection Order**

**Report of:** Tracey Lilley, General Manager, Corporate Enforcement

**Wards Affected:** All

**This report is:** Public

#### **1. Executive Summary**

- 1.1 Following a series of complaints and incidents in and around Brentwood town centre involving anti-social behaviour of several types, the Corporate Enforcement Team investigated the use of a Public Spaces Protection Order (PSPO) to assist in controlling activities that are causing concern.
- 1.2 A draft Order was produced to address evidenced issues in the town centre following liaison with legal advisers, Essex Police, Essex Police Fire & Crime Commissioner, and stakeholders in the area proposed to be covered by the Order.
- 1.3 The draft Order covers the main Brentwood town centre area including the High Street and surrounding areas and incorporating roads down to Brentwood rail station.

#### **2. Recommendation(s)**

- 2.1 To consider the outcome of the consultation which has been undertaken and the comments received set out in Appendix A.
- 2.2 To approve the Final Order set out in Appendix B.

#### **3. Introduction and Background**

- 3.1 The power to introduce a PSPO is found at Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014. Before introducing an Order, the Council must be satisfied that the following conditions have been met:

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and, that they will have such an effect.

**3.2** An evidence pack of incidents and complaints in the area of the proposed PSPO has been collated, dating back to 2015. This has been incorporated into an evidence matrix to consider the likelihood and effect of these incidents.

**3.3** An Equality Impact Assessment has also been undertaken to identify any impacts, either positive, negative or neutral on particular groups of individuals.

#### **4. Issue, Options and Analysis of Option**

**4.1** The Council has the option of taking measures to try to reduce anti-social behaviour in public areas. Having considered the issues and compiling the evidence matrix it is hoped that the PSPO will assist in reducing the identified behaviours.

#### **5. Reasons for Recommendation**

**5.1** To effectively address issues of anti-social behaviour in and around Brentwood Town Centre and reduce the fear of crime. To enable the use of relevant powers of enforcement needed to tackle the issues covered by the Order and to make our community safer and a more pleasant place for anyone who visits, lives or works in our town centre.

#### **6. References to Corporate Plan**

Community and Health

Make Brentwood a Borough where people feel safe, healthy and supported

Work with partners to reduce anti-social behaviour and ensure that Brentwood is a safe place to live.

#### **7. Consultation**

**7.1** The Council is required under the legislation to carry out consultation and necessary publicity and notification before making a PSPO.

**7.2** The Council consulted with the Chief Officer of Essex Police, the Essex Fire, Police & Crime Commissioner, appropriate community representatives, and owners/occupiers in the area to be designated.



**7.3** The Council provided the proposed wording of the Order and the proposed designated area to the consultees as set out in Appendix A.

**7.4** During the consultation process the Council sought comments on whether a PSPO is required, the proposed wording of the Order and the proposed area to be designated (Brentwood Town Centre and surrounding area). The Council consulted with the following stakeholders;

- Chief Constable of Essex Police
- Essex Fire, Police & Crime Commissioner
- Brentwood Community Safety Partnership
- Neighbourhood Watch
- South Essex Parking Partnership
- British Transport Police
- Town Centre Businesses
- Baytree Security
- Members
- Internal Council Services
- Street Pastors
- Chamber of Commerce
- Local residents

**7.5** The draft Order was published on the Council website with links to an online survey as well as a paper version being made available. Electronic consultations were also issued and over 300 packs were hand delivered to business, residents and organisations within the restricted area. Copies were also available at the reception at Seven Arches Road and in prominent locations around the proposed restricted area.

### **7.6 Summary Outcome of Consultation**

The response to the consultation has been encouraging and the majority of responses were in favour of the PSPO. The clear majority of responses were glad to see that positive action was taken to address issues within the Town Centre. The full consultation results are set out in Appendix B.

## **8. Implications**

### **8.1 Financial Implications**

**Name & Title: Jacqueline Van Mellaerts Interim Chief Finance Officer**  
**Tel & Email: 01277 312829 / Jacqueline.vanmellaerts@brentwood.gov.uk**

There will be a requirement to erect signage in and around the proposed area. The cost of the signage would be met from within existing budgets. It is hoped that the introduction of the Order will have a deterrent effect and, if there are

any breaches, then these can be dealt with by means of a fixed penalty notice. However, the Council may incur costs if there is a need to prosecute an individual for breach of the Order.

## **8.2 Legal Implications**

**Name & Title: Daniel Toohey, Head of Legal Services and Monitoring Officer**

**Tel & Email: 01277 312860 / daniel.toohey@brentwood.gov.uk**

The Council is empowered to make a public spaces protection order under section 59 Anti-social Behaviour Crime and Policing Act restricting certain identified activities if various conditions are met.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None identified

## **9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None




## **10. Appendices to this report**




Appendix A - Revised Final Public Spaces Protection Order  
Appendix B - Consultation Response Report

### **Report Author Contact Details:**

**Name:** Tracey Lilley, General Manager for Corporate Enforcement  
**Telephone:** 01277 312644  
**E-mail:** tracey.lilley@brentwood.gov.uk

## Brentwood Town Centre PSPO Public Consultation Questionnaire













1. How often do you visit the town centre				
			Response Percent	Response Total
1	Daily		68.18%	30
2	Weekly		27.27%	12
3	Monthly		4.55%	2
4	Less often		0.00%	0
5	Never		0.00%	0
			answered	44
			skipped	0
Comments: (4)				
1	Most of my visits are in the day-time so anti-social behaviour is not too much of an issue, but there is a fair bit of crime about			
2	I visit Sainsbury's weekly but I don't venture into town as the shops shut before I'm out of the office.			
3	SEPP Civil Enforcement Officer's (CEO's)			
4	I live in the town centre			

2. Does anti-social behaviour in the town centre cause you concerns?				
			Response Percent	Response Total
1	Yes		90.91%	40
2	No		6.82%	3
3	Not Sure		2.27%	1
			answered	44
			skipped	0
Comments: (11)				
1	Teenagers coming into stores and causing damage to the furniture, blocking and flooding the toilets on purpose, parking a bunch of bikes inside our entrance			
2	Particularly in the night-time economy			
3	Yes at night I do not go anymore			
4	The male youths can be intimidating			
5	During later patrols the CEO's are open to abuse and physical harm			
6	I walk through everyday on my way to work, the amount of homeless people now in the high street makes it uncomfortable especially when it's dark. There are also now lots of beggars, especially at the weekend			
7	Youths riding cycles on footpath alongside Sainsburys. Vehicles parking on double yellow lines in North Road particularly bad at weekends evenings quite often 15 or more cars on both sides of the road blocking access for Fire engines, Sainsbury delivery lorries and blocking driveways. No Traffic Warden patrols or police to stop illegal parkig			

## 2. Does anti-social behaviour in the town centre cause you concerns?

		Response Percent	Response Total
8	Mostly beggars in the day and anti social behaviour at Willam Hunter Way at night.		
9	the number of pubs & visiting non residents		
10	dirty mattress, rubbish car park use in evenings + nights in William hunter way		
11	only in the late evening		

## 3. What are your main concerns (please tick up to 3) ?

			Response Percent	Response Total
1	Misuse of vehicles		63.64%	28
2	Loud music and noise		36.36%	16
3	Public nuisance		50.00%	22
4	Aggressive begging		38.64%	17
5	Trading goods without a licence		11.36%	5
6	Graffiti		9.09%	4
7	Behaviour of individuals		52.27%	23
8	Misuse of skateboards/ cycles/ scooters		38.64%	17
9	Sleeping on the street (not homeless)		20.45%	9
10	Urinating or defecating in public		34.09%	15
11	Drink/ drugs/ use of 'legal' highs		54.55%	24
12	Other (please specify):		20.45%	9
			answered	44
			skipped	0

Other (please specify): (9)

1	People spilling into thje road from the pubs being a danger to motorists
2	The Youths who travel round as if it is a race track- the illegal parking where money has been wasted placing double yellow lines and the encouragement to ignore them. The children chancing fate and doing wheelies on the back wheel in roads holding up traffic
3	Pub violence
4	None
5	Cars are being driven dangerously and at high speed, whatever the weather conditions, late at night/early hours of the morning in the William Hunter Way public car park. It is frightening and the terrible noise prevents sleep.
6	cars been driven at excessive speed morning and evenings. youths on bikes doing wheelies in the centre of the road and ignoring cars.
7	There are a lot more!!! Lots of young lads use pavements for cycling which can be a health and safety issue

### 3. What are your main concerns (please tick up to 3) ?

		Response Percent	Response Total
8	people parking on our private property development and purposely causing distress by aggravation and coming in late at night and being loud		
9	drunks at night		




### 4. What would most improve the town centre?

		Response Percent	Response Total
1	Open-Ended Question	100.00%	27
1	Finding young people/youths jobs - get them involved in activities which will keep them happy, engaged and responsible.		
2	empowered licence holders/doormen, increased police presence, school kids reported back to schools for nuisance behaviour. better CCTV images. Enforce bikes off pavements, enforce re pavement poarking		
3	Close the Sugar Hut, reduce number of licensed bars		
4	A focus on more social aspects of trading, such as sales, services and dining out, and less on supplying alcohol.		
5	Probably being one-way traffic to allow for wider footpaths making cafe culture safer		
6	Shut a great deal of the restaurants and brings shops back into Brentwood so one has a choice. Not everyone can get to outlying towns and Lakeside.		
7	More visible police presence.		
8	A crackdown on groups of youths hanging around at various places in the high street and a clampdown on youths aggressively riding bikes through the high street and shopping centre.		
9	Police presence.		
10	More police		
11	The return of High Street beat police officers during the day and an enhanced police presence on busy evenings such as Thursday, Friday & Saturday.		
12	More police presence. Improvements in its image and reputation		
13	More compliance to parking and anti-social laws		
14	Increased policing		
15	Visibility of Police officers. I cannot remember the last time I saw a police officer patrolling.		
16	More independent shops and help for the homeless and eradication of beggars		
17	Decent pavements!!! Perhaps reduce rate and rents to fill empty shops. No more restaurants!!!!		
18	Repair the loose slabs in the pavement, clean the benches, tend to the weeds under the trees along the High Street, bring back the hanging baskets		
19	remove anything relating to/ concerning , Towie related Individuals		
20	people going up one way roads  charities trying to ask you to donate money		
21	closure of the sugar hut. the sugar hut believes that it is able to act outside the law with no consideration for the residents around it. it is the 10/6/18 they have played loud music since 14:00 this will continue till midnight		

#### 4. What would most improve the town centre?

		Response Percent	Response Total
22	for William hunter way car park to be secured and night security in place. drug deals, inappropriate behaviour ect goes on here every night. this could be funded by local clubs that encourage this behaviour.		
23	the fly tipping in front of charity shops. taking donations overnight.		
24	more police presence, more speeding fines, nightclubs closing earlier. no enforcement of cars parking on private land, breaking up gang culture, homeless people need to be helped by council and not criminalised- they cant help being homeless. homeless people need support and homes.		
25	police or PCSO presence		
26	reductions in shop rates to allow more shops to operate this creating more community spirit. it is depressing to see so many empty shops		
27	town has deteriorated rapidly and has become dirt, unpleasant in certain areas. nothing has been done to stop this.		
		answered	27
		skipped	17

#### 5. Do you think there are anti-social behaviour problems that need to be dealt with in Brentwood?

			Response Percent	Response Total
1	Yes		90.91%	40
2	No		6.82%	3
3	Not sure		2.27%	1
		answered		44
		skipped		0




Comments: (12)

1	See comments above
2	As a disabled person, the town centre is pretty much a no-go area for me from 8pm onward, due to groups of aggressive drunk people.
3	A better check on ages going into Licenced premises and getting alcohol.
4	There seems to be a lot of people being moved in from outside the area who do not have respect for others.
5	The behaviours exhibited by those out drinking in the evenings is abhorrent. The lack of day time beat police officers means that low level crime now goes unchecked and adds to an air of an unloved town centre.
6	Anti social behaviour occurs mostly at weekends after the pubs/restaurants/clubs turn out. See also my comments regarding boy racers.
7	Begging, homeless. Also every night in William Hunter Way car park there are young adults racing round the car park and racing up and down William Hunter Way - every single evening. Never any police to stop them
8	Late at night loud music and misuse of cars causing a public nuisance.
9	high street, queens road and station area
10	constant noise, mess and distress for residents every night.
11	aware of speeding and loud horns also cars driving at people in the middle of crossing

### 5. Do you think there are anti-social behaviour problems that need to be dealt with in Brentwood?

		Response Percent	Response Total
12	particularly Saturday night		

### 6. Do you think introducing a PSPO will help this?

			Response Percent	Response Total
1	Yes		83.33%	35
2	No		7.14%	3
3	Don't know		9.52%	4
			answered	42
			skipped	2

Comments: (7)



1	if it aids enforcement and is policed
2	This will also help the delay for Police to attend when requested
3	Insufficient to prevent crime
4	If it's not enforced, then it's unlikely to work as those engaged in such activities will hardly be dissuaded.
5	I think it's a great idea
6	there is no visible policing on the streets
7	if enforced and not just a strategy to look.


### 7. Should the PSPO be used to address ....

	Yes	No	Response Total
Speeding/ racing/ misuse of vehicles	95.0% (38)	5.0% (2)	40
Loud music and noise	92.5% (37)	7.5% (3)	40
Causing public nuisance	95.3% (41)	4.7% (2)	43
Aggressive begging	89.7% (35)	10.3% (4)	39
Trading goods without a licence	94.3% (33)	5.7% (2)	35
Graffiti	97.1% (33)	2.9% (1)	34
Using foul language	83.8% (31)	16.2% (6)	37
Misuse of skateboards/ cycles/ scooters	91.9% (34)	8.1% (3)	37

7. Should the PSPO be used to address ....			
	Yes	No	Response Total
Sleeping on the street (not homeless)	80.6% (29)	19.4% (7)	36
Urinating or defecating in public	100.0% (38)	0.0% (0)	38
Obstructing public officers	100.0% (37)	0.0% (0)	37
using 'legal' highs	97.3% (36)	2.7% (1)	37
		answered	44
		skipped	0
other (please specify) (4)			
1	Aggressive and threatening behaviour towards the public and officers		
2	It would be better if Police dealt with crime		
3	It would be brilliant. Only question I have is how and when does it come into force?		
4	litter		



## Matrix Charts



7.1. Speeding/ racing/ misuse of vehicles			Response Percent	Response Total
1	Yes		95.0%	38
2	No		5.0%	2
			answered	40

7.2. Loud music and noise			Response Percent	Response Total
1	Yes		92.5%	37
2	No		7.5%	3
			answered	40



7.3. Causing public nuisance			Response Percent	Response Total
1	Yes		95.3%	41
2	No		4.7%	2
			answered	43







7.4. Aggressive begging			Response Percent	Response Total
1	Yes		89.7%	35
2	No		10.3%	4
			answered	39

7.5. Trading goods without a licence			Response Percent	Response Total
1	Yes		94.3%	33
2	No		5.7%	2
			answered	35

7.6. Graffiti			Response Percent	Response Total
1	Yes		97.1%	33
2	No		2.9%	1
			answered	34

7.7. Using foul language			Response Percent	Response Total
1	Yes		83.8%	31
2	No		16.2%	6
			answered	37

7.8. Misuse of skateboards/ cycles/ scooters			Response Percent	Response Total
1	Yes		91.9%	34
2	No		8.1%	3
			answered	37

7.9. Sleeping on the street (not homeless)			Response Percent	Response Total
1	Yes		80.6%	29
2	No		19.4%	7
			answered	36

7.10. Urinating or defecating in public			Response Percent	Response Total
1	Yes		100.0%	38
2	No		0.0%	0

7.10. Urinating or defecating in public			Response Percent	Response Total
			answered	38



7.11. Obstructing public officers			Response Percent	Response Total
1	Yes		100.0%	37
2	No		0.0%	0
			answered	37

7.12. using 'legal' highs			Response Percent	Response Total
1	Yes		97.3%	36
2	No		2.7%	1
			answered	37



8. Are you concerned for your safety in Brentwood?				
			Response Percent	Response Total
1	Yes		20.45%	9
2	No		18.18%	8
3	Yes, at night		59.09%	26
4	Yes, daytime		2.27%	1
			answered	44
			skipped	0
Comments: (6)				
1	When I have not got my dog's with me. If driving I lock my doors			
2	The aggressive behaviours now exhibited by the crowds that fill the town centre of an evening is unprecedented.			
3	as at times I have had to confront as police and council have been no support			
4	I have neighbours that cause me distress			
5	excessive rowdy drunk behavior and very few police - never see police on kings road and queens road			
6	too many people high on drugs or alcohol behaving aggressively, bad language shouting and arguing			

9. Would extra powers under the PSPO help with this?				
			Response Percent	Response Total
1	Yes		60.00%	24
2	No		7.50%	3



### 9. Would extra powers under the PSPO help with this?

			Response Percent	Response Total
3	Maybe		22.50%	9
4	Not sure		10.00%	4
			answered	40
			skipped	4

### 10. Are you satisfied with the content of the draft PSPO?

			Response Percent	Response Total
1	Yes		88.10%	37
2	No		11.90%	5
			answered	42
			skipped	2

### 11. Should we exclude any issues from the PSPO?

			Response Percent	Response Total
1	Yes		7.69%	3
2	No		92.31%	36
			answered	39
			skipped	5



If yes what issues? (5)

1	Why don't you hire enough Police. In the long run this would save time and millions of £s
2	We need proper police
3	<p>Paragraph 5.a.ii. Congregating and loitering in groups and engaging in behaviour which is LIKELY TO CAUSE harassment, alarm and distress. &gt;&gt; This looks to me as a violation of our rights to freedom of peaceful assembly. Individuals should only be prohibited from their rights when their acts ARE CAUSING 'real' issues to others. 'LIKELY TO CAUSE' is subjective, therefore it can be a source of discrimination. 'LIKELY TO CAUSE' should be replaced with 'CAUSING' and mentions to groups should be removed too. Proposed paragraph: Engaging in behaviour which causes harassment, alarm or distress.</p> <p>Paragraph 5.a.ix. Any person is prohibited from sleeping in any public space if they have accommodation. This includes open to the air, within a vehicle, or a non-fixed structure including caravans and tents. &gt;&gt; As a general indication, only abuse (recurrent act) should be prohibited, not a one-off. I cannot think of anyone sleeping rough (or in their vehicle) for fun, so if they do; there should be a good reason for it. Those in non-fixed structures like caravans or tents are a different story and abuse should be prohibited. Proposed paragraph: Sleeping in non-fixed structures like caravans or tents is prohibited. This prohibition does not apply to those sleeping in cars for less than a day.</p>
4	<p>The High Street is relatively tame and I feel safe at all times. Yes, there are times when teenagers are a bit noisy or people rev their cars or you can smell marijuana - but it's within the realm of acceptable behaviour in my opinion.</p> <p>I would rather effort be put in repairing the pavements and to stop people from parking in the disabled bays without blue badges - OR to create more free 30-minute bays on the High Street, similar to Shenfield.</p>

### 11. Should we exclude any issues from the PSPO?

		Response Percent	Response Total
5	rough sleepers - open to abuse and risks persecution of genuine homeless		

### 12. Are there any other issues which we should include in the PSPO?

			Response Percent	Response Total
1	Yes		5.41%	2
2	No		94.59%	35
			answered	37
			skipped	7

if yes what issues should we include? (6)

1	A course in self defense for their safety
2	no sure
3	Groups of youths throwing food/drink at each other or other members of the public.
4	Parking
5	I think everything is covered.
6	more the better

### 13. Thank you for taking part in this survey. If you have any additional comments or suggestions please use the space below

		Response Percent	Response Total
1	Open-Ended Question	100.00%	15
1	go team		
2	Hurry up and get this sorted as it will be a ghost town soon.		
3	If you really think a Police Commissioner is necessary, get one that is politically impartial...Mr Hirst canvassed for the Conservative candidate for Herongate, Ingrave & West Horndon....dividing the community even further. I thought the Police And HMCS any people in official positions , took an oath of impartiality ?		
4	We need proper police I never see any police walking in the high street day or night time		
5	As the manager of CEO's within SEPP I am fully supportive of this proposal. Numbers 1-7, 11 and 16 on the activities list are all vehicle related and so the removal of vehicles from the High Street reduces the potential for parking contraventions. This in turn creates a more compliant parking zone and makes the CEO's job a lot easier.  I also believe that the PSPO will remove undesirable characters from the High Street which reduces the potential for conflict and physical / verbal abuse aimed at our CEO's.  Finally, with the PSPO in place, there will be additional enforcement officers on site to deal with issues that are contravening the PSPO. This will mean added support for our CEO's which, especially, during evening patrols, would be very welcomed.		

**13. Thank you for taking part in this survey. If you have any additional comments or suggestions please use the space below**

		Response Percent	Response Total
6	PLEASE can we see a Police Officer patrolling and building up a relationship with the people in the area of Brentwood covered by this survey.		
7	Please sort out the young kids driving round and meeting up in groups in their cars in the car park every night on WHW. So annoying		
8	Brentwood is a lovely place to live but we also need to be tolerant in accepting occasional 'bad' behaviour - human nature.		
9	please put barriers on the car park at night this will minimise "Boy racer" activity in the area. Drunk screaming / laughing girls at 02:00 is not pleasant to hear.		
10	reduce licencing hours to clubs to Friday and sat nights. security in the area. regular (6 monthly) residents and enforcements agencies		
11	I have experienced anti-social behaviour from neighbours that has caused me distress. I have just brought my flat on William hunter way so feeling very desperate/ worried about the stress it is causing and pleased that the police and the council want to sort out such behaviour.		
12	make parking more affordable and free at weekends		
13	the speed of vehicles on kings road is frightening. loud exhausts and speeds of 70mph estimated also loud argumentative drunks		
14	as a resident of western road loud music from sugar hut is a problem it seems that currently although sugar hut is aware of the nuisance to residents it is the next day before they will be spoken to so they continue in the daytime bank holidays and evenings anyway		
15	we need more than promises we need action now		
		answered	15
		skipped	29

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**Brentwood Borough Council**  
**PUBLIC SPACES PROTECTION ORDER**

**Anti-social Behaviour, Crime and Policing Act 2014**

**Brentwood Town Centre**

1. Brentwood Borough Council (herein 'the Council') makes this Order pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('Act').
2. **The Order takes effect on xxxxxxxx 2018 and will remain in force for three years thereafter.**
3. **The Council is satisfied** on reasonable grounds that:

(a) Activities as described in section 4 below ('the activities') carried out in a public place within its area have had a detrimental effect on the quality of life of those in the locality and/or

(b) It being likely that the activities will be carried out in a public place within that area and that they will have such an effect:

**And that** the effect or likely effect of the activities

(a) Is or is likely to be of a persistent or continuing nature

(b) It or is likely to be such as to make the activities unreasonable; and

(c) Justifies the restrictions imposed by the Order

**And** pursuant to the requirements of S72 of the Act the Council:

(a) Having had particular regard to the rights of freedom of expressions and freedom of human assembly set out in Articles 10 and 11 of the European Convention of Human Rights; and

(b) Having carried out the necessary consultation, notification and publicity

The effect of this Order is to restrict the activities listed below in the public place described as shown in red on the attached map annexed to the Order. This will be known as “the Restricted Area”.

**4. The activities carried out are as follows:**

1. Speeding
2. Racing
3. Performing stunts
4. Sounding horns (as to cause public nuisance)
5. Revving engines
6. Wheel Spins
7. Playing music (as to cause public nuisance)
8. Using foul or abusive language
9. Using threatening, intimidating behaviour towards another person
10. Creating excessive noise
11. Creating danger or risk of injury to road users including pedestrians
12. Creating significant harm
13. Creating public nuisance
14. Creating significant annoyance to the public
15. Engaging in anti-social behaviour covered by existing legislation
16. Committing traffic offences covered by existing legislation
17. Aggressive begging
18. Graffiti
19. Trading goods without a licence
20. Obstructing public officers from carrying out their duties
21. Misuse of skateboards, bicycles and scooters
22. Sleeping on the street when accommodated
23. Urinating or defecating in public places
24. Using so called legal highs

**5. Conditions in the Order which are prohibitions under section 59 (4):**

(a) In the Restrict Area a person commits an offence if, without reasonable excuse, he or she continues to carry out activities which, by the Order, are prohibited, namely:

- (i) Participating in car cruising activity as a passenger or driver of a vehicle within the Restricted Area
- (ii) Congregating and loitering in groups and engaging in behaviour which is likely to cause harassment, alarm or distress
- (iii) Begging within the Restricted Area in a manner that is aggressive or intimidating or which harasses members of the public
- (iv) Ingesting, injecting or smoking any substance which has the capacity to stimulate or depress the central nervous system within the



Restricted Area unless the substance is used for valid and demonstrable medical purposes

- (v) No person shall within the Restricted Area carry out any form or graffiti on any surface by any means
- (vi) No person shall deposit litter in the Restricted Area
- (vii) No person shall within the Restricted Area urinate or defecate in a public place, which includes doorways or alcoves of any premises to which the public would normally have access
- (viii) Any person is prohibited from, at any time, using a skateboard, pedal cycle or scooter in a way that may damage property or cause nuisance or annoyance
- (ix) Any person is prohibited from sleeping in any public space if they have accommodation. This includes open to the air, within a vehicle, or a non-fixed structure including caravans and tents
- (x) Any person is prohibited from, at any time, trading without the required licence

## **6. Offences**

- (a) Failure without reasonable excuse, to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the Act. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (b) A constable or an authorised person may under section 68 of the Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order.

## **7. General**

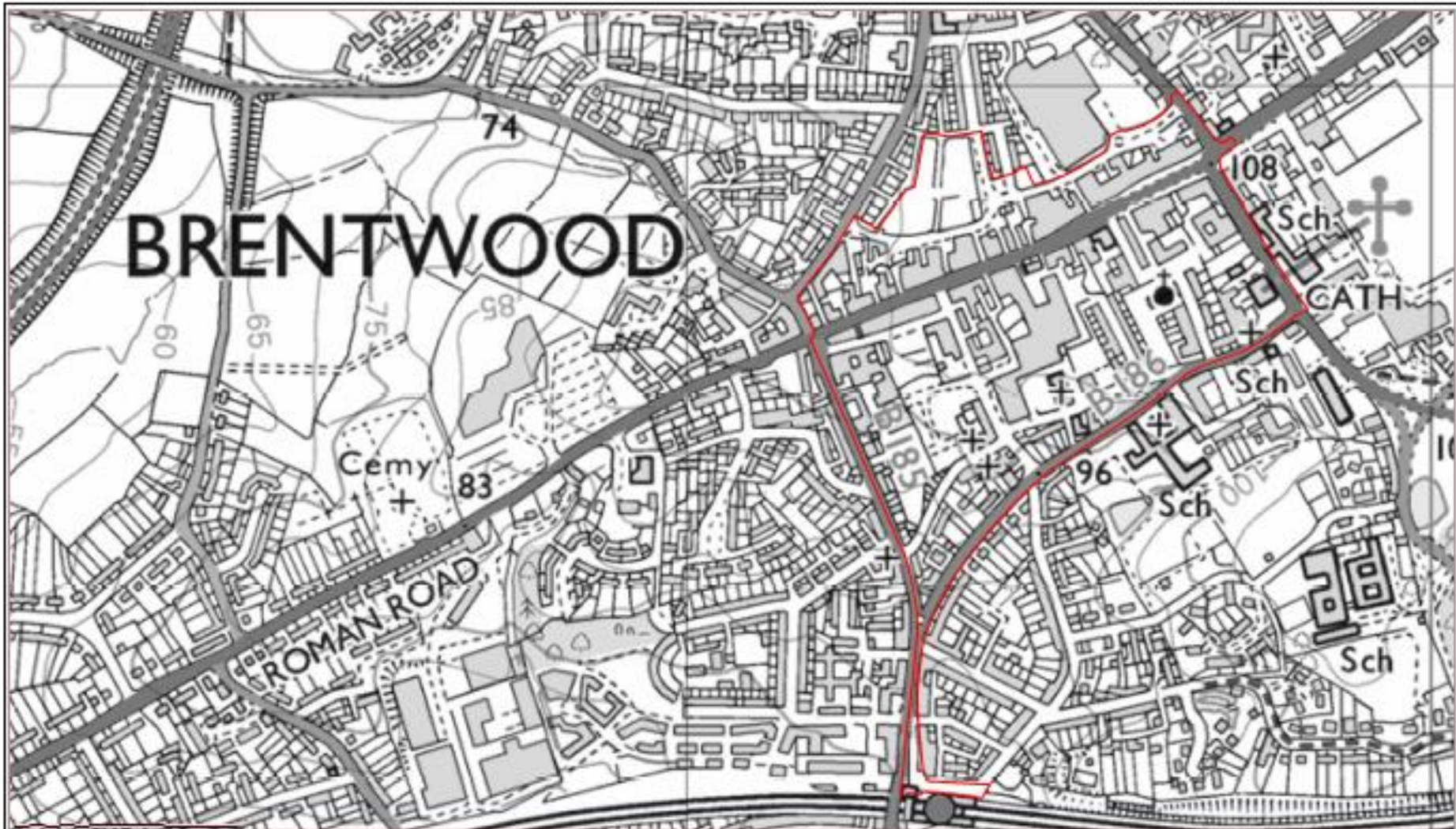
- 1) The Council is satisfied that the conditions set out in sections 59,64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area.
- 2) For the purpose of this Order, 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as to right or by virtue of express or implied permission.
- 3) An authorised officer means an employee of the Council, a person designated by the Council, or a Police Officer.
- 4) An 'interested person' (as defined in section 66 (1) of the Act) may apply to the High Court to question the validity of this Order or any variation thereof on the grounds specified in section 66 (2) of the Act within 6 weeks of the date of the Order or any subsequent variation.

Dated this xxxxxxxx day of the xxxxxxxx, 2018

By authority of Brentwood Borough Council under section 101 of the Local Government Act 1972

Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

# Annex A



Page 35

	<b>PSPO Map</b>	
	<b>Brentwood Borough Council Town Centre PSPO</b>	
	Drawing No:	
	Scale at A3: 1:5000	
	Drawn by: David Carter	
Service: Corporate Enforcement		
Date: 22nd December 2017		
<small>© Crown copyright and database rights 2017 Ordnance Survey 100016009</small>		
		<b>BRENTWOOD BOROUGH COUNCIL</b> Philis Rick Chief Executive Brentwood Borough Council Town Hall, Ingrove Road Brentwood, CH25 6AY Tel: (01275) 312000

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**4th July 2018**

## **Environment and Enforcement Committee**

### **Enforcement & Fly Tipping**

**Report of:** *David Carter – Environmental Health Manager*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 Brentwood Borough Council, in common with most other local authorities, has seen an increase in fly tipping with a cost to the Borough of over £60,000 last year.
- 1.2 The Council has focussed on ways to provide an effective and robust approach to enforcement of fly tipping in the Borough to seek to act against those responsible.
- 1.3 This report outlines the measures taken to date and recommends proposals aimed at increasing awareness of fly tipping problems and to further improve successful enforcement.

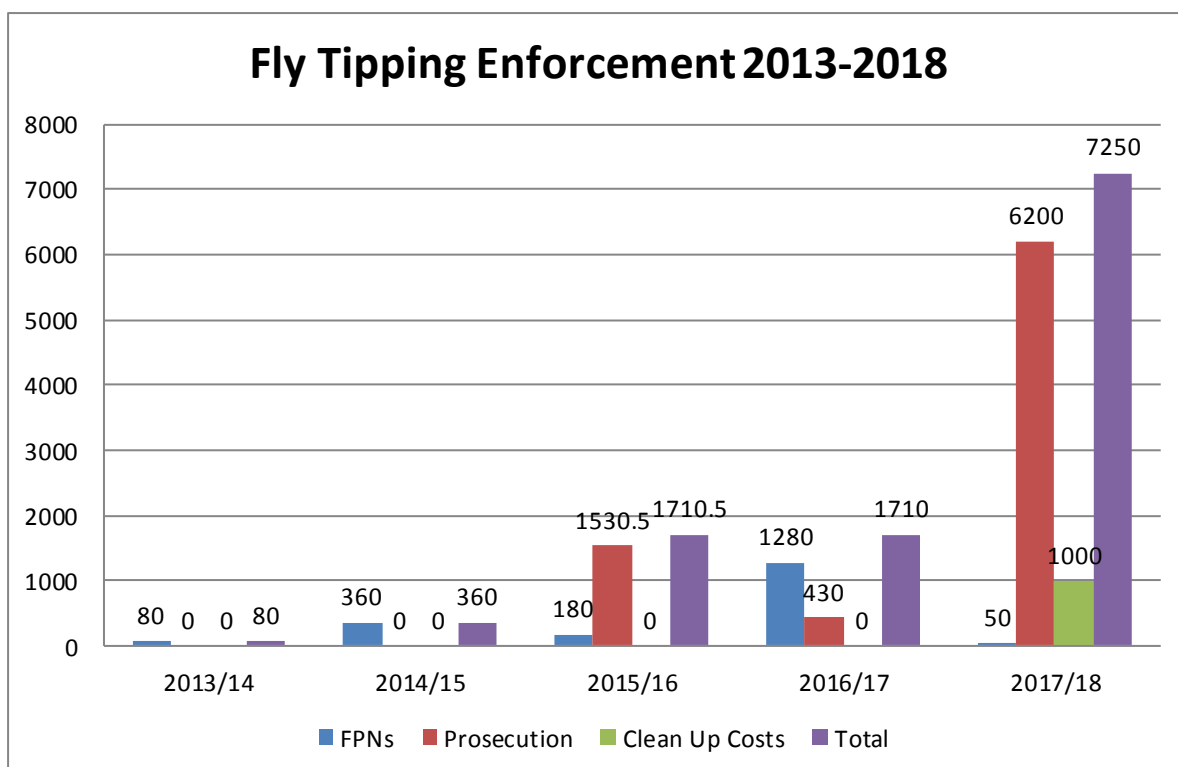
#### **2. Recommendations**

- 2.1 Members agree to consider improving the visibility of action against fly tipping using warning signage and surveillance cameras in hotspot areas.**
- 2.2 Members agree to procure a dedicated enforcement vehicle to assist with the duties of the Street Inspector.**
- 2.3 To review the charges for legitimate clearance against the cost to remove/enforce against fly tips and what are the likely benefits/results of a more attractive rate?**
- 2.4 That funding is taken from the Incursion Defence budget.**

**2.5 Members note the effects of improved enforcement activities regarding waste offences and resolve to maintain regular updates to the Committee on future enforcement action.**

### **3. Introduction and Background**

- 3.1 The Council has established a Corporate Enforcement team with the aim of improving effective and integrated enforcement. As part of this team the Street Inspector works with colleagues in Environmental Health to ensure co-ordinated investigation of fly tipping, litter and other enforcement issues.
- 3.2 Actions that have already been taken have included the use of income from fixed penalty notices to produce leaflets on the waste Duty of Care which were distributed with Council Tax bills, participation in the “Crime Not To Care” campaign, including a road show with fly tipped waste in Brentwood High Street, Stop and Search operations in collaboration with Essex Police and Trading Standards resulting in an increase in successful prosecutions for fly tipping offences and income from fixed penalties.
- 3.3 The graph below shows the increase in enforcement action resulting in fines from prosecution, fixed penalties and formal cautions with clean up costs paid by the offender (usually for household duty of care offences).



- 3.4 Officers are involved in several inter-authority initiatives such as the Riverside Environmental Crime Group, comprising London Boroughs of Barking & Dagenham, Enfield, Greenwich, Havering, Hammersmith & Fulham, Lambeth, Lewisham, Redbridge, Southwark and Tower Hamlets with the Metropolitan Police and Home Office Immigration and Kent County Council – Brentwood are the only non-London Borough Council represented; also with other Essex local authorities in the Cleaner Greener group and the Essex Rural Partnership working with Essex Police, Essex Waste Partnership, National Farmers Union, Essex County Council and the Environment Agency to tackle large-scale environmental crime.
- 3.5 The Enforcement Team are working to raise the profile of action taken against waste offences in the Borough. It is intended to look at additional measures to heighten awareness, particularly in hotspot areas in the Borough.
- 3.6 The Council will also review its own charges for legitimate clearances to consider how a more attractive offer could result in fewer fly tips and issues generally.
- 3.7 The Community Safety Accreditation Scheme enables additional officers to be trained to take enforcement action which can be used in conjunction with existing resources to provide powers to deal with a number of issues,

which include offences such as littering, graffiti and flyposting, dog fouling, removal of abandoned vehicles and the power to require provision of a name and address. A programme of training of selected officers is being progressed at present with Essex Police; the first trainees have now been awarded the accreditation.

- 3.8 The Council has fitted dashcams to vehicles in the Council fleet, including refuse collection vehicles, vans and some officers' private vehicles. It is hoped that in addition to improving safe driving etc. the use of these cameras could help in obtaining information, including vehicle registration numbers, which can now be used to act against the registered keepers where litter is thrown from a vehicle.
- 3.9 The use of camera equipment has also increased in Brentwood to cover areas targeted by regular fly tipping, including a collaboration with Thurrock Council to share surveillance equipment and monitoring of cameras.
- 3.10 It is proposed to increase the use of surveillance cameras in locations and to also erect signage to alert people to the use of camera equipment, which will act as a deterrent and increase awareness of enforcement activity, particularly in rural areas.
- 3.11 We have estimated an additional £7k could be allocated to this activity, comprised of £5000 for camera equipment and £2000 for signage, which is required under the Surveillance Camera Commissioners' Code of Practice where areas are covered by surveillance cameras. It is intended to move cameras to target different locations while retaining the signs erected in these areas.
- 3.12 As the role of our Street Inspector has increased through the collaboration with Environmental Health under the Enforcement Team it is also recommended that a dedicated enforcement vehicle is procured. The Community Safety Partnership have agreed to part fund the vehicle in terms of the signage/markings etc. The vehicle will be used to access areas affected by fly tipping, nuisance parking, litter problems and use of off-road vehicles causing damage to footpaths and byways in rural locations amongst other issues.
- 3.13 As mentioned the vehicle will have high visibility signage and markings advertising the enforcement role together with fitting camera equipment to the vehicle for capturing information on activity in hotspot areas which will be funded by Brentwood Community Safety Partnership.



- 3.14 Approximate costs for the provision of a suitable vehicle will be in the region of £20k.
- 3.15 A capital budget for “incursion Defences” would cover the cost of the vehicle, signage and camera.
- 3.16 It is therefore recommended that:
1. Members agree to consider improving the visibility of action against fly tipping using signage and surveillance cameras in hotspot areas.
  2. Members agree to procure a dedicated enforcement vehicle to assist with the duties of the Street Inspector.
  3. To review the charges for legitimate clearance against the cost to remove/enforce against fly tips and what are the likely benefits/results of a more attractive rate?
  4. That funding is taken from the Incursion Defence budget.
  5. Members note the effects of improved enforcement activities with regard to waste offences and resolve to maintain regular updates to the Committee on future enforcement action.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Effective enforcement of fly tipping and other waste offences relies on evidence being captured, either physical information, witness or photographic evidence which can identify the perpetrators.
- 4.2 Members will appreciate that in order to secure a criminal conviction it is necessary to prove *beyond reasonable doubt* that a person is guilty of the offence. In the case of fly tipping, where often the result of the action but not the person themselves are present this can be very difficult, however we have managed to substantially improve our success with enforcement action as a result of better collaborative and partnership working with other agencies.
- 4.3 The proposals contained in this report have been put forward to provide a deterrent, assist in gathering evidence and to improve public awareness.

## **5. Reasons for Recommendation**

- 5.1 To provide more effective, mobile and visible enforcement activity which enables technology to assist in environmental crime and waste investigations

## **6. Consultation**

- 6.1 Not applicable

## **7. References to Corporate Plan**

### **7.1 Environment and Housing Management**

Encourage residents to work with us to take responsibility for the environment, and improve the cleanliness of our streets

### **7.2 Community and Health**

Provide advice, support, guidance and enforcement

## **8. Implications**

### **8.1 Financial Implications**

**Name & Title: Jacqueline Van Mellaerts Interim Chief Finance Officer**  
**Tel & Email: 01277 312829 / jacqueline.vanmellaerts@brentwood.gov.uk**

The estimated enforcement costs for camera equipment and signage totalling £7k, can be met within existing budgets in the Capital programme included in the Medium Term Financial Plan 2018/19.

### **8.2 Legal Implications**

**Name & Title: Surinder Atkar, Legal Services**  
**Tel & Email: 01277 312500**  
**surinder.atkar@brentwood.gov.uk**

There is a duty on the Council under section 89 (1) Environmental Protection Act 1990 to keep its land free of litter and refuse. In determining what standard is required in this respect regard shall be had to the character and use of the land as well as measures that are practicable in the circumstances. The measures recommended in this report would be in keeping with these legislative provisions and would go towards compliance with the Council's duties under the Act.

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None

**10. Appendices to this report**

None

**Report Author Contact Details:**

**Name:** David Carter

Environmental Health Manager & Deputy GM Corporate Enforcement

**Telephone:** 01277 312509

**E-mail:** david.carter@brentwood.gov.uk

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**4th July 2018**

## **Environment and Enforcement Committee**

### **Fixed Penalty Notices**

**Report of:** *David Carter – Environmental Health Manager*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 New penalty levels for littering, graffiti, fly-posting and unauthorised distribution of free literature on designated land have recently been introduced by the Government with effect from 1<sup>st</sup> April 2018, with discretionary levels that can be set by local authorities
- 1.2 This report sets out the new levels of these fixed penalty notices and summarises the powers available to authorised officers to issue penalties.

#### **2. Recommendation(s)**

- 2.1 Members approve the new recommended maximum penalty levels set out at 4.5**
- 2.2 Members to approve the additional discount levels for early payment also contained in Table 4.5.**
- 2.3 Members agree to delegate authority to the Chief Executive, Director of Operations, the General Manager Corporate Enforcement and to such officers of the Council that are nominated by any of them to issue Fixed Penalty Notices under the relevant legislation**

#### **3. Introduction and Background**

- 3.1 Fixed penalty notices can be issued by District Councils to deal with offences including littering, fly-tipping, graffiti, fly-posting, dog control offences, alarm noise (no nominated keyholder), Noise Act offences, nuisance parking, unauthorised distribution of free literature on designated land, abandoning a vehicle, waste receptacle offences, and failure to produce a waste transfer note or waste carrier's licence.

- 3.2 Brentwood Council is currently training officers to achieve the Community Safety Accreditation Scheme. Several of the powers available to our accredited officers under the scheme involve the issue of fixed penalty notices, including dog fouling on designated land, litter, graffiti and fly-posting.
- 3.3 Recommendation 2.3 is to delegate power to authorise officers to issue fixed penalty notices where they are not already authorised and have undertaken the appropriate training.
- 3.4 The Department for Environment Food and Rural Affairs (Defra) published a consultation paper in April 2017 entitled Review of Fixed Penalties and Introduction of Civil Penalties for Littering from Vehicles Outside London, which proposed to increase the default penalties and to enable councils outside London to issue a penalty charge to the keeper of a vehicle from which litter is thrown.
- 3.5 The consultation responses indicated that the penalties should be increased – the new levels are shown below:

<b>Offence</b>	<b>Default penalty</b>	<b>Minimum full penalty</b>	<b>Maximum full penalty</b>	<b>Minimum discounted penalty</b>
<a href="#">Littering</a>	£100	£50	£150	£50
<a href="#">Littering from vehicles</a>	£100	£65	£150	£50
<a href="#">Dog control offences</a>	£75	£50	£80	£50
<a href="#">Graffiti</a>	£100	£50	£150	£50
<a href="#">Fly-posting</a>	£100	£50	£150	£50
<a href="#">Unauthorised distribution of free literature on designated land</a>	£100	£50	£150	£50
<a href="#">Alarm noise: failure to nominate key-holder or to notify local authority of key-holder's details</a>	£75	£50	£80	£50
<a href="#">Nuisance parking</a>	£100	£100	£100	£60
<a href="#">Abandoning a vehicle</a>	£200	£200	£200	£120
<a href="#">Fly-tipping</a>	£200	£150	£400	£120
<a href="#">Failure to produce a waste transfer note</a>	£300	£300	£300	£180
<a href="#">Domestic waste receptacle offences</a>	£60	£60	£80	£40
<a href="#">Industrial and commercial waste receptacle offences</a>	£100	£75	£110	£60
<a href="#">Noise exceeding permitted</a>	£100	£75	£110	£60

Offence	Default penalty	Minimum full penalty	Maximum full penalty	Minimum discounted penalty
<a href="#">level - domestic premises</a>				
<a href="#">Noise exceeding permitted level - licensed premises</a>	£500	£500	£500	£500 - no discount allowed

#### 4. Issue, Options and Analysis of Options

- 4.1 Local authorities have the discretion to set penalties at a level between the minimum and the maximum discounted and full penalty indicated above. For fly tipping offences, we have already set the levels at the maximum £400 with no early payment discount.
- 4.2 Members may wish to consider whether to review the penalties set by the Council and whether to allow a discount for early payment.
- 4.3 Fixed penalties that are currently set by Brentwood Borough Council are listed below:

<b><u>ASB, Crime and Policing Act 2014</u></b>	
Breach of Community Protection Notice	80.00
Early payment	50.00
Breach of Public Spaces Protection Order	80.00
Early payment	50.00
<b><u>Environmental Protection Act 1990</u></b>	
Failure to provide a waste transfer note	300.00
Littering	80.00
Dog control offences	80.00
<b><u>Clean Neighbourhoods and Environment Act 2005</u></b>	
Alarm noise - failure to nominate key-holder or to notify local authority key-holder's details	80.00
Fly-tipping	400.00

- 4.4 The Council has previously set penalty levels at the maximum full value with no discounts for early payment (i.e. fly-tipping offences) and the recommendation is to follow this principle, however Members may wish to consider a discounted penalty, which is included as an option.
- 4.5 The recommended new penalty levels are outlined in the table below

<b>Offence</b>	<b>Optional discounted penalty</b>	<b>Recommended full penalty</b>
<a href="#">Littering</a>	£75 (not currently discounted)	£150
<a href="#">Littering from vehicles</a>	£75	£150
<a href="#">Graffiti</a>	£50	£150
<a href="#">Fly-posting</a>	£50	£150
<a href="#">Unauthorised distribution of free literature on designated land</a>	£50	£150
<a href="#">Nuisance parking</a>	£60	£100
<a href="#">Abandoning a vehicle</a>	£120	£200
<a href="#">Domestic waste receptacle offences</a>	£60	£80
<a href="#">Industrial and commercial waste receptacle offences</a>	£75	£110
<a href="#">Noise exceeding permitted level - domestic premises</a>	£75	£110
<a href="#">Noise exceeding permitted level - licensed premises</a>	£500	£500

## **5. Reasons for Recommendation**

- 5.1 New penalty levels are recommended at the maximum levels in order to reflect the Council's intention to ensure that enforcement action is effective; most of these penalties are offered as an alternative to prosecution and should therefore reflect the serious nature of the offence.

## **6. Consultation**



- 6.1 The Government has already carried out a full public consultation over the proposed level of penalties and has produced the guidance values in the table at 3.3

## **7. References to Corporate Plan**

### **7.1 Environment and Housing Management**

Encourage residents to work with us to take responsibility for the environment, and improve the cleanliness of our streets

### **7.2 Community and Health**

Provide advice, support, guidance and enforcement

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Vanmellaerts Interim Chief Finance Officer**

**Tel & Email: 01277 312829 /**

**jacqueline.vanmellaerts@brentwood.gov.uk**

- 8.1 All income received from the fixed penalty notices, will be allocated appropriately within the Council's financial systems, and monitored against existing budgets within the Council's Medium Term Financial Plan 2018/19 with significant variances reported to Council.

### **Legal Implications**

**Name & Title: Surinder Atkar, Legal Services**

**Tel & Email: 01277 312500, surinder.atkar@brentwood.gov.uk**

- 8.2 Various legislation such as Environmental Protection Act 1990. Clean Neighbourhoods and Environment Act 2005, Anti-social Behaviour Act 2003 etc. empower Councils to impose penalties for any infraction of the relevant provisions. Minimum, maximum, default and minimum discounted penalties are defined by the Government and the amounts recommended in this report are within the criteria set.

## **9. Background Papers (include their location and identify whether any are exempt or protected by copyright)**

- 9.1 None

## **10. Appendices to this report**

- None

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Environment and Enforcement Committee**

1. The functions within the remit of the Environment and Enforcement Committee (including the operational management of assets which for the sake of clarity also comprises maintenance) are set out below:

- 1) Waste management, refuse collection and recycling
- 2) Environmental improvement schemes
- 3) The quality of the public realm, including street services and grounds maintenance
- 4) Highway matters that are the responsibility of the Borough Council (including highway closures under the Town Police Clauses Act 1847) and drainage
- 5) Public conveniences
- 6) Cemeteries and closed churchyards
- 7) Unlawful incursions
- 8) Operational facilities management (including maintenance) of the Town Hall and the Depot
- 9) Environmental nuisance and pollution controls
- 10) Other miscellaneous powers enforced by Environmental Health
- 11) Food safety and health and safety
- 12) Oversee and monitor the enforcement activities of the Council.

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