

Compliance and Enforcement Board

Notes of a Meeting of the Compliance and Enforcement Board held in the Council Chamber, Civic Centre on the **7th October 2019**.

Present:

Cllr. Bell (Chairman);

Cllrs. Barrett, Bartlett (ex-officio), Buchanan, Krause, Shorter.

In accordance with Procedure Rule 1.2(c) Councillor Krause attended as Substitute Member for Councillor Gideon.

Apologies:

Cllrs. Gideon, Ward.

Also Present:

Director of Law and Governance, Strategic Development and Delivery Manager, Community Safety and Wellbeing Manager, Environmental Contracts and Enforcement Manager, Civil Enforcement Team Leader, Planning Lawyer, Member Services Manager (Operational).

1. Declarations of Interest

- 1.1 Cllr. Buchanan made a Voluntary Announcement as he knew one of the owners of a site referred to in the Planning Enforcement paper.

2. Notes of the Meeting of 8th July 2019

- 2.1 The Board agreed the notes as an accurate record.
- 2.2 The Chairman had received a letter from the KCC Cabinet Member for Planning, Highways, Transportation and Waste on the Commercial Illegal Disposal on KCC land at Mock Lane, Chilmington. This was tabled for Board Members' attention.

3. In House Environmental Crime Team

- 3.1 The Environmental Contracts and Enforcement Manager introduced the report which was a draft of the report coming to the Cabinet in December. It outlined a proposed structure and activities to be undertaken by an in-house uniformed environmental crime enforcement team for a two year trial (with options appraisal). This would enable the Council to utilise those powers available to it to deal with a range of environmental offences. The team would be able to

target offenders of serious waste crimes, conduct inspections and litter enforcement.

3.2 The Chairman opened the item up to the Board and the following responses were given to questions/comments: -

- There were still issues to tackle regarding contamination of recycling and some people simply not engaging with the process. This was being tackled by education and the new team would have an objective to improve engagement from Registered Social Landlords on kerbside separation of recycling.
- It was possible that the team could have a wider remit in time, but the initial focus would be on fly-tipping, Duty of Care and littering and covering the team's costs through fines and prosecutions.
- There were already separate mechanisms for dealing with other areas such as engine idling (particularly outside schools) and the proliferation of A-Frame boards in the town centre and these would not be initial tasks for this team. A Member advised that on the particular issue of A-Frames, this was a KCC issue. They did have the power to ask businesses to move these directly outside of their properties and ultimately, if they did not comply, to remove and/or destroy. The Board asked Officers to write to KCC to ask them about their enforcement regime in this regard and encourage this to be included in their Highway Inspectors' visits to the town centre.
- With regard to the risk that Central Government would not allow the Council to continue to charge for garden waste collection and make it free for every household, it was explained that this was part of a recent DEFRA consultation and would have a significant impact on both income and recycling targets for the Council. The Council had made representations against this as part of the consultation and a response was awaited.
- Members of the proposed team would be uniformed and be able to confront offenders when witnessed and issue fixed penalty notices.
- Fines for dog fouling were more difficult to issue as it was a harder offence to witness. Good information and intelligence on repeat offenders did help and was always welcomed.
- Fines would be set towards the lower end of what could be charged and it was hoped that effective enforcement would lead to a higher level of compliance rather than raising a lot of money. There were no targets but the aim was to achieve cost neutrality.

3.3 The Board was pleased to see the proposals come forward. They had pushed for this team and were fully supportive of its implementation.

Recommendations/Actions:

That the Board support the implementation of an In-House Environmental Crime Team for a two year period and commend the proposals to the Cabinet.

4. Environmental Crime Enforcement in Ashford

- 4.1 The Environmental Contracts and Enforcement Manager introduced his report which identified environmental crime enforcement activities for the most recent period, and highlighted the key points in the report.
- 4.2 In response to questions the Environmental Contracts and Enforcement Manager advised that deployed CCTV had to be overt with appropriate signage. Where this had been deployed it was having a positive effect in deterring fly tipping disposals. Further locations were under evaluation for installation of cameras.

Recommendations/Actions:

That the update report be received and noted.

5 Anti-Social Behaviour in Ashford - Update

- 5.1 The report provided the quarterly Anti-Social Behaviour (ASB) performance update. The Community Safety and Wellbeing Manager ran through the performance data for the last quarter. The report also detailed work underway or planned through the Community Safety Partnership and complex ASB cases that had required a multi-agency approach. There had been an increase in the number of ASB reports made to ABC this quarter from 112 to 117, with 114 being through the Report It App.
- 5.2 The Board was pleased to see that proposals to employ a Complex Case Officer at the start of the next financial year had been taken forward. A Member also thanked Officers for the work undertaken at Singleton Lake and with recent Public Spaces Protection Orders (PSPOs).
- 5.3 The Board had a lengthy discussion on the night time economy in the town centre and the perception that there had been an increase in ASB, street drinking and problems associated with rough sleepers. It was considered that a lack of uniformed Police presence in the town centre at these times was exacerbating the situation. The Community Safety and Wellbeing Manager agreed to contact the Community Safety Inspector to see what resources were being deployed and to get the Police's own observations. She stated that there was a robust stance in relation to licensed premises and joint visits (Police and ABC Licensing Officers) regularly took place. She would also speak to the Council's CCTV operators and the newly appointed Shopwatch/Pubwatch Co-ordinator and ask them about their own recent experiences.

- 5.4 With regard to the ASB situation in Tenterden, the Community Safety and Wellbeing Manager advised that there were some hotspots, but the level of reports was generally low and there were good working relationships with the PCSO for Tenterden.

Recommendations/Actions:

That the update report be received and noted.

6 Planning Enforcement Update

- 6.1 The Strategic Development and Delivery Manager introduced the report which provided an update on the work of the Planning Enforcement team. She drew particular attention to: - a reduction in the number of live cases; High Court Injunctions and Committal Proceedings; Planning Contravention Notices; Appeals Against the Issuing of Enforcement Notices; and future Anticipated Action.
- 6.2 In response to questions, the Strategic Development and Delivery Manager and Planning Lawyer said they would keep Members informed with progress on particular cases at Hawkins Rough, Chilham and two sites in Biddenden. They would also ensure that future update reports included an update on developments against all of the cases listed under 'Anticipated Action', which had occurred between Board meetings.

Recommendations/Actions:

That the update report be received and noted.

7 HGV Clamping Trial

- 7.1 The Civil Enforcement Team Leader introduced the report which advised of the successful experimental 18 month HGV clamping trial on the A20 between Charing and the Drivers roundabout from October 2017 to April 2019. The success of the trial had allowed for a permanent Traffic Regulation Order to be introduced from 15th July 2019. Enforcement had been assisted by the Department for Transport agreeing permission to clamp on the first offence and to continue with the maximum clamp release fee of £150. This would ensure costs could continue to be covered without additional impact on ABC or KCC finances. The report also proposed a move to an annual update report, rather than more regular reports.
- 7.2 Members accepted that there was a lot of uncertainty over the Brexit position and what would happen if Operation Brock was implemented. Whilst they would have to take guidance from the Department for Transport, the Director of Law and Governance gave an assurance that clamping would not automatically cease unless specifically requested or if the lorry park at Waterbrook was full.

Recommendations/Actions:

That the update report be received and noted and the Board receive an annual update report in the future.

8 Compliance and Enforcement Board - Options

- 8.1 The report of the Director of Law and Governance was re-presented to the Board to establish how Members wished to progress the work it was undertaking and the frequency of meetings. The Board was unanimous in wanting to continue meeting but reduce the frequency of meetings to quarterly, with the option to meet on an ad hoc basis, or remotely, in the event that there was a specific need.

Recommendations/Actions:

That the Board meet quarterly going forward.

9 Dates of Next Meetings

- 9.1 The dates for Compliance and Enforcement Board Meetings for 2020 will be as follows:

Tuesday 28th January 2020

Tuesday 28th April 2020

Tuesday 28th July 2020

Tuesday 27th October 2020

All at 3.30pm in the Council Chamber.

Councillor Bell (Chairman)
Compliance and Enforcement Board

Queries concerning these minutes? Please contact Member Services:
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