



East Cambridgeshire District Council

Meeting: Operational Services Committee

Time: 4:30pm

Date: Monday 18 September 2023

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

Enquiries regarding this agenda: Tracy Couper

Telephone: (01353) 665555

Email: tracy.couper@eastcambs.gov.uk

Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr Martin Goodearl
Cllr Julia Huffer (Chairman)
Cllr Kelli Pettitt
Cllr Alan Sharp (Vice-Chairman)
Cllr Lucius Vellacott

Conservative substitutes

Cllr Anna Bailey
Cllr James Lay
Cllr David Miller

Liberal Democrat members

Cllr Christine Colbert
Cllr Kathrin Holtzmann
Cllr Mark Inskip (Lead Member)
Cllr Mary Wade
Cllr Christine Whelan

Liberal Democrat substitutes

Cllr Chika Akinwale
Cllr Charlotte Cane
Cllr John Trapp

Lead Officer: Isabel Edgar, Director Operations

AGENDA

- 1. Public question time** [oral]
The meeting will commence with up to 15 minutes of public question time.
- 2. Apologies and substitutions** [oral]
- 3. Declarations of interests** [oral]
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

4. Minutes

To confirm as a correct record the minutes of the meetings of the Operational Services Committee held on 25 May and 19 June 2023

5. Chairman's announcements **[oral]**

6. Community Safety Partnership **[oral]**

Presentation by Community Safety Partnership representative

7. Food Safety Enforcement Policy

8. Health and Safety Enforcement Policy

9. Budget monitoring report

10. Environmental Crime Enforcement Policy review

11. Environment Act implementation **[oral update]**

12. HVO procurement update

13. Quarter 1 – Waste performance monitoring and Street Smart highlights report

14. ARP Joint Committee minutes: 13 June 2023

15. Forward agenda plan

Exclusion of the public including representatives of the press

That the press and public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 1 and 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended)

16. ECSS management accounts

17. ECSS performance matter

18. ECSS Board meeting minutes **To follow**

To receive the minutes of the ECSS Board meeting held on 1 June 2023

19. Exempt Minutes – 19 June 2023

Notes

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal working hours you should report to the main reception desk. If you come to an evening meeting please enter via the door in the glass atrium at the back of the building.

Admittance is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcambs.gov.uk or 01353 665555) of their intention to attend a meeting.

The livestream of this meeting will be available on [the committee meeting's webpage](http://www.eastcambs.gov.uk/meetings/operational-services-committee-180923) (www.eastcambs.gov.uk/meetings/operational-services-committee-180923). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. Public Questions/Statements are welcomed on any topic related to the Committee's functions as long as there is no suspicion that it is improper (for example, offensive, slanderous or might lead to disclosures of Exempt or Confidential information). Up to 15 minutes is allocated for this at the start of the meeting.

[Further details about the Public Question Time scheme](http://www.eastcambs.gov.uk/committees/public-question-time-scheme)

(www.eastcambs.gov.uk/committees/public-question-time-scheme).

3. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:
 - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
 - the fire assembly point is in the front staff car park by the exit barrier
 - the building has an auto-call system to the fire services so there is no need for anyone to call the fire services

The Committee Officer will sweep the area to ensure that everyone is out.

5. Reports are attached for each agenda item unless marked "oral".
6. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

"That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended)."



Minutes of a Meeting of the Operational Services Committee
held at The Grange, Nutholt Lane, Ely, CB7 4EE at 7:20pm on
Thursday 25th May 2023

PRESENT

Cllr Christine Ambrose Smith
Cllr Christine Colbert
Cllr Martin Goodearl
Cllr Kathrin Holtzmann
Cllr Julia Huffer
Cllr Mark Inskip
Cllr Kelli Pettitt
Cllr Alan Sharp
Cllr Lucius Vellacott
Cllr Mary Wade
Cllr Christine Whelan

OFFICERS

John Hill – Chief Executive
Sally Bonnett – Director Community
Maggie Camp – Director Legal Services
Isabel Edgar – Director Operations
Emma Grima – Director Commercial
Ian Smith – Director Finance
Tracy Couper – Democratic Services Manager
Caroline Evans – Senior Democratic Services Officer

1. TO ELECT A CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

Cllr Julia Huffer was nominated as the Committee Chairman by Cllr Alan Sharp and seconded by Cllr Lucius Vellacott.

There being no other nominations, it was resolved:

That Cllr Julia Huffer be elected as Chairman of the Operational Services Committee for the municipal year 2023/24.

2. TO ELECT A VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

Cllr Alan Sharp was nominated as the Committee Vice-Chairman by Cllr Julia Huffer and seconded by Cllr Christine Ambrose Smith.

There being no other nominations, it was resolved:

That Cllr Alan Sharp be elected as Vice-Chairman of the Operational Services Committee for the municipal year 2023/24.

The meeting concluded at 7:22pm.

Chairman.....

Date.....

Agenda Item 4b

Minutes of a meeting of the Operational Services Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Monday 19 June 2023 at 4:30pm

P R E S E N T

Cllr Julia Huffer (Chairman)
Cllr Christine Ambrose Smith
Cllr Charlotte Cane (Substitute for Cllr Mark Inskip)
Cllr Martin Goodearl
Cllr Kathrin Holtzmann
Cllr Kelli Pettitt
Cllr Alan Sharp (Vice-Chairman)
Cllr John Trapp (Substitute for Cllr Christine Colbert)
Cllr Lucius Vellacott
Cllr Mary Wade
Cllr Christine Whelan

OFFICERS

Isabel Edgar – Director, Operations
Lewis Bage – Communities & Partnerships Manager
Tracy Couper - Democratic Services Manager
Stephanie Jones – Communities & Partnerships Support Officer
Richard Kay – Strategic Planning Manager
Anne Wareham – Senior Accountant

IN ATTENDANCE

Angela Haylock – CEO Voluntary Community Action East Cambridgeshire (VCAEC)
Annalise Lister – Communications Manager
Melanie Wright – Communications Officer
Karen Wright – ICT Manager

3. PUBLIC QUESTION TIME

A public question was submitted by Jethro Gauld, Chair East Cambs Climate Action Network (CAN) regarding the District Council's Environment Plan 2023/24, and the question and response are detailed in Appendix 1 to these Minutes.

4. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Christine Colbert and Mark Inskip, with Cllrs Charlotte Cane and John Trapp acting as Substitute Members.

5. **DECLARATIONS OF INTEREST**

Declarations of Personal Interests were made by Councillors as follows:

Agenda Item 7: ECDC Environment Plan

Councillor Holtzmann as a member of East Cambridgeshire CAN

Councillor Cane as a member of the National Trust and Wildlife Trust

Councillor C Whelan as a member of the National Trust

6. **MINUTES**

It was resolved:

That the minutes of the meeting of the Committee held on 27 March 2023 be confirmed as a correct record and be signed by the Chairman.

7. **CHAIRMAN'S ANNOUNCEMENTS**

No announcements were made by the Chairman.

8. **VCAEC – UPDATE**

The Committee received a presentation by Angela Haylock, Chief Executive of VCAEC giving an overview of activities in 2022/23 and the first two months of the current year, a copy of which has been circulated to Members of the Committee.

The presentation covered the following areas:

- Overview for VCAEC 2022/23
- Overview of the first 2 months 2023
- Current issues and risks
- Future aspirations

Ms Haylock reported that she had recently become CEO from her position as Deputy, replacing Mark Goldsack. She had a background of 30 years in the voluntary sector and had recently delivered safeguarding training for this Council. Ms Haylock also highlighted the move of premises to Centre E in Ely.

She summarised the key activities of the VCAEC which included:

Community transport scheme
Helping Hands gardening scheme
Volunteer Centre membership services

Ms Haylock stated that following the move to Centre E, VCAEC were using their own website for advertising and recruiting volunteers, as the national 'Do-it' website was no longer meeting their needs. Moving forward, the priorities for the service was to recruit more volunteers for the car and gardening schemes; seek funding to meet rising operating costs and secure the viability of the service; and further development of the website.

Members commended the excellent community work of the VCAEC. In response to a question by a Member regarding the 'Ely-centric' nature of the service and possible extension to other towns in the District and larger villages such as Burwell, Ms Haylock reported that the volunteer car and gardening schemes had both regular users and volunteers in Soham and Littleport, Burwell and Haddenham. However, funding/cost constraints meant that the opening of another hub was not viable at present.

The Chairman thanked Angela Haylock for her presentation.

9. ECDC ENVIRONMENT PLAN JUNE 2023

The Committee considered a report, Y7 previously circulated, containing the fully refreshed 4th edition of the Environment Plan.

The Strategic Planning Manager, Richard Kay, introduced himself to the new Members of the Council and explained that part of his role included overseeing the production and implementation of the annual Environment Plan.

He referred to the various informal Member briefing sessions on the subject since May, and the Environment Plan Member Seminar held on 13 June.

In introducing the item, he explained that our fourth annual Environment Plan covered a variety of matters relating to climate change and the natural environment. The Plan examined what our greenhouse gas emissions were, whether that be across the district or arising directly from East Cambridgeshire District Council. It set out a pathway for how we, as an organisation, could cut our emissions to net zero by 2035/36, which Members will note was a full five years earlier than previously planned for. It set out a summary of our aspirations and actions to bolster the natural environment, some of which were directly on our own land, but much of it was working in partnership across the district and across the county.

It included a set of Top 20 actions on what we proposed to do and reported on how we had done.

Those Top 20 Actions covered four themes:

1. Reducing our own emissions, as an organisation
2. How we are going to support nature recovery in the district
3. How we are going to support our communities and residents to take action
4. What training, policies or accreditation are we seeking to achieve over the coming 12 months

The Strategic Planning Manager explained these individual themes in more detail and stated that, whilst there were four overarching themes, there was one strong theme running through it all this year: widespread engagement.

The Top 20 actions, when taken as a whole, were about generating interest, raising awareness and facilitating direct action for everyone. They were purposefully not just focused on specialist or professional or technical audiences.

Whilst it was important that we work with those specialist partners, such as the Wildlife Trust, or the Climate Commission, if we were to make a real difference here in East Cambridgeshire, all of our communities and residents had to be enthused to do their bit, learn what they could do, have fun in doing it, and then see real change close to home or right at home.

The report also sought endorsement, in principle, of the UN's Sustainable Development Goals, and agreement that, as and when any of the Council's policies were updated, we try to align that policy to the relevant Goals. In addition, the report set out an update on staffing resources from para 3.11 and, in particular, highlighted the action Management Team was taking to bolster our ecology expertise.

The Chairman and Members of the Committee commended this excellent report and the recommendations in the report were moved by the Chairman and seconded by Councillor Vellacott.

Councillor Holtzmann then moved the following amendment, which had been circulated at the Committee, and was seconded by Councillor Cane:

add additional recommendation:

- (C) Instruct officers to draft a full plan that details how to achieve a reduction of at least 80% in carbon emissions for all the council's operations by 2030. This plan should define specific goals addressing Scope 1, 2 and 3 emissions, identify methods by which to reduce carbon emissions, define specific actions to implement the needed changes and lay out milestones and annual targets to achieve the targeted carbon emissions reductions by 2030.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, are set out in Appendix 2 to these minutes. In relation to the response to one of these questions, a Member commented that, since 70% of the £100K Budget related to salary costs, it seemed surprising that it was not possible to allocate it to individual Budget lines. In response to another follow-up question by a Member regarding refuse round configuration modelling, the Director Operations reported that no modelling based upon a different location of depot closer to the waste disposal site had been undertaken at present, pending further national government information on the requirements on authorities arising from the Environment Act. However, a desk study was likely to be undertaken in the future of alternative locations.

The Chairman then asked the Strategic Planning Manager to provide a technical assessment regarding the amendment. He commented that this would be theoretically possible but was likely to need significant additional resource to achieve.

The proposer of the amendment commended the goal to achieve an 80% reduction by 2030 and stated that the intention of the amendment was not to produce a complete detailed plan immediately, but to produce a clear step by

step approach for the individual targets, commencing with the easier areas to achieve.

The Chairman expressed her support for the principle of the amendment but highlighted that the focus of the current year's Plan was engagement and it was important not to dilute this. Therefore, she suggested that consideration could be given to making the amendment the focus of the Plan for 2024/25. The Chairman would be happy to meet with Members to discuss building this in for the future. The Vice-Chairman endorsed the Chairman's comments and approach.

The seconder of the amendment commented that she would rather have the approach in the amendment next year, rather than not at all, but 7 years to 2030 was not a long lead-in period, so work needed to commence on a plan. This did not need to be detailed from the commencement but could become more detailed over time.

The Chairman highlighted the fact that this was a small Council with a small Team for this programme, and the focus for the current year needed to be engagement to ensure that organisations, communities and individuals 'did their bit' within the District. The seconder of the amendment acknowledged the measures being undertaken by this Council to reduce its carbon emissions and wanted similar detail in the Plan relating to other areas. The proposer of the amendment concurred with the seconder and acknowledged that this would not be a 1 year process but wanted officers to commence work on drafting a plan which would develop over time.

In that connection, the Chairman queried if the proposer and seconder of the amendment would accept inclusion of the first sentence only at this stage. The proposer and seconder of the amendment agreed to this approach, as a result of which the proposer and seconder of the motion agreed to the inclusion of the first sentence of the amendment in their motion. Whereby,

It was resolved unanimously:

1. That the Council's fourth Environment Plan, dated June 2023 (as attached at Appendix A to the submitted report) be approved.
2. That the United Nations Sustainable Development Goals and seeking alignment of the Council's policies and priorities, as and when these are update, with the overall ambition of the Goals be endorsed.
3. That officers be instructed to draft a full plan that details how to achieve a reduction of at least 80% in carbon emissions for all the Council's operations by 2030.

10. REPRESENTATION ON OUTSIDE BODIES

The Committee considered a report, Y8 previously circulated, regarding the appointment of representatives to Outside Bodies and containing the annual reports of Outside Bodies within the remit of this Committee. Candidates had

been nominated to serve as the Council's representatives for the next four years, as a result of the list being supplied to the two Group Leaders following the District Council Elections.

The Democratic Services Manager referred to the revised Appendix 1 to the report circulated to Members of the Committee and highlighted that, for all but two of the Outside Bodies, there were more candidates than positions available. This meant that voting would need to take place for the contested positions.

The Democratic Services Manager then conducted the voting process for each of the contested places, resulting in the appointment of representatives to Outside Bodies as detailed in Appendix 3 to these Minutes. In the case of the Community Safety Partnership, Councillors Whelan and Ambrose-Smith each gave an address in support of their nominations and Councillor Whelan also gave an address in support of her nomination for the Paradise Centre, Ely Management Committee.

It was resolved:

1. That approval be given to the representatives to the Outside Bodies within the responsibility of Operational Services Committee as detailed at Appendix 3 to these Minutes.
2. That the annual reports from Council representatives on Outside Bodies within the responsibility of the Operational Services Committee as detailed at Appendix 2 to the submitted report be noted.

11. YOUTH ACTION PLAN PROGRESS UPDATE

The Committee considered a report, Y9 previously circulated, containing an update report on progress against the East Cambridgeshire Youth Action Plan.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 2 to these minutes.

A Member raised a follow-up question on whether the Council could underwrite the Summer Youth Events Programme so that the Programme could be advertised at an earlier stage to enable effective promotion within Parishes, bearing in mind that most Parish Magazines were published monthly at best. The Chairman suggested that this could be considered as part of the Budget-setting process in February each year and the Vice-Chairman concurred with the view that sufficient lead-in time was required to enable Schools to promote the events. The Communities & Partnerships Manager agreed to include the issue in the next update report.

Councillor Vellacott addressed the Committee on the plan in his capacity as the youngest Councillor on this Council and also nationally at present as follows:

'Colleagues, do you think East Cambridgeshire gives young people a purpose? I played for my local cricket team. I sang in a choir – I'll spare you the evidence

of that. I spent three years in the Royal Air Force Air Cadets and would like to have spent longer if not for the intense bureaucracy... I had two jobs and bought my little red car. I got involved in politics. These things took me from a difficult time, a time where I felt quite lost as we all do from time to time, into having a clear direction, and that has led me here in turn.

Well, I believe East Cambridgeshire is giving young people a purpose, and now we need to unlock that potential. This is one of the main things I came here to do – speak on behalf of a range of young people as UK's youngest District Cllr to achieve what works for them.

The YAP might seem procedural, at a glance, but I believe it is one of a local authority's most vital documents. I thank officers for preparing such an informative report. Its key areas, like safety, activities and careers, these are fundamentals for young people across the United Kingdom – which I believe to be a country of incredible opportunity.

The YAP is based mostly around the excellent ECDC Youth Webpages. I request that councillors across chamber take to social media to share the youth webpages this evening as a consolidated effort. The data-based information on these pages makes them essential for engaging with and informing young people in the district.

The impact of COVID was perhaps disproportionate for the youth and the elderly. I am pleased the Council has conducted research from 326 under-18s on this. At a time in our lives where we needed a purpose and to settle into a structured routine to prepare for the future, this was interrupted, and any actions of this Council concerning young people should bear that in mind at all times. The recovery – despite a large time gap – is still ongoing for all ages.

I believe that we are all individuals more than we are members of groupings in society, but young people are united in the need to maintain friendships. It is key to success and stability as we transition to adult life. Not all parents are willing taxi services – mine worked too hard to do that – so any transport policies by any local authority must consider how young people will use them safely and reliably. This, alongside environmental concerns, is being brilliantly addressed by officers as showcased in the report.

But discouraging road use will inevitably adversely impact young people and families, who I am surrounded by daily, excited to obtain their freedom, particularly in the city they love, and all political parties and authorities should bear these impacts in mind after the results of the GCP Making Connections Consultation going forward.

Moving on, I will be happy to work with the council on Youth Safety. Young people need not enforcement but direction if they are to make positive decisions.

The use of drugs, tobacco, alcohol and other substances by young people is an experiment many try, that is a fact. The Eyes and Ears training for schools is a

useful tool but the method of its delivery is of paramount importance. Materials advising young people on issues such as drugs, hate crime and anti-social behaviour should be directed at the right age groups in a way which does not patronise young people. It must consider a factual but balanced presentation of opposing views, explained from first principles.

This is a call I have heard from students of all political persuasions and none, and of all backgrounds and upbringings. They are sat in PSHE lessons being lectured about how the world is and how they must act, until they get fed up and ultimately stop listening... or if you're me, they go away and stand for election.

But the single most important thing, is that Young People need to feel valued by their communities. It is essential, and members would be shocked, stunned, by how little encouragement is needed to put young people on track for a great life. We need a purpose, even a temporary one. So let me commend the Council's work on spaces and activities for our young people.

It is our duty as councillors to deliver feedback and promote local spaces like skateparks, cadet squadrons, volunteer roles, sports clubs and more, and to make these as accessible as possible for everyone, financially and practically.

The initiatives for youth healthcare in the plan are on the right track. Young people experience a great deal of pressure in the modern world, much of it imposed on them, and particularly in recovery from COVID, so the council is right to identify and promote mental health services. I feel that consultation with GP surgeries will aid this into the future.

We on this committee should also consider how we can support young people into part-time work. This has enabled so many people I have met, myself included, to form their own freedom and learn the discipline and skills which will serve them well for life. 'Job Ready' training is being rolled out, and it would be a good idea to work alongside schools for these essential life skills. At the moment, this uses the excellent ECDC Youth Webpages but we must have a consolidated effort to get the word out there.

Young people really don't often think of asking their District Council for advice and support – we must change that as a Council, cross-party and alongside our officers, and this report shows we are doing just that.

I therefore ask all councillors – please write to your parish councils, please tell your colleagues and friends and young people in your patches. The District Council is listening to you. The District Council will help you find your purpose.'

Another Member referred to the need for consistent use of terminology in the Action Plan in respect of the Youth Webpages and for those pages to be more prominently and easily accessible on the Council's website. A Member also queried the appropriateness of the first question in the Youth Survey and the Communities & Partnerships Support Officer agreed to look at removing that question.

Members commended the action plan and a Member encouraged all Councillors to get involved with the Youth engagement events, as it was important for young people to see the Council as an organisation that wanted to hear from them and deliver activities for them.

It was resolved:

That the East Cambridgeshire Youth Action Plan progress update be noted.

12. BUDGET MONITORING REPORT

The Committee considered a report, Y10 previously circulated, containing details of the 2022/23 outturn financial position for Services under the remit of this Committee.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 2 to these minutes.

Following-up from these questions, a Member commented that a much more detailed breakdown of the overspend on Refuse Collection was required than 'cost of living crisis'. The member also stated that it was unsatisfactory that there was no data on the resources diverted from Street Cleansing to Refuse Collection. The Member considered that a better breakdown of the £500K additional expenditure provided to the service was required, to give more accurate monitoring of the pressures and their nature, e.g. ongoing or one-off. The Director Operations stated that this breakdown had been provided in the report to Council in February requesting the additional expenditure of up to £500K and predominantly related to fuel costs, fleet maintenance and Agency costs due to staff sickness/absence/vacancies. The Director Operations noted that if the Council used an external refuse contractor, they would not provide a full breakdown of costs. Additionally, extra costs also had been experienced by many other authorities both locally and nationally. However, there would be an opportunity to review resources and financial matters in the light of the new Environment Act implementation. The Member commented that if such information was provided to the Council, a summary should be included in the Budget Monitoring report, to assist Member understanding and monitoring. The Director Operations commented that it was not unusual for a contractor to request a variation in contract in the light of unforeseen changes in costs. The Chairman highlighted that the public report to full Council contained more detailed figures. Another Member supported the view that it would be useful for new Councillors to have more detailed figures to assist their understanding. The Senior Accountant agreed to take this matter away for further consideration.

In response to a further question by a Member, it was confirmed that payment to GLL relating to The Hive Leisure Centre, Ely, had reverted to a management fee.

It was resolved:

1. That the 2022/23 revenue overspend on Operational Services Committee of £742,047 when compared to its approved budget of £5,818,175 be noted.
2. That the capital programme outturn of £995,721, an underspend of £2,710,130 when compared to its revised Capital budget, be noted.

13. FORWARD AGENDA PLAN

The Committee received its Forward Agenda Plan.

It was resolved:

That the Forward Agenda Plan be noted.

14. EXCLUSION OF THE PRESS & PUBLIC

It was resolved unanimously:

That the press and public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 1, & 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

15. ECSS MANAGEMENT ACCOUNTS – TWELVE MONTHS TO MARCH 2023

The Committee received a report containing a summary of the management accounts for the 2022/23 financial year.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were circulated to Members of the Committee.

Further follow-up questions were asked by Members and responded to by officers.

It was resolved:

That the contents of the report be noted.

16. ECSS BOARD MEETING MINUTES

The Committee received the Minutes of the ECSS Board Meeting held on 2 March 2023.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were circulated to Members of the Committee.

Further follow-up questions were asked by Members and responded to by officers.

It was resolved:

That the Minutes of the meeting held on 2 March 2023 be noted.

The meeting concluded at 6:45pm.

Chairman:.....

Date:

**OPERATIONAL SERVICES COMMITTEE – 19 JUNE 2023
PUBLIC QUESTION TIME**

**Jethro Gauld, Chair
Eastcamb CAN**

"The East Cambs Climate Action Network broadly supports the District Council's Environment Plan for 2023-24. We welcome the more ambitious target of Net Zero by 2035 and praise the efforts of council officers to identify opportunities for action and implement them such as the recent installation of EV chargers and the council's solar scheme. In response to the draft environment plan we have some questions:

1. On climate, the environment plan focuses mostly on scope 1 and scope 2 emissions and on the council's own activities. How can the council help East Cambridgeshire as a whole transition away from fossil fuels to a zero carbon economy? Bearing in mind the big three sources of emissions are transport, buildings and land use <https://eastcambscan.org/climate-crisis/>

Response: It is agreed that the Environment Plan is focussed on what emissions the Council is directly responsible for, and how it wants to reduce them and by when. More generally the Plan is about how the Council is trying to support the wider community, whether it be reducing their emissions or boosting the natural environment.

We recognise that our direct emissions (at just over 1,200 tonnes CO2) are a tiny fraction of the district as a whole (at just over 1,200,000 tonnes CO2). But, as a local authority, we have a clear responsibility to try to influence climate reductions across the geographical area.

We have made a start on that, but recognise there is much, much more to do.

For example, on the three big emitting themes you identify:

- ***On Transport – we've progressed a number of cycling, walking and bus related strategies, and have committed considerable funds to improving cycling routes across the district.***
- ***On Buildings – we've allocated around £2m this year to help retrofit poorly performing (non-gas) homes.***
- ***On Land Use – we're putting in place measures to maximise the potential of Biodiversity Net Gain through the planning system, which should see some land converted from being heavy emitting land to carbon neutral or even carbon capture land.***

But this year we want to do more with our community, and find out more about what they think we should, as a district, target and by when. That's why, subject to Committee approval this evening, we've included Action 18 in the Environment Plan, which is to develop with the community a collectively generated set of targets for East Cambridgeshire as a whole.

We really hope EastCambsCAN will embrace this opportunity to help establish a truly district-wide vision and set of targets, ones which the whole community can get behind and support, and ones which this Council will try its very best to help with delivering.

2. How is progress towards net zero greenhouse gas emissions being measured and will the council be publishing a summary document detailing the pathway to net zero?

Response: For the Council's emissions, the Environment Plan sets out in detail where our emissions arise, what the trends are for those emissions, what targets towards net-zero we have set, and how we think we can get there. We don't intend to publish anything even more detailed on that, but we are committed to an annual such update, as we have done for four years now.

District wide, once we have established a set of district wide targets, the Council would like to work with EastCambsCAN and others to set out a pathway to achieve that. Of course, actual delivery will depend on collective support across the district, from home owners and businesses, as well as from the like of this Council and EastCambsCAN.

3. It is good to see the council recognising the importance of Biodiversity and the incoming regulatory changes under Biodiversity Net Gain. Will sufficient resources be allocated to allow the council to provide appropriate ecological advice and, in a development context, enforcement?

The Committee Report on the agenda this evening, which introduces the Environment Plan, recognises the need for greater ecological advice, and sets out a commitment to boost that resource.

4. Our group feel that the issues raised by the Environment Plan, and the plan itself, should be publicised among residents in a way in which they feel empowered to feed into the process. The Monthly Earth Cafes we run with provide one possible forum for this, would council officers and councillors be willing to attend the August 17th Earth Café as speakers to discuss the Environment plan with local residents? This would also be an opportunity for councillors and council officers to draw on local expertise for example just within our group- there is a Director of Policy, for a national woodland conservation organisation, a former UN head of research for dealing with the behaviour in wildlife crime. We also have numerous local environmental organisations each with their own expertise so it is encouraging to see some of them mentioned in the report."

Yes, it is agreed that achieving rapid reductions in greenhouse gas emissions, and reversing the decline in nature, needs widespread community understanding of the issues, and their support and collective action. The proposed new set of Top 20 actions in the Environment Plan for the coming year have purposefully been skewed in that direction.

Officers would be very happy to attend the August 17th Earth Café, and perhaps utilise that event as a kick-off for the aforementioned district wide target setting. The Council recognises it is far from an expert on all these complex matters, and is very happy to engage, support and learn from as wide an audience as possible, and we've been very happy to support the strengthening of EastCambsCAN as an organisation over the past couple of years.

**OPERATIONAL SERVICES COMMITTEE
19 JUNE 2023
QUESTIONS FROM MEMBERS OF COMMITTEE**

Questions received from Cllr Christine Whelan

Item 7 – ECDC Environment Plan 2023

<p>Top actions 3.8: Great to see that there are new orchards planted across the district. What was the planned maintenance of these trees after the problem of the maze not being properly maintained. Have there been any problems with the maintenance of these orchards?</p>	<p>The Community Orchard Programme was based on the principle that East Cambridgeshire District Council would provide the trees, stakes and other essential materials, but that the receiving community group would be responsible for the planting and maintenance. In applying for and receiving the trees, the community group had to agree to the following specific terms (as well as more general generic terms and conditions):</p> <ul style="list-style-type: none"> • <i>Formal permission to plant from the landowner. If the council is the land owner please contact climatechange@eastcambs.gov.uk and we can check permissions for you.</i> • <i>Enough space to accommodate your chosen amount of trees - each tree should be between 4-5 meters apart</i> • <i>A commitment to watering the trees regularly for the first two years of life and more during the dry summer months</i> • <i>A sunny spot - fruit trees need 6-8 hours of sunlight per day on average, so avoid heavily shaded areas</i> • <i>Soil that is not vulnerable to flooding and has good drainage</i> • <i>To be able to provide an opportunity to get the public/community involved in the creation or restoration of the orchard</i> • <i>A community commitment to maintaining and nurturing your orchard for generations to come</i> • <i>Be ready to plant around the end of January/beginning of February once the trees are delivered</i> • <i>All planted trees will be included in the Queen's Jubilee Canopy project.</i> <p>In assessing applications, the Natural Environment and Climate Change Senior Officer of the Council did a proportionate assessment as to whether it was likely from the application details received that the above conditions would be complied with. For some applications, this</p>
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	<p>required further information being requested from the applicant.</p> <p>It is accepted that, in practice, it is taken on trust that the community groups that received the trees do comply with the above terms. Anecdotally, we have received no complaints about poor maintenance of the trees. Through occasional random visits where staff members may be in the vicinity of the trees for other purposes, there is no apparent widespread failure of trees. For example, of the 10 fruit trees planted in the grounds of Ely College in winter 2021/22, nine were in bloom in Spring 2023 with just one tree appearing to be struggling.</p>
<p>3.10 top 20 actions: Water stations – where is the plan for these to be installed, how many are being planned? What is the design like and how intrusive will they be? Has the carbon cost to these stations been considered and how will these be supplied? How will these stations be maintained?</p>	<p>No specific locations or designs of the water stations have yet been agreed. The location of such stations is likely to be in areas of recognised high footfall, but also within easy access to an existing water supply. For example, it is likely stations will be close to, but outside of, an existing public toilet, where water supply can be accessed easily, cheaply and with low carbon cost (because of limited pipework or ground works being needed). The precise designs will depend on the location to be installed and will need to be both aesthetically unobtrusive but also robust to withstand any anti-social behaviour.</p> <p>It is recognised that the manufacturing and installation of a water filling station will have a carbon implication, and this will need to be considered, if at all possible, when considering the procurement of such installations. However, it is worth noting that, following multiple international research, bottled water has a carbon footprint of at least 300 times that of tap water, and often up to 1,000 times that of tap water. In CO2 terms, that can be up to 1kg of emissions per bottle, whereas tap water is as little as 1 or 2 grams for the same volume. Bottled water also creates waste, which, even if recycled, results in further environmental impact.</p> <p>Whilst, like most items, it is very hard to find out what the carbon footprint of the water filling station to be purchased is, it is reasonable to assume that the ‘payback’ of that footprint would be relatively quick, considering each time it is used it could be saving up to 1kg of CO2. For example, numerous studies have indicated a typical kitchen appliance (fridge, washing machine, dishwasher) have a manufacturing carbon footprint of c300-400kg CO2. If a water dispenser is similar (and there’s no reason to think otherwise), then within a few hundred refills, the carbon impact of the machine would likely have been ‘paid back’, meaning all future refills would be saving up to 1kg CO2 per filling.</p>

3.20 Green team update:

The saving in electricity use by changing these machines sounds good, but replacing working equipment utilises resources unnecessarily. What is the carbon cost of the new machines including the early scrappage of the existing machines? What is the payback period for the change in machines? How much use is made of these machines and. If the new machine has already been installed, what is the change in usage?

It is fully agreed that replacing working machines for what may be considered a more environmentally friendly machine, may have considerable unintended environmental impacts. This is a consequence of the carbon emissions arising from the manufacturing and distribution of the new machine (i.e. the 'embodied carbon' of the new machine).

As a general rule, it is almost always better to use a machine until its 'end of life', and then choose an environmentally friendly new machine, rather than scrapping a machine early before its end of useful life.

However, in the case of the vending machine, this was clearly evident not to be the case.

Following simple monitoring of energy use, it was found that, over a three month period, the vending machine was responsible for c500kg of CO₂ via electricity consumption (which allows for the fact that some electricity is renewably produced in the national grid). Over just one year, this would equate to 2 tonnes CO₂.

In choosing a new machine, the manufactures label indicated typical c680kwh/annum electricity consumption, which compared with c6,000kWh/annum that the old machine was monitored to be using.

In the 1.5 months of using the new vending machine, actual monitoring of electricity consumption identifies electricity use is down almost 90% per day, and therefore has an annual carbon footprint of just c200kg (compared with 2,000kg of the old machine).

Like the water refill stations question, the 'embodied carbon' of the new machine is unknown, but, if compared with domestic appliances of 300-400kg CO₂ embodied carbon, and we assume the vending machine is double in size of one of those (in practice, it is probably less than that), then the 'payback' of the new machine, in carbon terms, would be well under 6 months.

However, the old vending machine was not actually scrapped in any event, but returned to the supplier, either for refurbishment or recycling. This may, therefore, mean the payback is even sooner.

Overall, on a worst case basis, we think the carbon payback would be under 6 months, and quite probably much quicker than that. And, the new machine saves around £1,800 in electricity bills, per year. Consequently,

	<p>in this case, it was appropriate, from a carbon perspective (as well as financial), to replace the machine.</p> <p>In terms of staff usage, there is a regular turnover of products, and a range of customers from frequent to infrequent users. However, we do not have precise user details.</p>
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Questions received from Cllr Charlotte Cane

Item 7 – ECDC Environment Plan 2023

<p>Draft Plan: What are our annual target reductions to reduce carbon emissions by 40% by 2025/26 and 80% by 2030/31?</p>	<p>We do not have annual target reductions, because there are many seasonal and annual variables that would mean to do so would be misleading when it comes to reporting performance. What is important is to set reasonable milestones towards net zero (we've gone for every five years), and monitor trends towards each. We do, however, report actual annual emissions, so we can see which elements are performing better than others. It is not common practice for any business or organisation to set itself annual emission target reductions.</p>
<p>Why so much focus on tree planting rather than grassland and meadows? We mention wetland creation and grassland meadows but there are no targets or commitments to increase these.</p>	<p>We have run a successful tree orchard programme and are planning a similar oak tree based initiative. These are actions that the local community can relatively easily undertake, and cost relatively small sums. A local community would find it much harder (and costlier) to create wetlands and grasslands.</p> <p>However, wetlands and grasslands are vital habitats to enhance and expand, which is why the Nature Recovery Network strategy adopted by Council in Nov 2022 (and referred to in the Environment Plan) sets out nine priority areas for nature recovery and habitat restoration, of which just one is primarily woodland focussed (south of Newmarket) and the other eight are wetland/river corridor/grassland based. The overall focus of the Council's nature recovery plans are, therefore, wetland creation and grasslands, not tree planting, and achieving that will primarily be working with large landowners and through the planning system, rather than directly on our own (very limited) land.</p>
<p>Commitments for 2023/24: 3 – what IT improvements, training etc are being put in place to reduce paper?</p>	<p>Using the staff intranet, monitoring data and tips have started to be added and advertised to staff, and will be expanded over time. (Link here, but this only works when logged into the internal staff intranet system, and not accessible to the general public - https://intranet.eastcambs.gov.uk/council/ecdc-green-team/paper-campaign).</p> <p>The Green Team has paper reduction as one of its key activities, and will be developing tips and ideas throughout the year.</p>

	<p>Staff and Members are encouraged to raise ideas for how they could use less paper, especially in services where consumption of paper is high, such as planning and democratic services.</p>
<p>4 – how do you capture member travel emissions? Not all of our travel is claimable and not all of us claim when it is claimable.</p>	<p>Member travel emissions are captured via Member expenses claims. In the not yet published staff and member Travel Plan, it is noted that many Councillors do not make any expenses claims at all, and hence no emissions recorded, though of course all Members will likely to undertake at least some vehicle trips for Council purposes.</p> <p>In order for Member emissions to be recorded as accurately as possible, Members are encouraged to claim their due expenses.</p> <p>Alternatively, if Members do not want to claim any expenses, but do want their emissions recording (whilst undertaking council business), then an alternative option would be to compile total miles taken and the type of vehicle used, and send that total figure to the Strategic Planning Manager each April, whom can add it to the emissions calculated via the expenses claims.</p>
<p>7 – there is a lot of concern about such single species initiatives – are our shortlisted species chosen to <i>achieve benefits for multiple species under the overarching aim of protecting one flagship species?</i> Are they all animals or do they include plant species?</p>	<p>The purpose of this project is to engage the vast majority of people who would not necessarily be engaged by, say, the protection of, and rarely seen, rare species. And, in any event, those rare species are, more often than not, the subject of far more resources than we could ever deploy, and by far greater experts in the field of nature conservation than the Council is.</p> <p>If we can find a cheap, accessible, engaging way to reach families with a nature based project, then the project will be a success, and hopefully trigger those families into a wider curiosity of nature, and activities to support nature.</p> <p>This project, and the bird/bat box one, is trying to utilise the space a council can be good at (supporting and engaging with our communities, and all households in those communities) and which other organisations may struggle to, or aim not to, reach, whilst leaving the more professional, expensive and technical nature recovery to those organisations that are better skilled in that field than we are.</p> <p>The chosen species will all be animals, will be native to East Cambridgeshire, will be recognisable to the public, and be ones which the public can reasonably play a part in helping or potentially seeing in the wild.</p> <p>When the chosen species is known, by public vote, the actual programme of works, promotions, education and other events will have a focus not only on that animal itself, but the habitat</p>

	<p>that supports it. In that way, much wider benefits can be derived, but still having the flagship resident-friendly animal as the promotional tool. For example, if toads win, then we can promote suitable ponds / wetlands for breeding in. If barn owls win, we can support field margin management to support hunting grounds. If bees win, we can promote native nectar rich flowering plants. And so on. The benefits will be much wider than the species, but we gain the 'loveable' species that the general public can get behind and support.</p> <p>The project should not be seen as a just a pure single species recovery project. It's an engagement project, with the potential for wide ranging benefits.</p> <p>If the Council went for the alternative (e.g. Bittern recovery), it would be costly to do anything and the vast majority of the population couldn't do anything to support it, and only a very tiny minority would ever see one. It would have virtually no engagement or educational potential, and only likely appeal to those that are already heavily engaged in nature.</p> <p>If the council went for a 'habitat creation' based project, it's unlikely to gain the wider community appeal, because there isn't the flagship species to get behind.</p>
<p>8 – why 75 of the same type of slow growing very large trees? How many of our schools and Parish Councils have sufficient land to plant a tree 30m away from buildings? How many sites does East Cambs own where they could plant a tree 30m from buildings?</p>	<p>The Environment Plan sets out why oaks have been chosen. If the Council wants to promote fast growing trees in order to capture carbon the quickest, then an alternative could be chosen. But no British tree supports greater wildlife, is more resilient to climate change, or is more 'British' in our culture than an oak tree. Hence, it's preference for this particular year.</p> <p>That said, we recognise the benefits and majestic nature of an oak actually results in limitations of where it can be planted. If communities are unable to accommodate all 75, the first fall back will be to utilise the remainder of the trees on our own land, perhaps as a 'Coronation Avenue' or similar. Failing that, we would open up any remaining trees to private land owners, perhaps encouraging the creation of an avenue of oak trees on a field age, that is visible to the public.</p>
<p>14 – the ECSS management accounts show a reduction in recycling rates over recent years – what does ECSS plan to do differently to increase recycling?</p>	<p>Our recycling rate has seen a drop of 2% since 2019/20 (59% vs 57% in 2021/22), although for the past 2 years it has stagnated at 57% rather than reduced. This is a trend seen nationally, with England's recycling rate dropping by 1.7% to 44%. ECDC outperforms this and achieved a top 25 position for our recycling rate compared with all other authorities in England which was committed to through ECSS' Service Delivery and Business Plans last year. We continue to be committed to achieve a 60% recycling rate. At the same time, we also recognise the importance of the waste hierarchy, acknowledging that reducing waste has a bigger impact on</p>

	<p>the environment than recycling more. The waste service's KPIs now include a target for reduction of waste. Encouragingly, in the last 4 years we have seen a drop of 10kgs per household in the amount of residual waste produced and we plan to further reduce this.</p> <p>ECSS' Street Smart project has identified these areas through it's Safe and Green workstream. However, the Council is still waiting on DEFRA to provide information on the implications of the Environment Act, this will provide a mechanism for reducing waste and capturing more for recycling.</p> <p>We are currently working with RECAP partners on Metal Matters – giving residents information on why it is important to put metal in their recycling bin not their black bag. We have further campaigns which are outlined in the RECAP communications plan.</p>
<p>P54 – how much of the £100,000 allocated goes on staff costs, and how has this changed as a proportion since 2020?</p>	<p>Approximately 70% of the £100,000 budget for 23/24 is forecast to spent on salary costs. This has increased from c30% in 2020/21, as a consequence of employing a full time Climate Change and Natural Environment Officer. However, the reason for appointing to such a post was not only so that we could do more projects directly (rather than commission) but to enable some time to bid for funding. For example, last year, we successfully bid for £180,000 'pride of place' funds, to be spent over the next two years. In addition, the Council has for last year and this, set aside additional capital funds for solar panel deployment.</p>

Item 9 – Youth Action Plan Progress Update

<p>This summer's youth engagement events are still not finalised, making it harder to advertise them through village magazines and schools. What do we need to change to allow youth engagement events to be planned in good time to advertise them widely?</p>	<p>The multi-agency youth events are in addition to the work set out in the Youth Action Plan, Item 9.</p> <p>The events are externally funded and therefore could not be finalised until external funding had been secured. External funding has now been secured and arrangements are now being finalised.</p> <p>A communications plan is being developed to promote the events.</p> <p>One of the external funding bids required that funds had to be spent within three months of receipt therefore the funding application could not have been submitted any earlier.</p>
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Item 10 – Budget Monitoring Report

<p>P3 Refuse Collection: Why does the explanation say ‘so called “cost of living crisis” ‘? Is the report suggesting that there is no cost of living crisis? And why explain it all as cost of living when the extra fee was made up of many cost pressures, from overtime and agency due to vacancies and sickness, increased vehicle maintenance, restructuring staff terms and conditions. Only a part of it was due to the cost of living crisis.</p>	<p>‘Cost of Living crisis’ was a phrase used to describe the general financial and economic environment.</p>
<p>Appendix 1: Why do we show recycling spend on budget, when ECSS shows a lower cost due to lower volumes?</p>	<p>ECDC pays ECSS the contract value / management fee agreed in advance of the year, with in addition this year, the additional payment agreed by Council on 21st February 2023. Any differences in ECSS resources is a matter for ECSS management accounts and not ECDC.</p>
<p>Street Cleansing is shown as on budget when we are told resource was taken from street cleansing to deliver refuse collection. I understand that we don’t capture re-deployed resources and plan to in future. But surely ECSS management must have a reasonable idea of what resources were redeployed – even if it’s only say 80% accurate it would give a better figure than shown here. Please can we see ECSS’s estimate for the costs redeployed from street cleansing to refuse collection, or some kind of summary of their management records about the redeployment?</p>	<p>ECSS does not collect this data.</p>
<p>Please can we have the best available split of the spend between recycling, refuse collection and street cleansing. It would appear that recycling and street cleansing should show an underspend making the overspend on refuse</p>	<p>As outlined in the ECSS business case a review of resources is being carried out that assesses resources against services and will be reported the ECSS Board.</p>

collection even higher than reported here.	
We are told the Climate Change spend was brought back to budget by a transfer from reserves. Putting reserve transfers through to smooth budgets in the reporting, without at least showing those reserve movements makes these reports very difficult to understand and use. Are there any other lines where there have been reserve movements, if so please can we have details of those?	No
Why did we underspend a Climate Change grant and have to return £28k?	Two of the projects that were submitted for the grant funding, although approved by Salix, when it came to implementation, were not technically achievable. There were no other projects that meet with Salix conditions, of cost to carbon saving ratio.
Why did we allocate the full £100k Climate Change budget to the Thermal Camera imaging line, when the camera only cost £2k?	The full £100K was put against "Other expenses" as there wasn't a detailed plan on where the expenditure would be used at the start of the year.
Was the £393 for apple trees the cost of trees for the orchards? If so, have we really only planted apple orchards? And if that is the case, were they different varieties of apples? How many are still growing?	For the 28 new community orchards, the orchards were mixed fruits (not just apples). Of the apple trees, they were a mix of traditional Cambridgeshire species (rather than mass produced modern varieties). Please see other Member question for a detailed response on maintenance of trees planted
Appendix 2: Why has the 2 nd round of the Conservation Area Schemes slipped by a further year and what is being done to make this happen?	This balance is required to provide partnership funding towards a larger Heritage Lottery Scheme currently being worked on by Ely Cathedral for enhancements to the entire cathedral precinct.
What is the impact on disabled people of the slow delivery of disabled facilities? How are we helping to mitigate the impact? What are we doing to bring this back to planned levels of delivery?	We have not undertaken a review directly with our clients. However, it is accepted that slow delivery increases the risk of injury to an individual and this can have implications for hospital admission. It can impact on the persons' mental health and cause social isolation depending on the type of adaptation required. It can also raise the expectation of what can be delivered under the grant and the expectation of how the adaptation is going to change their life.

	<p>To mitigate delays to delivery, we have already undergone a process improvement review, and put in place the findings. Currently contractors did for work against a set or criteria, however this is being replaced with a procurement framework, to speed up evaluation and vetting of contractors, and secure the contractor to complete our requirements. It will also provide us with a comprehensive set of KPI's to monitor performance. We anticipate this to be in place by September 2023. The contractor market remains very competitive and securing contractors is challenging.</p> <p>We used to have direct access the DWP system that holds all the info for Housing benefit and council tax claims to be able to see clients that are on passporting benefits proof of award.</p> <p>DWP have now taken this facility away from us. So this will have an impact on costs and time to the service. We now have to apply to ARP for a request of information. There are still bedding in issues with the new service and this is also building in delays. Therefore, it is quicker for us to visit the client and scan their paperwork in their homes but this has cost implications to the service and take officer time away from other tasks. We have two members of staff that are trained as Trusted Assessors which are taking OT referrals direct from the helpline. This means that people are not sitting waiting on the OT waiting list for an assessment by the OT. We are taking simple bathrooms and stairlift cases.</p>
<p>Why is our capital income £2.7m less than the revised budget?</p>	<p>This is funding, not income. You only fund what you spend.</p>

Questions received from Cllr Kathrin Holtzmann

Item 7 – ECDC Environment Plan 2023

<p>The environmental plan lays out the significant impacts that land use, land use change and forestry have on carbon emissions in the district. The proposed actions makes some inroad in developing policy around biodiversity with regards to upcoming legal duties and requirements, but those concern council owned land and the planning system. How does the council plan to use its capabilities to help</p>	<p>Land use, Land Use Change and Forestry (LULUCF) is the source of the greatest amount of emissions across East Cambridgeshire, so it is right that attention is put to that source. Of course, such emissions are not directly the responsibility of the Council (because we do not have a farm estate, unlike the County Council), but, as the question suggests, we can try to influence it. The main direct action of the Council, to help reduce LULUCF emissions, is through encouraging, implementing and enforcing Biodiversity Net Gain (BNG) in the planning system. This has the potential to reduce LULUCF emissions through the conversion of farmland to nature rich land (grasslands, woodlands, wetlands, etc) all of which, if applied properly, can result in such parcels of</p>
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<p>reduce wider LULUCF emissions?</p>	<p>land changing from net emitters of carbon, to net carbon capture. The farmers then sell the BNG credits to property developers. Officers are directly talking to farmers about the potential of BNG.</p> <p>More indirectly, the Council participates in (or is learning from) a variety of activities working with farmers to reduce emissions from land, whether that be different crop production, different watering arrangements; overwintering arrangements, etc. Overall, LULUCF emissions are a very 'live' issue for both researchers and the farming industry, albeit a somewhat extremely difficult challenge when trying to balance out the competing demands of food production and the need to reduce carbon emissions / increase carbon capture.</p>
<p>The environmental plan lays out the significant impacts that transport has on carbon emissions in the district. The Environmental Plan has one action point on EV infrastructure, but it contains no concrete commitments or targets. What concrete actions is the council going to take to increase public transport provision and improve cycling infrastructure?</p>	<p>The Council continues to work with the CPCA as they progress their Bus Service Improvement Plan, Bus Network Review and Bus Reform work and to lobby for increases and improvements to bus and rail provision. The Council recently commissioned Sustrans to produce a further 5 cycling route feasibility studies and to further develop studies produced last year.</p>
<p>P25</p> <p>When is the council planning to bring procurement beyond paper into its scoped assessment?</p>	<p>The vast majority of products the Council purchases each year will have a carbon emissions implication arising from them (from their manufacturing and distribution). Unless these products are fuel or electricity, they are likely to be what are known as 'Scope 3' emissions (in simple terms, emissions arising from the manufacturing and distribution). We presently do not count such emissions in our overall carbon emissions (carbon footprint) reporting. The primary reason for this is that the information as to the scale of those emissions for each item purchased is not readily available, although the market-place is slowly changing and some companies do report on the emissions arising from the manufacturing of the products they sell.</p> <p>For ECDC to increase the amount of reporting on scope 3 emissions, it will require it to update its procurement policy so that officers purchasing items are required to seek, if possible, suppliers that provide such information and then, in deciding which supplier/product to purchase, weigh up the carbon emissions arising alongside the wider cost-benefits of the product. It would also then require the purchasing officer to collate the total</p>

	<p>emissions arising from the purchase, and report that to the Strategic Planning Team for inclusion in the carbon footprint calculations of the council. At present, the Council's procurement policy and best practice advice does not refer to any of these measures, and consequently 'scope 3' emissions arising are predominantly not calculated or reported.</p> <p>To answer the question directly, there is no currently scheduled date to update the procurement policy or associated advice notes.</p>
<p>P32</p> <p>The report states: "We think it is possible to reduce our emissions from electricity sources by up to c75 tonnes CO2e per annum." How much solar capacity does the council need to install to meet that target?</p>	<p>Our total electricity emissions were 95 tonnes CO2e in 2021/22. We think it is possible to reduce that down to somewhere around 20 tonnes within 4 years, through a combination of (i) our own solar panel deployment; (ii) reducing electricity use (e.g. removing inefficient appliances) and (iii) the further decarbonisation of the national grid.</p> <p>For example, the £50,000 deployment of solar panels on E Space North earlier this year, is aimed at reducing emission from that building of between 5-10 tonnes. The changing of the staff vending machine should save 2 tonnes. Decarbonising of the grid might save up to 20 tonnes (that's speculative, and could be higher or lower). We have £100,000 for more solar panels this year, which could save 10-15 tonnes. These examples alone should get us half way to the target. Reaching the full target will be challenging, but plausible.</p> <p>Ironically, it might be the case that we purposefully do not meet the electricity reduction target, because we choose to increase electricity use over direct fossil fuel use. For example, (to illustrate the point only) if we switched from gas heating to air source heat pumps, our electricity use ('scope 2') would actually go up, but our fuel use ('scope 1') would go down. Overall, this would have a higher carbon saving, it would just be reported in different lines. We therefore need to have a degree of flexibility in where we seek to cut emissions.</p>
<p>The report states: "Wider efficiency savings, helped by widespread staff and councillor awareness raising and carbon literacy training. This could save up to c50 tonnes CO2e each year." How has this number been estimated?</p>	<p>This part of the 2025/26 overall target is somewhat a speculative target, and purposefully reported as 'up to'. It should also be read in the context of the paragraph as a whole, which seeks a c520 tonnes CO2 reduction overall, but lists four areas of savings, three of which are 'up to' targets. If the entire 'up to' targets were hit, the full saving would be 575 tonnes CO2, hence some slippage is allowed for.</p>

	<p>Nevertheless, 50 tonnes is less than 5% of the council's entire emissions. It is not inconceivable that a well-educated staff base, combined with a corporate-wide desire to root out emission savings where possible, should not lead to an up to 5% reduction in overall emissions, whether that be the way vehicles are driven by staff, the way utilities are used, and the way heating/lighting/air condition is efficiently used by staff. In simple terms, it will require behavioural change by a staff base willing to do so, and educated to understand how to do so.</p>
<p>The report states: "Ending all use of heating oil (c20 tonnes CO2e saving) and gas use (c50 tonnes CO2e saving)." To achieve this by 2030 significant retrofits will have to be made to council buildings. What plans are in place to ensure those retrofits will have been delivered by 2030?</p>	<p>There are no specific plans in place for these measures at this stage. However, by establishing the targets now, seven years in advance, ensures that when such appliances reach end of life in the next seven years, they are not simply replaced like-for-like with gas/oil based machines.</p> <p>There will be a cost to implementing this target, albeit we are hopeful some/all could be grant funded. It is worth noting that, by 2025, there will be widespread banning of new gas installations in new buildings, so there will be a significant national ramping up of skills and associated deployment of non-fossil fuel based appliances across the country in the period 2025-30. By 2030, installing electric based heating systems will become the norm, with gas/oil based replacements becoming less and less common. 2030/31 seems a reasonable estimates as to by when the Council will have made the switch.</p>
<p>The report states: "Further widespread efficiency savings, targeting another c150 tonnes CO2e savings each." What actions are included in this and how will they be achieved?</p>	<p>The source of such savings is likely to be arising from our fleet vehicles. Our fleet vehicles are currently responsible for around 900 tonnes of CO2, whereas the target reductions are 400 tonnes by 2025/26 and a further 250 tonnes by 2030/31, for a total saving of 650 tonnes, meaning our fleet vehicles will still be responsible for 250 tonnes CO2. It is entirely plausible that we could do much better than that, if there are 'widespread efficiency savings' associated with the use of our fleet vehicles, which would go towards meeting the 150 tonnes target referred in the question.</p> <p>It is also worth noting the final bullet point in the 2030/31 target, which acknowledges that, if the 2030/31 target is not met through the measures highlighted in bullets 1-4, then the Council has the option of commencing carbon offsetting. This is, however, a 'last resort' option, and should be avoided if at all possible.</p>

<p>The report states: “Further targeting our fleet vehicles [...] so most, if not all, are powered by low carbon means, with some being electric charged vehicles. This should see a further c250 tonnes CO2 reduction.” How many vehicles would have to be replaced with electric vehicles to make that reduction?</p>	<p>This is tricky to answer, and depends on the efficiency of electric vehicles by 2030/31, and the degree of decarbonisation in the national grid. If the national grid is still heavily dependent on coal/gas by 2030/31, then electric vehicles will continue to have a relatively high carbon footprint (albeit not as high as diesel). But if the national grid is close to being decarbonized (or, at the very least, vehicles are charged during periods when the grid is decarbonized), then electric vehicles could have a very low emissions level, and moving to them would make a significant carbon saving. It may also depend on whether or not we deploy large scale solar panels ourselves, to charge the vehicles directly.</p> <p>As it stands today, moving to HVO fuel rather than electric is likely to result in the greatest emission savings (because the national grid still relies heavily on gas, and quite often on coal), but that balance will shift over time, and possibly quite quickly, and especially so once the grid becomes ‘smarter’.</p> <p>To answer the question directly, it is unknown how many vehicles, and it would be inappropriate to estimate at this stage due to the variables given above. However, the early candidates for our fleet vehicles becoming electric are likely to be our small vans which, ideally, are then ‘smart’ charged when the grid is decarbonized or charged by our own solar panels, and hence have very low emissions arising.</p> <p>Overall, the point to make is that we need to be flexible with precisely how we hit the targets in 7-12 years time, as there is rapid technological and market changes arising. It would be inappropriate to fix now, what solution we will deploy in seven years time.</p>
<p>Climate Action Plan</p> <p>How is the budget of £100,000 allocated to the different climate actions?</p>	<p>The Strategic Planning Manager is responsible for overseeing the budget, and the allocation of funds to projects. Actual allocation can depend on the degree of grants we are successful at securing.</p>
<p>Action 5</p> <p>How much of the budget will be used to subcontract Palace Green Homes?</p>	<p>The budget to pay for Action 5 is from the ‘Pride of Place’ Grant we secured in 2022/23 (for spend in 2023-25). None of the Council’s own £100,000 budget is intended for this project. We have not yet formally agreed arrangements with PGH to deliver this project, but PGH has indicated its willingness to support this project ‘in kind’ (such as dedicating the land and helping clearance). Once the site is cleared, the actual installation costs will be met from the Pride of Place funds, but it is not yet</p>

	determined who the actual contractor will be. In any event, we want to work with the local community first, to find out what they would like for the area, and therefore co-create the new community area with them. Depending on what that desired solution is, will then dictate who the best contractor could be.
What competencies and qualifications does Palace Green Homes have to plan and deliver a nature improvement program?	It is not presently intended that PGH will have this role, or at least not be the primary lead. PGHs role will primarily be at the initial clearance, and then be a partner (with wider community stakeholders) in helping decide what the site could be transformed into. But, see also previous question/answer.
Are there plans to engage a consultancy with relevant expertise?	Potentially, yes, but only if that would add value. It partly depends on what the local community seek for the site.
How will the funding allocated to the number of sites?	As a very rough estimate, the PGH site is likely to require something like £15-25k of the budget, leaving £15-25k for another site (or two).
How will a second site be chosen?	We will be opening up suggestions from parish councils as to where such a second site could be. It need not be ECDC-based land. As long as the land was publicly accessible, we would consider it.
Action 6: How will this scheme be funded? How much is it expected to cost?	<p>Financially, the bird/bat box scheme is a low-cost project. The intention is that the installation of such boxes are done voluntarily, by homeowners and businesses.</p> <p>From time to time, we may do free box give-aways or promotions, as part of maintaining momentum and communications, but these will be low cost, and predominantly be staff time.</p> <p>There is the potential to secure grants to help with the campaign, to help with greater give-aways or run 'build your own' workshops, for example. This will depend on the degree of appetite national bodies might have to support the concept, which is unknown at present as we have not launched the scheme or approached such bodies.</p>
Over which time frame will it be implemented?	This will be determined at launch date, but it is very much a long-term project, probably at least 5-10 years. Forest for Peterborough (aim: 1 tree planted per person), for example, set its target over 20 years. Our project success and speed will very much depend on the degree of momentum the project develops with the public, the degree of communications we give and which it self-

	<p>generates, and the degree of interest and promotion external groups (eg schools, bird-based charities) give to the project.</p> <p>Essential to the success will be the ease of which people can record their bird/bat box installations and send it to ECDC, and that is something we want to get right before we launch. It needs to be photo 'click and send', rather than form-filling in!</p>
<p>What support is in place to make sure that the right sort of boxes are installed in the right places to maximise impact?</p>	<p>On launching, we will provide advice on these sorts of measures, albeit there is plenty of advice on the internet, so we won't attempt to reinvent the wheel. For example: https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/nestboxes/nestboxes-for-small-birds/making-and-placing-a-bird-box/</p>
<p>Has there been an assessment on the impact of those bird and bat boxes, e.g. is this the best action we can take to help bird and bat populations? Does it need to be supplemented with other interventions to really make a difference?</p>	<p>The purpose of this project is not designed to be the 'best action' for nature recovery, in a pure sense. The project is intentionally designed as a way of engaging a much wider population that perhaps would otherwise be engaged, and of differing age groups. For just a few pounds, a simple bird box can be installed, and there is a reasonably high degree of its succeeding (not necessarily every year). By having such a simple, cheap, garden-based project, the hope is that more people will take an interest in nature. And, via the various communications alongside it, we can do communications to help spread wider nature support messages.</p> <p>Higher impact, from a pure nature perspective, may well be projects around habitat creation, or focusing on a specific declining rare species, but such projects are out of reach and out of mind of the vast majority of the population. We need projects where everyone can get involved, and feel directly part of restoring nature. And, in any event, the more specialist projects are being done by those much better than the Council to do so (eg RSPB, Wildlife Trust, National Trust, on their specific dedicated reserves).</p>
<p>Action 8: Will the new Trees and Woodland Strategy have provision to ensure resources for the management of trees, especially watering of newly planted trees on council land?</p>	<p>The management and maintenance of trees will be part of the updated Strategy.</p>

<p>Standard planning requires developers to maintain trees for five years before adoption by the council. What enforcement is there in place to make sure that developers live up to their responsibilities?</p>	<p>The Council has a dedicated planning enforcement team. However, ensuring all planning conditions are met does require a degree of reporting by the local community, where breaches appear to have taken place. Members are encouraged to report any potential breaches they notice, and encourage members of the community to do likewise. Details at: https://www.eastcambs.gov.uk/planning/planning-enforcement-report-breach</p>
<p>The Trees and Woodland Strategy currently states that a significant fraction of the trees planted were replacement trees for trees that has to be felled. What was the actual net gain in trees since the adoption of the tree strategy? Will there be targets to increase the net gain?</p>	<p>We do not have that statistic readily available. Each year, an element of tree planting will be on the basis of replacement trees, though each year the parks and open spaces team do seek new opportunities to plant trees where possible. However, we are not a major landowner, so we limited as to the scale of tree planting we can do. The new strategy will look to quantify some of these issues.</p>
<p>Will the oak trees to be gifted come with support for establishment and maintenance?</p>	<p>Whilst we have not established the terms and conditions yet, they are likely to be very similar to the terms and conditions we applied to the free orchard planting programme (see Member question on this topic elsewhere in the Member Questions list). In short, such responsibility will be with the receiver, not the District Council, but we will undertake proportionate due diligence to test whether such maintenance is likely to occur.</p>
<p>Action 12: How many chargers does ECDC plan to install until June 2024?</p>	<p>Beyond those recently installed, we have no specific plans in place for additional installations. Any additional installations are likely dependent on grant funding.</p>
<p>How does this compare to neighbouring councils?</p>	<p>We have not undertaken any direct peer comparison of neighboring council plans for future installations.</p>
<p>Action 16: The Investors in the Environment Scheme highest tier certification requires a 2% reduction of CO2 per year. This seems rather unambitious. What inspiration has the Council gained from this scheme?</p>	<p>We agree this is unambitious, and were surprised ourselves to see that as a benchmark liE uses. However, this is a very small part of the liE process. liE is not designed purely as a 'carbon saving' accreditation scheme, but a much wider environmental accreditation covering matters such as waste, engagement, utilities, community projects, travel, corporate support (demonstration of) and nature. When taken as a whole, the liE accreditation does require significant</p>

	<p>environmental commitment and ambition from an organization, even if the carbon savings element is a somewhat disappointingly low bar to pass. The Council is certainly not targeting a 2% reduction per year, and instead has far more ambitious targets as set out in the Environment Plan.</p>
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Questions received from Cllr Lucius Vellacott

Item 7 – ECDC Environment Plan 2023

<p>1. On Point 15 of our 20 aims for 2023/24, the delivery of environment training to all councillors and staff, who will be delivering this training and what are its contents expected to look like?</p>	<p>Whilst the precise arrangements have not been established, it is expected that the training will be delivered in-house by a combination of the Strategic Planning Manager and the Climate Change and Natural Environment Senior Officer. We are accredited to deliver such training, and those completing the course will be entitled to a nationally recognised certificate. There will be no cost, other than staff time. Training will be a maximum of one full day, with up to c15 participants on each day. We'll likely run the course one day every month, on a 'sign up' first come first served basis. Members will be permitted to attend the staff sessions, if that is preferable. However, we are likely to run a special Member event, split over a couple of evenings, in acknowledgment that many Members may not be able to attend day-time training. We'll try to find two evenings which do not clash with Member diaries. In terms of content, it is approximately split in half: first, bringing all staff/members to a common understanding of the issues; second, raising greater awareness of what opportunities all staff have, no matter their role, to take action and make a difference. The course is tailored to local government, and its roles and opportunities. We will trial the course on the c15 'Green Team' staff in probably September, then roll-out the course to all staff from October and run the course once a month for about nine months. Being a 'climate literate' organisation is not only directly beneficial in itself but is evidenced to be attractive to future employees. Being a 'climate literate' employee, is beneficial to an employee's general skills base and their CV.</p>
<p>2. Turning to Appendix 1, what is the plan of action in the event that energy use in our buildings does not</p>	<p>Communicating real data is an important element of awareness raising and taking action. However, officers are also conscious of not</p>

<p>drop as expected? Will officers communicate progress on this particular point to Councillors and illustrate helpful steps to get back on track?</p>	<p>bombarding staff / Members with detail, and not being able to 'see the wood for the trees'. Thus, the Environment Plan summarises over a few pages the main emissions data. However, we have extensive spreadsheets detailing 226 different sources of our emissions, and what those emissions are. It's an interesting question, therefore, as to the scale of information provided to Members and staff. This is perhaps something which could be explored in the carbon literacy training sessions. In the meantime, if any member wants detailed data, either the entire spreadsheets of data or a specific emissions source (eg a specific building), then please let officers know. In the meantime, officers use the data to monitor trends, and see if individual buildings are going in the right direction (energy wise). If not, we try to work out why and what we could do. In simple terms, it is about: plan, monitor and manage (and repeat).</p>
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Questions received from Cllr John Trapp

Item 7 – ECDC Environment Plan 2023

<p>Has any modelling been done on the location of the fleet of refuse vehicles to minimise travel to collection rounds, and to the dump?</p>	<p>Modelling of waste collection rounds have been based on all rounds starting from Portly Hill Depot, Littleport.</p>
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Item 10 – Budget Monitoring Report

<p>page 2: I note that IT costs have increased; has any consideration been given to moving to freeware, as many Dutch councils have done?</p>	<p>A small number of open source software is used to support the service, however due to security vulnerabilities, it is important that we have service contracts in place, covering both maintenance and support</p>
<p>page 3: what is the agreement on the fee from GLL for the Leisure Centre?</p>	<p>GLL pay the Council a Management Fee for the Hive. Due to COVID, for past three years this was calculated on an Open Book basis, but the arrangement has now reverted back to payment of a Management Fee.</p>

OPERATIONAL SERVICES COMMITTEE
OUTSIDE BODIES REPRESENTATIVES 2023-24

ORGANISATION	REQUIRED REPRESENTATIVES	APPOINTMENT(S)	ECDC CONTACT OFFICER
Cambridgeshire County Council Adults and Health Committee	1 Lead Member and 1 Substitute	Cllr Keith Horgan (<i>as Lead Member</i>) Cllr James Lay (<i>as Substitute</i>)	Environmental Services Manager: Liz Knox
Cambridgeshire Health & Wellbeing Board	1	Cllr Keith Horgan	Environmental Services Manager: Liz Knox
Cambridgeshire Police & Crime Panel	1 Lead Member and 1 Substitute	Cllr Alan Sharp (<i>as Lead Member</i>) Cllr Julia Huffer (<i>as Substitute</i>)	Communities & Partnerships Manager: Lewis Bage
Citizens Advice West Suffolk	1 Lead Member and 1 Substitute	Cllr James Lay (<i>as Lead Member</i>) Cllr Julia Huffer (<i>as Substitute</i>)	Communities & Partnerships Manager: Lewis Bage
Community Safety Partnership	1 Lead Member, 1 Member, and 2 Substitutes	Cllr Christine Ambrose Smith (<i>as Lead Member</i>) Cllr James Lay (<i>as Member</i>) Cllr Keith Horgan (<i>as Substitute</i>) Cllr Alan Sharp (<i>as Substitute</i>)	Neighbourhood & Community Safety Team Leader: Emma Graves
Historic England – Heritage Champion	1	Cllr Lucius Vellacott	Conservation Officer: Christopher Partrick
Paradise Centre Management Committee, Ely	1	Cllr Martin Goodearl	Leisure & Active Lifestyles Manager: (vacancy)
RECAP Board	1	Cllr Julia Huffer	Environmental Services Manager: Liz Knox

Sanctuary Housing Services Ltd – East Cambridgeshire Management Committee	2	Cllr Christine Ambrose Smith Cllr Alan Sharp	Housing & Community Advice Manager: Angela Parmenter
Soham and District Sports Association	2	Cllr Ian Bovingdon Cllr Lucius Vellacott	Leisure & Active Lifestyles Manager: (vacancy)

TITLE: APPROVAL OF THE DRAFT FOOD SAFETY ENFORCEMENT POLICY

Committee: Operational Services Committee

Date: 18 September 2023

Author: Senior Environmental Health Officer (Commercial)

Report No: Y40

Contact Officer: Richard Garnett
Senior Environmental Health Officer (Commercial)
richard.garnett@eastcambs.gov.uk
01353 616472
Rm SF202, The Grange, Ely

1.0 ISSUE

1.1. The Council needs to update its Enforcement Policy in respect of Food Safety.

2.0 RECOMMENDATION

2.1. Note the consultation feedback and amendments to the policy as a result of the feedback.

2.2. To approve the final Food Safety Enforcement Policy in appendix 2.

3.0 BACKGROUND/OPTIONS

3.1. Officers authorised by East Cambridgeshire District Council carry out statutory functions according to Food Safety legislation.

3.2. Under the Food Safety Act 1990 and Food Standards Agency Framework Agreement (Amendment No. 5, 2010), the Food Standards Agency requires East Cambridgeshire District Council to have an enforcement policy.

3.3. The Food Standards Agency requires local authorities to present its food policy in accordance with its Framework Agreement Amendment.

3.4. In March this committee approved a draft policy to go out for a 12-week public consultation exercise. The results of that exercise are included in Appendix 1.

3.5. The policy was supported by a large majority of those who responded to the public consultation. As no significant comments were made on the Policy as a result of the consultation process, the opportunity was taken by officers to make some minor drafting and formatting changes in the interests of making the document shorter, more user-friendly and easier to read.

4.0 ARGUMENTS/CONCLUSION(S)

4.1. The enforcement policies allow the Council to satisfy the requirements of the Food Standards Agency to have an enforcement policy that satisfies the Regulators Code.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no financial implications arising from this report.
- 5.2. Equality Impact Assessment (EIA) is not required.
- 5.3. Carbon Impact Assessment (CIA) is not required.

6.0 APPENDICES

Appendix 1 – Results of Consultation

Appendix 2 – Food Safety Enforcement Policy Statement

Background Documents:

Food Safety Act 1990

Regulators Code 2014

Food Law Code of Practice (England) (March 2021)

Food Law Practice Guidance (England) (March 2021)

Appendix 1 Results of Consultation Exercise

In order to recognise the updates to the principal guiding documents from both the Food Standards Agency, and the Health and Safety Executive, the relevant enforcement policies have been revised and updated. Therefore, the draft policies were brought to the Operational Services Committee on 27th March 2023 with the Committee's decision to push the policies out for a 12-week consultation period. That period ended on 16th July.

Methodology

It was decided that the consultation period should be on line only, to save on the expense of posting copies of the policies out and then collating any responses. Responses were handled through a Survey Monkey form that asked a series of questions and provided free text fields for people to comment.

825 emails were sent out to business whose contact details on the property database included an email address. This represents a majority of the business that we have regular dealings with. In addition, the Council have a number of panels made up of people who are happy to be consulted on such matters. 47 emails were dispatched to members of that group. To increase the circulation wider the Cambridgeshire Chambers of Commerce and the Federation of Small Businesses were approached and, together with our own web team, some open promotion took place.

Results

The council's web team have indicated that the relevant web page was visited 41 times over the 12-week period. In total 19 responses were submitted through the Survey Money form. 2 of these responses have been discounted as 1 gave no answer to any of the questions, and 1 indicated that the response was not completed correctly.

A full list of the questions and the responses is attached at the end of this appendix.

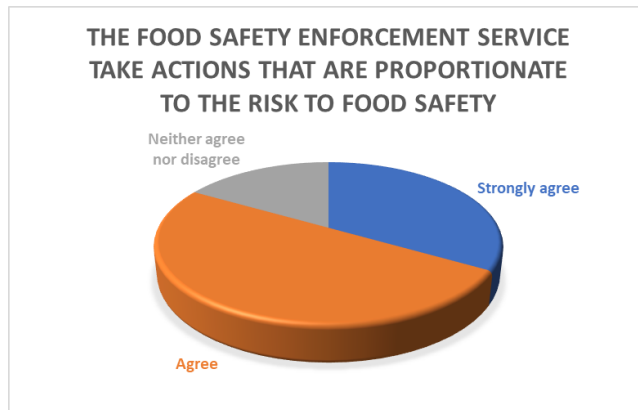
Of the seventeen remaining responses 47% (8) stated that they had contact with Environmental Services in the past year ^(Q1) with 29% (5) stating they had had engagement through Food Safety ^(Q2) and 12% (3) stating they been involved through Health and Safety ^(Q8). The Survey Monkey Questions did allow for no answer to be submitted, this occurred on 41% of all possible occasions.

Of the seventeen responses there were two that expressed options in the free text boxes ^(Q7 and Q13), one said the Food Enforcement Policy was too long and another that the Food Enforcement Policy favoured business over customers.

The Questions

Q3 The Food Safety Enforcement service take actions that are proportionate to the risk to food safety:

The Food Safety Policy did not give any examples of actual enforcement action that had been taken.



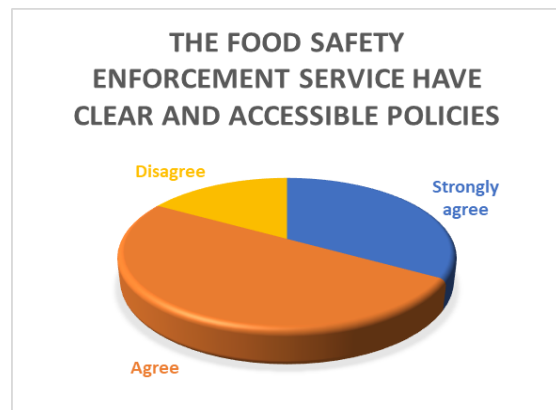
Therefore, it only detailed in the types of action that may attract differing enforcement sanctions, always based on the risk to the wider public health. Of those who answered the responses were generally positive..

It is taken from this that the overall aim of the policy and the language used strikes a good balance.

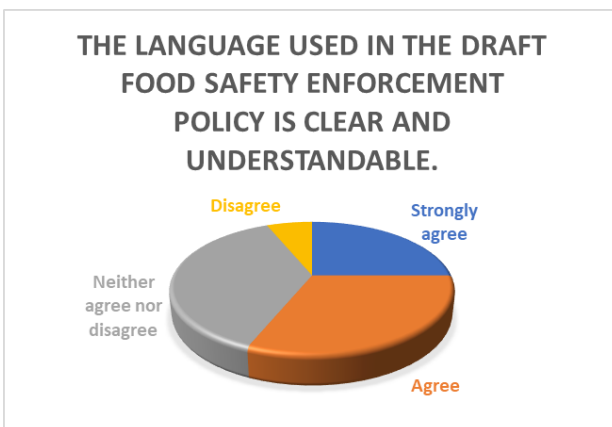
Q4 The Food Safety Enforcement service have clear and accessible policies

There was 1 response that disagreed with the statement that the service has clear and accessible policies. This response was from one who had received a recent Food Hygiene Intervention.

The principal aims of this exercise to have policies that are clear and accessible. The opportunity has been taken to review the policy for its clarity and the policies will be made accessible through the Council's Websites.



Q5 The language used in the draft Food Safety Enforcement policy is clear and understandable.

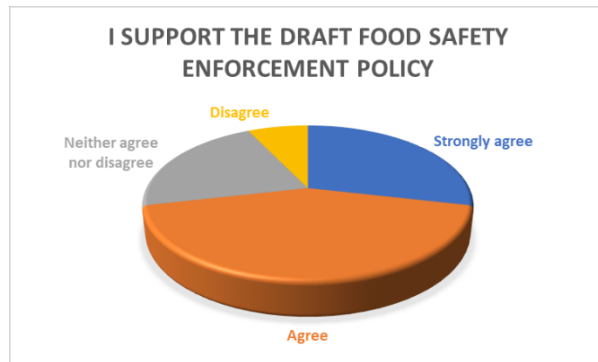


This is one of the few questions which almost 100% of respondents answered and over half accepted that the Policy was clear and understandable.

As part of the exercise the policy has been subjected to further scrutiny around this topic.

Q6 I support the draft Food Safety Enforcement policy.

72% of the responses stated that they supported the draft policy to some degree. This is seen as encouraging and proof that the document is pitched at the right level, however there is some room for improvement.



The Questions Asked

- Q1 Have you had contact with our Environmental Health service in the last 12 months?
- Q2 Have you had contact through Food Safety?
- Q3 The Food Safety Enforcement service take actions that are proportionate to the risk to food safety
- Q4 The Food Safety Enforcement service have clear and accessible policies
- Q5 The language used in the draft Food Safety Enforcement policy is clear and understandable.
- Q6 I support the draft Food Safety Enforcement policy
- Q7 If you did not support elements of this policy or have any further comments on the draft Food Safety Enforcement policy then please comment below

- Q8 Have you had contact through Health and Safety?
- Q9 The Health and Safety Enforcement service take actions that are proportionate to the risk
- Q10 The Health and Safety Enforcement service have clear and accessible policies
- Q11 The language used in the draft Health and Safety Enforcement policy is clear and understandable.
- Q12 I support the draft Health and Safety Enforcement policy
- Q13 If you did not support elements of this policy or have any further comments on the draft Health and Safety Enforcement policy then please comment below

Question 7 text responses

- #12 The balance is tipped in favour of businesses, not us. We should be the paramount concern.

- #19 It is far to complex and long, I got fed up reading it. Which makes me think so will small businesses. I also think premises should be shut down until processes and advice is completed. Also need something regarding these charity bakes with no ingredients, allergies or hygiene certificate listed. I am aware kids can help make these (yuck). Also concerns over goods on stalls and in coffee shops are not covered with domes especially at the market people sneezing coughing and flies yet nothing is covered, an issue that needs to be addressed.

	FOOD SAFETY QUESTIONS							HEALTH AND SAFETY QUESTIONS					
	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
#1	YES	YES	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ
#2	YES	YES	STRONGLY AGREE	AGREE	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#3	YES	RSQ	AGREE	AGREE	AGREE	NEITHER	RSQ	NO	RSQ	RSQ	AGREE	NEITHER	RSQ
#4	YES	YES	AGREE	AGREE	NEITHER	AGREE	RSQ	YES	AGREE	AGREE	NEITHER	AGREE	RSQ
#5	NO	RSQ	RSQ	RSQ	AGREE	AGREE	RSQ	NO	RSQ	RSQ	AGREE	AGREE	RSQ
#6	YES	NO	RSQ	RSQ	STRONGLY AGREE	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#7	YES	YES	AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ	YES	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ
#8	YES	YES	NEITHER	DISAGREE	AGREE	NEITHER	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#9	YES	NO	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	AGREE	RSQ
#10	NO	RSQ	RSQ	RSQ	AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	AGREE	STRONGLY AGREE	RSQ
#12	NO	RSQ	RSQ	RSQ	AGREE	DISAGREE		NO	RSQ	RSQ	AGREE	AGREE	RSQ
#13	NO	RSQ	RSQ	RSQ	NEITHER	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#14	NO	RSQ	RSQ	RSQ	NEITHER	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#15	NO	RSQ	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	RSQ	RSQ	RSQ
#17	NO	RSQ	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#18	NO	RSQ	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ
#19	NO	RSQ	RSQ	RSQ	DISAGREE	NEITHER		NO	RSQ	RSQ	NEITHER	NEITHER	RSQ

rsq - respondent skipped this question



East Cambridgeshire
District Council

Food Safety Enforcement Policy Statement

Written by Senior Environmental Health Officer

Published in September 2023

Revision due in September 2024

Copies of the policy can be provided in an alternative format. Please contact East Cambridgeshire District Council on 01353 665555 to request the format you require, or email foodandsafety@eastcambs.gov.uk, or write to Commercial Team, Environmental Services, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, CB7 4EE

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Amendment log

Date	Page	Detail of amendment

1. Introduction

- 1.1. The purpose of this policy statement is to express the commitment and intentions of East Cambridgeshire District Council (“the council”) to the principles of consistent and effective enforcement of food safety legislation in accordance with the Regulator’s Code (www.gov.uk/government/publications/regulators-code).
- 1.2. The council has a Corporate Enforcement Protocol (www.eastcamb.gov.uk/east-camb-district-council/policy-documents) which outlines the general approach it takes when considering enforcement action. This policy builds on the Corporate Protocol and outlines in detail the approach taken by the Environmental Health Team in relation to food safety enforcement.
- 1.3. This policy recognises and gives support to the specific guidelines and enforcement action contained in the statutory Food Standards Agency (FSA) Code of Practice and its accompanying Practice Guidance (www.food.gov.uk/about-us/food-and-feed-codes-of-practice). It also acknowledges the Primary Authority scheme (www.gov.uk/guidance/local-regulation-primary-authority) currently overseen by the Government’s Office for Product Safety & Standards and Department for Business, Energy & Industrial Strategy.



2. Statement of intent

- 2.1. It is the council's policy to ensure that food and drink intended for human consumption is without risk to the public health or safety of the consumer. This includes items that are produced, stored, distributed, handled, purchased or consumed within East Cambridgeshire.
- 2.2. To achieve this objective enforcement action will be proportionate to the risk(s) presented, the seriousness of any legislative contravention and in accordance with the guidelines of this policy.
- 2.3. Initially, officers will adopt an educative approach with those responsible in order to secure compliance with relevant food safety legislation. If that approach does not work officers will enforce the law by using a range of enforcement options.
- 2.4. Enforcement action can range from verbal and written warnings to the use of statutory notices, simple cautions and prosecution. Prosecution will not normally constitute a punitive response to minor contraventions of food safety legislation.
- 2.5. Departures from these policy guidelines may be needed where there is an elevated risk to the wider public health. It is anticipated that such cases will be the exception. Any departure will be discussed with the senior environmental health officer (SEHO) or, in their absence, after consultation with the environmental services manager (ESM).
- 2.6. It should also be noted that from time to time advice or instructions may be given by the FSA specifying a particular enforcement approach. In such instances, the council will adhere to such instructions when appropriate to do so.
- 2.7. All authorised officers shall have regard to this policy when carrying out their assigned duties.



3. General principles

- 3.1. The council aims to secure full compliance with all relevant food safety legislation that it is responsible for enforcing.
- 3.2. It is accepted there should be a quick and effective response to serious breaches of legislation as distinct from an efficient and effective enforcement approach to other breaches.
- 3.3. The council's officers will deal with anyone subject to the enforcement process in a courteous, fair and objective manner and in line with its policy on equal opportunities and its Corporate Enforcement Protocol.
- 3.4. Officers will be sensitive to the needs of businesses including the requirement for prompt, concise, definitive and timely advice. Any intervention will aim to impose the minimum burden consistent with the law.
- 3.5. Officers will assist businesses and individuals to understand any requirements and obligations imposed by legislation. They will encourage good practice in line with any relevant industry guidelines, codes of practice or legislation. In considering whether good practice has been adopted, officers will take account of relevant guidance using professional judgement about the extent of the risks and the effort that may be required to counter them.
- 3.6. Where food safety legislation is not prescriptive officers shall work with businesses to ensure that a suitable balance can be drawn between the standards required by law and the demands on the business.



4. Officers

- 3.7. If informal approaches do not achieve the required improvement, officers will use formal enforcement measures set out in legislation. This can include the issuing of statutory notices or closure of a food business. Where a business has demonstrably demonstrated that they are not willing, or capable of meeting the minimum standards required officers may have to resort to prosecution or simple cautions.
- 3.8. Where necessary, the council will use its powers to visit food businesses in other local authority areas to investigate potential offences that have arisen within East Cambridgeshire.
- 3.9. Where appropriate, the council reserves its right to carry out covert surveillance of individuals or organisations. In doing so, officers will comply with the Regulation of Investigatory Powers Act 2000, human rights legislation and any associated guidance, along with any internal policies and procedures.
- 3.10. Where resources permit, the council will provide suitable information to the food trade designed to encourage compliance with the law. This will be particularly relevant where an initial educative approach is appropriate and encouraged by the FSA. Efforts will be made to provide guidance in languages other than English where there is a demand and where resources permit.
- 4.1. The SEHO (Commercial) is designated as the lead food officer for the purposes of the FSA.
- 4.2. All officers who carry out the enforcement of food safety legislation are authorised in writing in accordance with the council's scheme of delegation. Such authorisations are issued under the council's constitution and in accordance with the code of practice.
- 4.3. The council will ensure its officers are suitably qualified, experienced and competent with respect to the enforcement duties they have been authorised to carry out. Officers shall only act in accordance with their own authorisations.
- 4.4. The council shall also ensure each officer receives suitable and sufficient structured training that is managed, assessed and recorded on an ongoing basis.

5. Principles of enforcement

- 5.1. The enforcement of food safety legislation should be guided by the principles that are contained within the Enforcement Concordat (publications.parliament.uk/pa/ld199899/ldselect/lddereg/111/11107.htm) that has been formally adopted by the council, in addition to the Code for Crown Prosecutors (www.cps.gov.uk/publication/code-crown-prosecutors) and the Regulators Code (www.gov.uk/government/publications/regulators-code).
- 5.2. The principles of the Enforcement Concordat are as follows:
- 5.2.1. Standards
- The council remains accountable to central government, the FSA and local taxpayers for its actions and omissions. This means that it must have clear policies and standards against which it can be judged. The council will consult with businesses and other relevant interested parties, including technical experts where appropriate, and draw up these standards setting out the level of service and performance the public and businesses can expect to receive. These standards will then be made available to those who are regulated.
- 5.2.2. Openness
- The council will provide information and advice in plain language on the law it enforces and will disseminate this as widely as possible. It will also be open about how it sets about its work, including any charges that are made for specific activities. Officers will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.
- 5.2.3. Helpfulness
- The council recognises that its role involves actively working with businesses, especially small and medium sized businesses, to advise and assist on compliance. The council will ensure that, wherever practicable, its enforcement services are effectively co-ordinated to minimise any unnecessary overlaps and time delays. Officers will provide a courteous and efficient service and staff will identify themselves by name. Officers will provide a contact point and telephone number for further dealings with the council and will encourage businesses to seek advice and information from them.
- 5.2.4. Complaints about service
- In cases where disputes cannot be resolved, any rights of complaint or appeal will be explained by the officer, with details of the process and the timescales involved. In this instance the officer will ensure all relevant parties have access to its publicised complaints procedure.

5.2.5. Proportionality

Both those the law protects and those on which it places a duty expect that action taken by the council to achieve compliance should be proportionate to the food safety risks posed to consumers and to the seriousness of any breach of legislation. Deciding what is reasonable or appropriate to control risks involves the exercise of judgement and discretion by enforcers based on sound professional judgement.

5.2.6. Consistency

Consistency of approach does not mean uniformity; it means taking a similar approach in similar circumstances to achieve similar ends. Food businesses managing similar risks expect a consistent approach from enforcing officers in the advice provided, the use of powers, issuing of approvals, decisions on appropriate enforcement action and response to food-related incidents.

To promote consistency, regular discussions are held with other members of the County Food Liaison Group (Meeting attended by the lead food and safety officers of the Cambridgeshire authorities together with Peterborough City). There are also effective arrangements for liaison with other enforcing authorities, the FSA, and any primary or home authorities.

5.2.7. Transparency

Transparency means helping businesses understand what is expected of them and what they should expect from the council. It means making it clear to businesses what they have to do, or not do, to meet these expectations. Officers will distinguish between what is a legal requirement and what is recommended when issuing advice or guidance and explain why they intend to or have taken a particular course of action.

5.2.8. Targeting

Targeting means making sure resources are targeted primarily on those whose activities give rise to the most serious risks or where hazards are least well controlled. It also ensures action is focused on the businesses who are responsible for the risk and those who are best placed to control it.

The council prioritises inspections in accordance with the guidance laid down in the code of practice. The priority for interventions in response to complaints about food business activities and food poisoning incidents will consider the nature and severity of the allegations.

6. Inspections and interventions

- 6.1. Under normal circumstances, inspections and interventions at food premises will be made without warning and at a time when a range of food handling practices may be observed. In instances where it is appropriate to do so, appointments may be made, for example, where it is prudent the proprietor or manager is on site to discuss particular issues or matters arising from a previous visit.
- 6.2. Where a food business is based at a domestic premises the law requires that at least 24 hours' notice of an inspection is given.
- 6.3. Officers will identify themselves unless for operational reasons the purpose of the visit is for surveillance purposes or to make a 'silent' test purchase. Officers will show their authorisation on request.
- 6.4. The officer will state the purpose of the inspection at the start of the visit. The main purpose of any food hygiene inspection is to establish if the food is being handled or produced hygienically, establish if it is safe to eat having regard to further processing and to identify foreseeable incidences of food poisoning or injury as a consequence of consuming the food.
- 6.5. At the conclusion of any intervention, the officer will offer to discuss their findings and will leave a completed Report of Intervention form. The officer may choose to write to the food business operator confirming their visit if the issued report requires further detail.
- 6.6. If contraventions of poor hygiene practices are found, or when there is low confidence that the business will address the issues, a revisit will be carried out.



7. Food sampling

- 7.1. Food, equipment and environmental sampling for microbiological examination or chemical analysis makes an important contribution to the protection of public health and food law enforcement. Samples may be obtained for microbiological examination or for chemical analysis.
- 7.2. The main aims and objectives of food sampling are to:
 - 7.2.1. Examine high risk foods that pose a hazard to the consumer because they may contain significant levels of pathogenic bacteria, harmful chemicals or physical contaminants
 - 7.2.2. Evaluate temperature control, food handling and processing practices at food premises in relation to hazard analysis, including evaluating the efficiency and effectiveness of cleaning and disinfection
 - 7.2.3. Help determine whether advice or enforcement action would be appropriate where it is suspected that poor practices and procedures exist
 - 7.2.4. Evaluate the effectiveness of stock rotation and control, and to assess the microbiological quality of food manufactured, distributed or retailed in the local area
 - 7.2.5. Identify contraventions of food safety legislation
 - 7.2.6. Investigate food poisoning outbreaks or individual notifications of food-borne illness
- 7.3. In deciding whether to sample a particular food consideration will be given to any sampling defined within legislation or guidance, or any further processing of that food by caterers or consumers, that will reduce or eliminate micro-organisms prior to consumption. The opinion of relevant the Food Examiner will be taken into consideration.
- 7.4. Depending on the sampling being carried out, the sampling officer may purchase food as would a member of the public. At other times, the sampling officer will declare themselves to the food business operator at the time. Full payment will be offered for all samples.
- 7.5. When a food sample has been examined/analysed, the sampling officer shall as soon as is reasonably practicable, notify the manufacturer/supplier or food business operator.

8. Complaints

- 8.1. The council will respond to and, where appropriate, investigate all complaints about food, food premises, food handling practices etc. The response will vary according to the nature of the allegation and its severity.
- 8.2. The council will only consider anonymous complaints if the complainant is independently verifiable as, in these circumstances, the identity of the complainant is not a relevant factor. If the officer decides there is sufficient information to proceed and it is in the public interest to do so, the complaint can proceed without a complainant.
- 8.3. In most cases, it will be appropriate to inform the business that a complaint has been received and the nature of the allegation. The details of the complainant will not be revealed to the business unless agreed with the complainant beforehand. Where it is thought necessary to protect the identity of the complainant advice will be sought from the council's legal team.
- 8.4. The council will respond to all reports of food poisoning received from the United Kingdom Health Security Agency (UKHSA), formally Public Health England, where a food business has been implicated. The response will vary according to the nature of the allegation.
- 8.5. The complainant will be kept informed of the progress of the investigation and notified of the eventual outcome unless the complaint was anonymous.
- 8.6. At the end of the investigation the business will be informed of the outcome and any further action to be taken by the council.



9. Food safety enforcement actions

- 9.1. It is important the full range of enforcement options are considered during all interventions. Authorised officers will judge the most appropriate course of action including enforcement action and all relevant information and evidence will be taken into account.
- 9.2. The choices of action are:
- no action
 - informal action and advice, including written warnings
 - statutory notices - Hygiene Improvement Notice, Hygiene Emergency Prohibition Notice or Remedial Action Notice
 - voluntary closure
 - service of Regulation 29 Certificate
 - detention and seizure of food
 - suspend or revoke an approval
 - issue a Simple Caution
 - prosecution
- The actions may be used singularly or, more usually, in combination.
- 9.3. Before formal action is taken, officers will provide the food business operator with an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required.
- 9.4. Where there are rights of appeal against formal action, advice on the appeal mechanisms will be clearly set out in writing at the time the action is taken.
- 9.5. If a primary authority partnership is in place, the officer must liaise with the primary authority about any proposed enforcement action except in circumstances where the need to act swiftly is critical.
- 9.6. No action
- Where there is full compliance with relevant legislation no further action will be required other than to issue a Report of Intervention.
- There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Any discussion surrounding such cases will be documented.
- 9.7. Informal action
- Informal action to secure compliance with legislation includes offering verbal advice, the issue of a Report of Intervention at premises following an inspection, and the issue of a post inspection letter, also known as an informal written warning.
- At the conclusion of an inspection, the officer will discuss any contravention of food law discovered, any corrective action necessary, the timescale for remedy and any recommendations of good practice the officer considers appropriate.

A Report of Intervention will be issued at the conclusion of all programmed inspections and revisits. If there are only a small number of minor contraventions or recommendations, the inspection report alone may be sufficient. If there are more substantial issues to be addressed, a letter will also be issued, detailing any contraventions and the action to be taken. Informal advice or information pertinent to matters noted at the time may also be included within the letter.

Officers will use this approach as long as they believe this will achieve compliance with food safety legislation within a timescale that will protect the public health and ensure safe food production.

The circumstances when it is appropriate to use verbal and informal written warnings are:

- 9.7.1. The act or omission is not serious enough to warrant formal action
- 9.7.2. From the individual's/business' past history it can be reasonably expected that the warning will achieve compliance
- 9.7.3. The officer has confidence in the management of the business
- 9.7.4. The consequences of non-compliance will not pose a significant risk to public health

This is not a comprehensive list and there may be circumstances in which a warning will be more effective than a formal approach.

When an informal approach is used to secure compliance with food safety legislation any written documentation issued or sent to proprietors will:

- 9.7.5. Contain all the information necessary to understand what work is required and why it is necessary
- 9.7.6. Indicate the regulations contravened and the measures which will enable compliance with the law
- 9.7.8. Clearly distinguish between matters which are necessary to meet statutory requirements and those which are recommended practice
- 9.7.9. Copies of letters and any reports of the inspection will be sent to the registered or head office where this is not the premise visited

Food businesses that come within the scope of the Food Hygiene Rating Scheme will also be provided with details of the scheme, their rating, the right to reply, their right to request a re-rating inspection and how to appeal. There is a separate procedure covering the operation of the Food Hygiene Rating Scheme.

- 9.8. Hygiene Improvement Notices
Hygiene Improvement Notices will be served by authorised officers based on their opinion that there is a contravention of the law at the time of the visit or that there had been a contravention and that it is likely that the contravention will continue or be repeated.
It is appropriate to issue a Hygiene Improvement Notice in the following circumstances:

Formal action is proportionate to the risk to public health and there is a record of non-compliance with breaches of the food hygiene regulations and/or

The authorised officer has reason to believe an informal approach will not be successful

The notice will say what needs to be done, why and by when. Timescales will be realistic and details of how to appeal and to request an extension of time will accompany the notice.

Hygiene Improvement Notices will be signed by an appropriately authorised officer who has witnessed the contravention.

Non-compliance with a Hygiene Improvement Notice will generally result in prosecution.

9.9. Improvement Notices

Improvement Notices can be issued for contraventions of the allergen labelling requirements for non-pre-packed foods, and issues relating to allergen cross contamination.

If an authorised officer has reason to believe that an informal approach will not achieve a successful outcome, an Improvement Notice can be issued. Under normal circumstances they will liaise with the county council's Trading Standards Department, as they are an equivalent enforcing authority.

9.10. Hygiene Emergency Prohibition Notices

Authorised officers will consider the issue of Hygiene Emergency Prohibition Notices where the use of a premises, a process or the treatment of food represents or involves an imminent risk to health.

In considering the use of such notices, the prime consideration will be to protect public health. The following instances are examples of circumstances that could show a risk to health:

- 9.10.1. Premises or practices which seriously contravene food law and have been or are implicated in an outbreak of food poisoning
- 9.10.2. Serious infestation by rats, mice, cockroaches, birds or other vermin serious enough to result in the actual contamination of food or a significant risk of contamination
- 9.10.3. Very poor structural condition and poor equipment and/or poor maintenance of routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter resulting in actual food contamination or a significant risk of food contamination
- 9.10.4. Drainage defects or flooding of the premises serious enough to lead to actual contamination of food or a significant risk of contamination
- 9.10.5. Use of equipment for the processing of high-risk foods that has been inadequately cleaned or disinfected or which is grossly contaminated and can no longer be properly cleaned
- 9.10.6. Dual use of complex equipment such as vacuum packers, slicers and mincers for raw and ready-to-eat foods

9.10.7. Serious risk of cross contamination

9.10.8. Failure to achieve sufficiently high processing temperatures

9.10.9. Operation outside critical control criteria, for example, incorrect pH of a product which may allow Clostridium Botulinum to grow

The list is not exhaustive and it may be a combination of factors that together represent an imminent risk to health.

The effect of the Hygiene Emergency Prohibition Notice is to immediately close the premises or prevent the use of equipment, or the use of a process or treatment. The authorised officer must apply to a magistrates' court for a Hygiene Emergency Prohibition Order within 3 days of the Hygiene Emergency Prohibition Notice being served, the day of service being day one. The officer must give the food business operator at least 24 hours' notice of the intention to apply to the court for a Hygiene Emergency Prohibition Order.

An officer may consider that a Voluntary Closure will achieve the same aims and is more appropriate in the circumstances. Voluntary procedures may be used at the instigation of a food business operator. Any agreement must be confirmed in writing with an undertaking not to re-open without the officer's prior approval.

The offer to voluntarily close will only be accepted where the authorised officer is satisfied there is no likelihood of the premises being used as a food business, or the use of equipment, or of a process without the express agreement of the officer.

9.11. Remedial Action Notices

Where a premises which is approved under Regulation (EC) 853/2004 is found to be non-compliant with food hygiene regulations authorised officers may issue a Remedial Action Notice under Regulation 9 of the Food Safety and Hygiene (England) Regulations 2013.

Circumstances which may lead to the issue of a Remedial Action Notice include:

9.11.1. The failure of any equipment or part of an establishment to comply with the requirements of the 'Hygiene Regulations' as defined by Regulation 2 of the Food Safety and Hygiene (England) Regulations 2013

9.11.2. The need to impose conditions upon or the prohibition of the carrying out of any process breaching the requirements of the regulations or hampering adequate health inspection in accordance with the regulations

9.11.3. Where the rate of operations of the business is detrimental to its ability to comply with the regulations

If a Remedial Action Notice is served the officer must also consider whether to use powers to detain food produced in the establishment where there are indications or suspicions that food is unsafe and therefore examination is necessary, including the taking of samples.

As soon as the authorised officer who served the notice is satisfied the specified action has been taken, the notice must be withdrawn by means of a further notice in writing.

9.12. Regulation 29 Certificate

When food has not been produced, processed or distributed in compliance with the Hygiene Regulations, a certificate under Regulation 29 of the Food Safety and Hygiene (England) Regulations 2013 may be served by an authorised officer.

Service of the certificate confirms the food fails to meet the hygiene regulations. The food must then be dealt with using powers of seizure under Section 9 of the Food Safety Act 1990 as food failing to comply with the food safety requirements.

9.13. Use of seizure and detention notices

Authorised officers can detain or seize food where they believe the food fails to comply with the food safety requirements.

9.13.1. Detention

Foodstuffs may be detained if an authorised officer has good reason to suspect that food does not satisfy food safety requirements. This will ensure that food is not used for human consumption and is either held where it is if security is not compromised, or moved to a specified place pending further information, for example, results of tests on samples.

Unless the circumstances require immediate action, any proposed action will be discussed in full with the owner or person in charge of the food so they are fully informed about the decision to detain and the progress of the investigations.

9.13.2. Seizure

If an authorised officer is in possession of evidence or adverse information concerning the foodstuffs, they may be seized and notice given that condemnation by a Justice of the Peace will be applied for. This will ensure that food is not used for human consumption and is either held where it is or not moved except to a specified place.

Food will be brought before a Justice of the Peace as soon as possible with a request for destruction. If the Justice of the Peace does not condemn the food, the owner may be entitled to compensation for any loss suffered.

Voluntary procedures to remove food that is not suitable for human consumption from the food chain can be used in some circumstances, either at the instigation of the owner of the food or at the suggestion of the authorised officer when the owner agrees that the food is not suitable for human consumption.

9.14. Suspend or withdraw an approval

Authorised officers have powers to withdraw or suspend approval or conditional approval of an establishment under Regulation 853/2004.

On discovery of non-compliance in establishments subject to approval officers must, before considering suspension or withdrawal, explore other enforcement options to control the food hazards.

Food business operators will be given a reasonable opportunity to address deficiencies and achieve compliance where this is appropriate.

The food business operator will be notified in writing of any decision to suspend or withdraw approval or conditional approval. The reasons for the suspension or withdrawal will be specified, together with the matters necessary to satisfy the requirements of the regulations.

The operator will be informed that activities requiring approval cannot be undertaken and will be made aware of their right of appeal.

9.15. Simple cautions

A simple caution is a formal warning that may be given to persons aged 18 or over who admit committing an offence. The simple caution scheme is designed to provide a means of dealing with offending without a prosecution where there is evidence of an offence.

Officers may consider the use of simple cautions as an alternative to prosecutions to:

- 9.15.1. deal quickly and simply with less serious offences where the offender has admitted the offence
- 9.15.2. divert less serious offences away from the courts, and reduce the chances of repeat offences
When a simple caution is under consideration, the following conditions must be fulfilled before it is offered:

9.15.3. there is sufficient evidence to provide a realistic prospect of conviction if the offender were to be prosecuted

9.15.4. the offender is over 18 years of age

9.15.5. the offender admits they have committed the crime

9.15.6. the offender agrees to be given the caution

Any decision to offer a simple caution will be made in consultation with the council's legal services department. In offering a simple caution, account will be taken of the Ministry of Justice Guidelines on Simple Cautions for Adult Offenders and the Code for Crown Prosecutors.

A caution will remain on record for a period of two years and may be cited in court should a further offence be committed and prosecuted during that time.

Where an offender declines to accept a simple caution, the case should be sent for prosecution.

9.16. Prosecution

Prosecution may be considered in addition to, or as a consequence of failure to comply with the above enforcement procedures.

The decision to prosecute is a significant one and will only be taken where that course of action is proportionate to the risk presented to public health by the contravention.

10. Amendments and review

Before initiating any prosecution proceedings, the council must be satisfied there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable defendant. In all cases, legal advice will be sought before recommending any prosecution and any decision to prosecute will be ratified by the director of legal services

Home and primary authorities will be consulted where prosecutions are planned and due regard will be paid to the opinion of that authority.

Where a food business operator has been convicted of an offence the court may prohibit them from the management of a food business. The council, as the prosecutor, will draw the court's attention to this power where appropriate and provide the necessary information and evidence to support this action.

- 10.1. This policy will be reviewed by the SEHO on an annual basis and any minor amendments will be detailed in the Amendment Log.
- 10.2. Should the document require a major review, or such is required by the review of any supporting documentation, then the SEHO will undertake such action as necessary and consult on any changes.



End of document

TITLE: APPROVAL OF THE DRAFT HEALTH AND SAFETY ENFORCEMENT POLICY

Committee: Operational Services Committee

Date: 18 September 2023

Author: Senior Environmental Health Officer (Commercial)

Report No: Y41

Contact Officer: Richard Garnett
Senior Environmental Health Officer (Commercial)
richard.garnett@eastcambs.gov.uk
01353 616472
Rm SF202, The Grange, Ely

1.0 ISSUE

1.1. The Council needs to update its Enforcement Policy in respect of Health and Safety.

2.0 RECOMMENDATION

2.1. Note the consultation feedback and amendments to the policy as a result of the feedback

2.2. To approve the final Health and Safety Enforcement Policy in appendix 2

3.0 BACKGROUND/OPTIONS

3.1. Officers authorised by East Cambridgeshire District Council carry out statutory functions according to health and safety legislation.

3.2. Under the National Local Authority Enforcement Code, the Health and Safety Executive requires East Cambridgeshire District Council to have an enforcement policy.

3.3. In March this committee approved a draft policy to go out for a 12-week public consultation exercise. The results of that exercise are included in Appendix 1.

3.4. The policy was supported by a majority of those who responded to the public consultation. No significant comments were made on the Policy as a result of the public consultation process. Officers however, commented that there was no section on how the council handles complaints, and no detail on the type of enforcement sanctions that exist. Both of these appear in the Food Safety Enforcement Policy.

Therefore Section 8 (Complaints) and Section 9 (Enforcement Action) have been added, as well as numerous alterations aimed at making the policy easier to read.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The draft enforcement policy allows the Council to satisfy the requirements of both the Health and Safety Executive to have enforcement policies that satisfy the Regulators Code.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no financial implications arising from this report.
- 5.2. Equality Impact Assessment (EIA) is not required.
- 5.3. Carbon Impact Assessment (CIA) is not required.

6.0 APPENDICES

Appendix 1 – Results of Consultation

Appendix 2 – Health and Safety Enforcement Policy Statement (March 2023)

Background Documents:

Health and Safety at Work Etc. Act 1974

Regulators Code 2014

Health and Safety Executive's National Local Authority (LA) Enforcement Code

Appendix 1 Results of Consultation Exercise

In order to recognise the updates to the principal guiding documents from both the Food Standards Agency, and the Health and Safety Executive, the relevant enforcement policies have been revised and updated. Therefore, the draft policies were brought to the Operational Services Committee on 27th March 2023 with the Committee's decision to push the policies out for a 12-week consultation period. That period ended on 16th July.

Methodology

It was decided that the consultation period should be on line only, to save on the expense of posting copies of the policies out and then collating any responses. Responses were handled through a Survey Monkey form that asked a series of questions and provided free text fields for people to comment.

825 emails were sent out to business whose contact details on the property database included an email address. This represents a majority of the business that we have regular dealings with. In addition, the Council have a number of panels made up of people who are happy to be consulted on such matters. 47 emails were dispatched to members of that group. To increase the circulation wider the Cambridgeshire Chambers of Commerce and the Federation of Small Businesses were approached and, together with our own web team, some open promotion took place.

Results

The council's web team have indicated that the relevant web page was visited 41 times over the 12-week period. In total 19 responses were submitted through the Survey Money form. 2 of these responses have been discounted as 1 gave no answer to any of the questions, and 1 indicated that the response was not completed correctly.

A full list of the questions and the responses is attached at the end of this appendix.

In total 19 responses were submitted through the Survey Money form. 2 of these responses have been discounted as 1 gave no answer to any of the questions, and 1 indicated that the response was not completed correctly. Of the seventeen remaining response 47% (8) stated that they had contact with Environmental Services in the past year ^(Q1) with 29% (5) stating they had had engagement through Food Safety ^(Q2) and 12% (3) stating they been involved through Health and Safety ^(Q8). The Survey Monkey Questions did allow for no answer to be submitted, this occurred on 41%

Of the seventeen responses there were no expressed options in the free text boxes ^(Q13).

The Questions

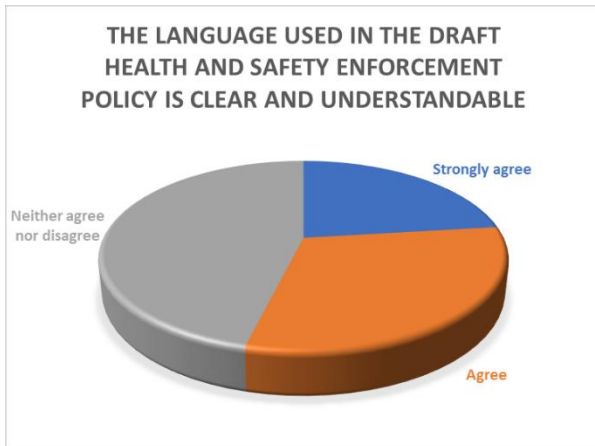
Of the 17 responses received

Q9: The Health and Safety Enforcement service take actions that are proportionate to the risk

Q10: The Health and Safety Enforcement service have clear and accessible policies

only garnered 2 responses each. Both received 1 response stating that the respondent agreed with the statement and one that they Strongly agreed.

Q11 The language used in the draft Health and Safety Enforcement policy is clear and understandable.

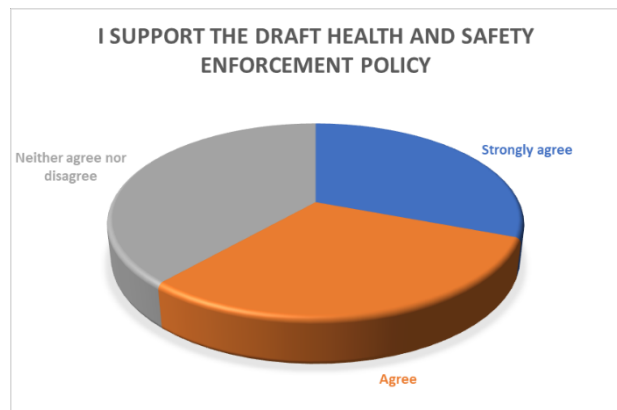


Out of the 15 respondents to answered this question the overall view was that the policy was clear and understandable.

The opportunity is being taken to review both documents.

Q12 I support the draft Health and Safety Enforcement policy

There was a good agreement with the statement that respondents supported the Policy document.



The Questions Asked

- Q1 Have you had contact with our Environmental Health service in the last 12 months?
- Q2 Have you had contact through Food Safety?
- Q3 The Food Safety Enforcement service take actions that are proportionate to the risk to food safety
- Q4 The Food Safety Enforcement service have clear and accessible policies
- Q5 The language used in the draft Food Safety Enforcement policy is clear and understandable.
- Q6 I support the draft Food Safety Enforcement policy
- Q7 If you did not support elements of this policy or have any further comments on the draft Food Safety Enforcement policy then please comment below
- Q8 Have you had contact through Health and Safety?
- Q9 The Health and Safety Enforcement service take actions that are proportionate to the risk
- Q10 The Health and Safety Enforcement service have clear and accessible policies
- Q11 The language used in the draft Health and Safety Enforcement policy is clear and understandable.
- Q12 I support the draft Health and Safety Enforcement policy
- Q13 If you did not support elements of this policy or have any further comments on the draft Health and Safety Enforcement policy then please comment below

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13
#1	YES	YES	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ
#2	YES	YES	STRONGLY AGREE	AGREE	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#3	YES	RSQ	AGREE	AGREE	AGREE	NEITHER	RSQ	NO	RSQ	RSQ	AGREE	NEITHER	RSQ
#4	YES	YES	AGREE	AGREE	NEITHER	AGREE	RSQ	YES	AGREE	AGREE	NEITHER	AGREE	RSQ
#5	NO	RSQ	RSQ	RSQ	AGREE	AGREE	RSQ	NO	RSQ	RSQ	AGREE	AGREE	RSQ
#6	YES	NO	RSQ	RSQ	STRONGLY AGREE	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#7	YES	YES	AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ	YES	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	STRONGLY AGREE	RSQ
#8	YES	YES	NEITHER	DISAGREE	AGREE	NEITHER	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#9	YES	NO	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	AGREE	RSQ
#10	NO	RSQ	RSQ	RSQ	AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	AGREE	STRONGLY AGREE	RSQ
#12	NO	RSQ	RSQ	RSQ	AGREE	DISAGREE		NO	RSQ	RSQ	AGREE	AGREE	RSQ
#13	NO	RSQ	RSQ	RSQ	NEITHER	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#14	NO	RSQ	RSQ	RSQ	NEITHER	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ	RSQ
#15	NO	RSQ	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	RSQ	RSQ	RSQ
#17	NO	RSQ	RSQ	RSQ	NEITHER	AGREE	RSQ	NO	RSQ	RSQ	NEITHER	NEITHER	RSQ
#18	NO	RSQ	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ	NO	RSQ	RSQ	STRONGLY AGREE	STRONGLY AGREE	RSQ
#19	NO	RSQ	RSQ	RSQ	DISAGREE	NEITHER		NO	RSQ	RSQ	NEITHER	NEITHER	RSQ

rsq - respondent skipped this question



East Cambridgeshire
District Council

Health and Safety Enforcement Policy Statement

Written by Senior Environmental Health Officer

Published in September 2023

Revision due in September 2024

Copies of the policy can be provided in an alternative format. Please contact East Cambridgeshire District Council on 01353 665555 to request the format you require, or email foodandsafety@eastcambs.gov.uk, or write to Commercial Team, Environmental Services, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, CB7 4EE

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Amendment log

Date	Page	Detail of amendment

1. Introduction

- 1.1. One of the primary aims of the East Cambridgeshire District council (“the council”), and in particular Environmental Services, is to protect the health, safety and welfare of people at work and others who may, as a result of a work activity be exposed to risk or harm, including members of the public.
- 1.2. Health and Safety enforcement in the UK is split between two different agencies, both of which are overseen by the Health and Safety Executive Board. Those bodies are the Health and Safety Executive (HSE) and the council. The HSE and council officers carry out the same role and have the same enforcement powers but inspect and enforce in different types of premises.
- 1.3. Detailed within the schedules to the Health and Safety (Enforcing Authority) Regulations 1998 (www.legislation.gov.uk/ukxi/1998/494) in general the HSE covers factories, building sites, mines and quarries, farms, fairgrounds, and railways. The council cover offices, shops, warehouses, hotel and catering, sport, leisure, consumer services, residential care homes and churches.
- 1.4. This policy statement lays out the council’s commitment to the principles of consistent and effective enforcement of health and safety legislation in accordance with the Regulators Code (www.gov.uk/government/publications/regulators-code) and builds on the council’s wider Corporate Enforcement Protocol (www.eastcamb.gov.uk/east-camb-district-council/policy-documents).
- 1.5. This policy recognises and gives support to the specific guidelines on enforcement action published by the HSE and that found within the Primary Authority scheme currently overseen by the Government’s Office for Product Safety & Standards and Department for Business, Energy & Industrial Strategy.



2. Statement of intent

- 2.1. It is the council's policy to ensure that, as far as is reasonably practical, workplaces are safe for both employees and the wider affected public.
- 2.2. To achieve this objective enforcement action will be proportionate to the risk(s) presented, or the seriousness of any legislative contravention and in accordance with the guidelines of this policy.
- 2.3. It is expected that officers will adopt an educative approach with those responsible for securing compliance with relevant legislation. Should that approach fail to secure the required improvement officers will enforce the law by using a range of enforcement options.
- 2.4. The Risk Gap is the perceived difference from where the business currently sits compared to a well-regulated business in the same sector. If that gap is large then officers will consider enforcement action in the first instance. Such decisions will be guided by the Enforcement Management Model (www.hse.gov.uk/enforce/enforcement-management-model.htm) published by the HSE.
- 2.5. Enforcement action can range from verbal and written warnings, to the use of statutory notices, simple cautions, and prosecution. Prosecution will not normally constitute a punitive response to minor contraventions of legislation.
- 2.6. Departures from these policy guidelines may be needed where there is an elevated risk to the wider public health, or where the HSE have detailed the action to be taken. It is anticipated that such cases will be the exception. Any departure will be discussed with the senior environmental health officer (SEHO) or, in their absence, after consultation with the environmental services manager (ESM).
- 2.7. All authorised officers shall have regard to this policy when carrying out their assigned duties.



3. General principles

- 3.1. The council aims to secure full compliance with all relevant health and safety legislation that it is responsible for enforcing. Most of its dealings with those responsible for complying with such legislation involves informal action and authorised officers will seek to offer relevant information and advice in person as well as in writing.
- 3.2. It is accepted there should be a quick and effective response to serious breaches of legislation as distinct from an efficient and effective enforcement approach to other breaches.
- 3.3. Most health and safety legislation is not prescriptive. Employers are expected to use risk assessment to inform on the required controls. Officers will take account of relevant guidance using professional judgement about the extent of the risks, the employer's own assessment of those risks, and the effort that may have been applied to counter them. They will seek to encourage good practice in line with any relevant guidance, code of practice, or relevant legislation. Formal action will be considered for serious breaches of legislation, and for those who seek to gain a competitive edge through a lack of the required safety protocols.
- 3.4. The council's officers will deal with anyone subject to the enforcement process in a courteous, fair and objective manner and in line with its policy on equal opportunities and its Corporate Enforcement Protocol.
- 3.5. Officers will be sensitive to the needs of businesses including the requirement for prompt, concise, definitive and timely advice. Any intervention will aim to impose the minimum burden consistent with the law.



4. Officers

- 3.6. If informal approaches do not achieve the required improvement, or if the perceived risk-gap is large, officers will use formal enforcement measures set out in legislation including the issuing of statutory notices, simple cautions and/or by taking prosecutions.
- 3.7. Where necessary, the council will use its powers to visit businesses in other local authority areas to investigate potential offences that have arisen within East Cambridgeshire.
- 3.8. Where appropriate, the council reserves its right to carry out covert surveillance of individuals or organisations. In doing so, officers will comply with the Regulation of Investigatory Powers Act 2000, human rights legislation and any associated guidance, along with any internal policies and procedures.
- 3.9. Where resources permit, the council will provide suitable information to the trade designed to encourage compliance with the law. This will be particularly relevant where an initial educative approach is appropriate and encouraged by the HSE. Efforts will be made to provide guidance in languages other than English where there is a demand and where resources permit.
- 4.1. The council's officers will deal with anyone subject to the enforcement process in a courteous, fair, and objective manner, and considering its policy on equal opportunities and the council's corporate enforcement protocol.
- 4.2. Officers who carry out the enforcement of health and safety legislation are authorised in writing to enforce delegated tasks and duties in accordance with the council's scheme of delegation.
- 4.3. The council will ensure its officers are suitably qualified, experienced and competent with respect to the enforcement duties they have been authorised to carry out. Officers shall only act in accordance with their own authorisations.
- 4.4. The council shall also ensure each officer receives suitable and sufficient structured training that is managed, assessed and recorded on an ongoing basis.

5. Principles of enforcement

5.1. The enforcement of health and safety legislation will be guided by the principles that are contained within the Enforcement Concordat (publications.parliament.uk/pa/ld199899/ldselect/lddereg/111/11107.htm) that has been formally adopted by the council, in addition to the Code for Crown prosecutors (www.cps.gov.uk/publication/code-crown-prosecutors) and the Regulators Code (www.gov.uk/government/publications/regulators-code). These documents provide a framework for local authorities to work to by committing them to good enforcement policies and procedures.

5.2. The principles of the Enforcement Concordat are as follows:

5.2.1. Standards

The council remains accountable to central government, the HSE and local taxpayers for its actions and omissions. The council will consult with businesses and other relevant interested parties, including technical experts where appropriate, regarding the level of service and performance the public and business can expect to receive. These standards will then be made available to those who have an interest together.

5.2.2. Openness

The council will provide information and advice in plain language on the law that it enforces and will disseminate this as widely as possible. It will also be open about how it sets about its work, including any charges that are made for specific activities. Officers will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

5.2.3. Helpfulness

The council recognises that its role involves actively working with businesses, especially small and medium sized businesses, and will encourage businesses to seek advice/information from them. Officers will provide a courteous and efficient service and the staff will identify themselves by name. Officers will provide a contact point and telephone number for further dealings. Wherever practicable enforcement services will be co-ordinated to minimise any unnecessary overlaps and time delays.

5.2.4. Proportionality

Both those whom the law protects and those in whom it places a duty expect that action taken by the council to achieve compliance should be proportionate to the risks posed to consumers and to the seriousness of any breach of the legislation or relevant licensing conditions. Deciding what is reasonable or appropriate to control risks involves the exercise of judgement by businesses and, when the law permits, discretion by enforcers based on sound professional judgement.

5.2.5. Consistency

Businesses managing similar risks expect a consistent approach from enforcing officers in the advice provided and the use of powers, in response to inspections or incidents.

To promote consistency, discussions are held with other members of the County Food Liaison Group (Meeting attended by the lead food and safety officers of the Cambridgeshire Authorities together with Peterborough City). There are also effective arrangements for liaison with other enforcing authorities, the HSE, and any primary or home authorities.

5.2.6. Transparency

Transparency means helping businesses and the public to understand the legal duties it is subject to and the extent of any

liability. Officers will distinguish between legal requirements and any recommendations when issuing advice or guidance. Officers will also explain why they intend to or have taken a particular course of action.

5.2.7. Targeting

Targeting means making sure that resources are targeted primarily on those whose activities give rise to the most serious risks, or where hazards are least well controlled; and that action is focused on the businesses who are responsible for the risk and who are best placed to control it.

The council will prioritise inspections in accordance with any relevant campaigns being run by the HSE or projects alongside partners in the County Food Liaison Group.

Complaints from employees or the wider public about business activities and incidents will be considered against any intelligence on the risks posed by a business and its general compliance history.

5.2.8. Complaints about Service

In cases where disputes cannot be resolved, any rights of complaint or appeal will be explained by the officer, with details of the process and the timescales involved. The council will provide a publicised, effective, and timely complaints procedures that is easily accessible to both businesses and the public.

6. Inspections and interventions

- 6.1. Where practical inspections and interventions under health and safety will be made without warning and at a time when a range of activities may be observed. In instances where it is appropriate to do so, appointments may be advisable e.g., where it is prudent that the proprietor or manager is on site to discuss particular issues or matters arising from a previous visit.
- 6.2. Officers will always identify themselves and be prepared to show their authorisation. The officer will state the purpose of the inspection at the start of the visit. This will not be done if the purpose of the visit is for surveillance and identification as an officer may defeat the object of the visit.
- 6.3. At the conclusion of any intervention, the officer will offer to discuss their findings and will normally give to the person in charge a completed report of visit form. The officer may choose to confirm their visit in writing if the issued report requires further detail.
- 6.4. If contraventions of poor safety practices are found, or when there is low confidence that the business will address the issues, a revisit will be carried out.

7. Accident investigations

- 7.1. Accidents, certain industrial diseases and some dangerous occurrences, either to employees or the public, may be reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). Such reports are received by the council for the premises that it enforces health and safety within.
- 7.2. The accident report is sometimes not clear as to the sequence of events. The officer may need to speak to the business to ascertain the correct facts. This may not constitute an investigation if the only purpose is to clarify and classify.
- 7.3. Accidents are formally investigated if they result in death, a specified injury, or are related to an active campaign. In addition, an officer may choose to investigate if there is a history of such accidents or a particular concern.
- 7.4. The decision to not to investigate an accident is subject to review by the SEHO and in certain cases the Environmental Services Manager.

8. Complaints

- 8.1. The council will respond to and, where appropriate, investigate all complaints about working conditions and working practices, regarding businesses they have the enforcement responsibility for. The response will vary according to the nature of the allegation and its severity.
- 8.2. The council will only consider anonymous complaints if the complainant is independently verifiable as, in these circumstances, the identity of the complainant is not a relevant factor. If the officer decides there is sufficient information to proceed and it is in the public interest to do so, the complaint can proceed without a complainant.
- 8.3. In most health and safety cases, it will be appropriate to inform the business that a complaint has been received and the nature of the allegation. The details of the complainant will not be revealed to the business unless agreed with the complainant beforehand. Where it is thought necessary to protect the identity of the complainant advice will be sought from the council's legal team.
- 8.4. The complainant will be kept informed of the progress of the investigation and notified of the eventual outcome unless the complaint was anonymous.
- 8.5. At the end of the investigation the business will be informed of the outcome and any further action to be taken by the council.

9. Health and safety enforcement actions

- 9.1. The full range of enforcement options will be considered during all interventions. Authorised officers will judge the most appropriate course of action including enforcement action based on all relevant information and evidence.
- 9.2. The choices of action are:
 - no action
 - informal action and advice, including written warnings
 - statutory notices - Improvement Notice, Prohibition Notice
 - deferred Prohibition Notice
 - issue a Simple Caution
 - prosecutionThe actions may be used singularly or, more usually, in combination.
- 9.3. Before formal action is taken, officers will provide the business operator with an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required.
- 9.4. Where there is a right of appeal against formal action, advice on the appeal mechanisms will be clearly set out in writing at the time the action is taken.
- 9.5. If a primary authority partnership is in place, the officer must liaise with the primary authority about any proposed enforcement action except in circumstances where the need to act swiftly is critical.

In such circumstances the officer will contact the primary authority at the earliest convenience and explain the action taken and the reason it was completed with consultation.

9.6. No action

Where there is full compliance with relevant legislation no further action will be required other than to issue a Report of Intervention.

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Any discussion surrounding such cases will be documented.



9.7. Informal action

Informal action to secure compliance with legislation includes offering verbal advice, the issue of a Report of Intervention at premises following an inspection, and the issue of a post inspection letter, also known as an informal written warning.

At the conclusion of an inspection, the officer will discuss any contravention of the law discovered, any corrective action necessary, the timescale for remedy and any recommendations of good practice the officer considers appropriate.

A Report of Intervention will be issued at the conclusion of all programmed inspections and revisits. If there are only a small number of minor contraventions or recommendations, the inspection report alone may be sufficient. If there are more substantial issues to be addressed, a letter will also be issued, detailing any contraventions and the action to be taken. Informal advice or information pertinent to matters noted at the time may also be included within the letter.

Officers will use this approach as long as they believe this will achieve compliance with health and safety legislation within a suitable timescale.

The circumstances when it is appropriate to use verbal and informal written warnings are:

- 9.7.1. The act or omission is not serious enough to warrant formal action
- 9.7.2. From the individual's/ business' past history it can be reasonably expected that the warning will achieve compliance
- 9.7.3. The officer has confidence in the management of the business
- 9.7.4. The consequences of non-compliance will not pose a significant risk to public health
This is not a comprehensive list and there may be circumstances in which a warning will be more effective than a formal approach.
When an informal approach is used to secure compliance with health and safety legislation any written documentation issued or sent to proprietors will:
- 9.7.5. Contain all the information necessary to understand what work is required and why it is necessary
- 9.7.6. Indicate the regulations contravened and the measures which will enable compliance with the law
- 9.7.7. Clearly distinguish between matters which are necessary to meet statutory requirements and those which are recommended practice
- 9.7.8. Copies of letters and any reports of the inspection will be sent to the registered or head office where this is not the premises visited

- 9.8. Improvement Notices
Improvement Notices will be served by authorised officers based on their opinion that there is a contravention of the law at the time of the visit or that there had been a contravention and that it is likely that the contravention will continue or be repeated.
It is appropriate to issue a Improvement Notice in the following circumstances:
Formal action is proportionate to the risk to either the employees or public and there is a record of non-compliance with safety regulations.
and/or
The authorised officer has reason to believe an informal approach will not be successful.
The notice will say what needs to be done, why and by when. Timescales will be realistic and details of how to appeal and to request an extension of time will accompany the notice.
Improvement Notices will be signed by an appropriately authorised officer who has witnessed the contravention.
Non-compliance with a Improvement Notice will generally result in prosecution.
- 9.9. Prohibition Notices
Authorised officers will consider the issue of Prohibition Notices where the use of a premises, a piece of work equipment, or a working practice involves a serious risk of personal injury to one or more people.

The prime consideration will be to protect the safety of workers or the wider public. The following instances are examples of circumstances that could show a risk to health:

- 9.9.1. Unguarded machinery where there is a risk of injury or entrapment
- 9.9.2. Very poor structural condition or poor maintenance resulting in structural issues or a significant risk of such issues developing
- 9.9.3. The presence of untreated asbestos such that it poses a risk to employees or the public

The list is not exhaustive and it may be a combination of factors that together represent demonstrate the risk.

The effect of the Prohibition Notice is to immediately close the premises or prevent the use of equipment, or a process or treatment.

9.10. Deferred prohibition notice

In very exceptional circumstances the officer may choose to serve a deferred prohibition notice. This has the effect of allowing a work task to finish before being then prohibited. This will be considered when the risks posed by halting a job there and then are more serious than the risk immediately presenting.

Circumstances which may lead to the issue of a deferred prohibition notice include:

Securing a building works when the prohibition would mean that scaffolding must not be used.

Clearing an exposed mezzanine floor in order to retro fit the required guarding

9.11. Simple cautions

A simple caution is a formal warning that may be given to persons aged 18 or over who admit committing an offence. The simple caution scheme is designed to provide a means of dealing with offending without a prosecution where there is evidence of an offence.

Officers may consider the use of simple cautions as an alternative to prosecutions to deal quickly and simply with less serious offences where the offender has admitted the offence, and/or divert less serious offences away from the courts, and reduce the chances of repeat offences

When a simple caution is under consideration, the following conditions must be fulfilled before it is offered:

- 9.11.1. There is sufficient evidence to provide a realistic prospect of conviction if the offender were to be prosecuted.
- 9.11.2. The offender is over 18 years of age.
- 9.11.3. The offender admits they have committed the crime.
- 9.11.4. The offender agrees to be given the caution.

10. Amendments and review

Any decision to offer a simple caution will be made in consultation with the council's legal services department. In offering a simple caution, account will be taken of the Ministry of Justice Guidelines on Simple Cautions for Adult Offenders and the Code for Crown Prosecutors.

A caution will remain on record for a period of two years and may be cited in court should a further offence be committed and prosecuted during that time.

Where an offender declines to accept a simple caution, the case should be sent for prosecution.

9.12. Prosecution

Prosecution may be considered in addition to, or as a consequence of failure to comply with the above enforcement procedures.

The decision to prosecute is a significant one and will only be taken where that course of action is proportionate to the risk presented to the safety of workers or others by the contravention.

Before initiating any prosecution proceedings, the council must be satisfied there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable defendant. In all cases, legal advice will be sought before recommending any prosecution and any decision to prosecute will be ratified by the director of legal services

Primary and home authorities will be consulted where prosecutions are planned and due regard will be paid to the opinion of that authority.

- 10.1. The policy will be reviewed by the SEHO on an annual basis and any minor amendments will be detailed in the Amendment Log.
- 10.2. Should the document require a major review, or such is required by the review of any supporting documentation, then the SEHO will undertake such action is necessary and consult on any changes.



End of document

TITLE: BUDGET MONITORING REPORT

Committee: Operational Services Committee

Date: 18th September 2023

Author: Director, Finance

Report No: Y42

Contact Officer: Ian Smith

Director, Finance

Tel: (01353) 616470

E-mail: ian.smith@eastcambs.gov.uk

Room 104, The Grange, Ely

1.0 ISSUE

1.1 This report provides Members with details of the financial position for services under the Operational Services Committee.

2.0 RECOMMENDATION(S)

2.1 Members are requested to note that Committee is currently projecting a £195,000 yearend overspend on revenue, when compared to its approved budget of £6,968,362.

2.2 Members are further requested to note that the Committee has a projected capital programme outturn of £4,775,147. This is an underspend of £862,666 when compared to its revised budget.

3.0 BACKGROUND/OPTIONS

3.1 Under Financial Regulations each policy committee is required to consider projections of financial performance against both its revenue and capital budget on a quarterly basis.

3.1. This is the first quarter report for the 2023/24 financial year and details actual expenditure incurred and income received as at 30th June 2023 and the current projection as to the year-end position.

Revenue

3.2. The revenue budget for each service that falls under the stewardship of this Committee has been reviewed with appendix 1 detailing the current variance and forecast outturn for each service line.

3.3. The significant variances of actual spend compared to profiled budgeted spend at the end of June, where no variance is forecast for yearend, are detailed in the table on the next page:

Service	Variance £	Explanation
Community Infrastructure Levy (CIL)	(£1,434,152)	CIL transactions are treated as a revenue income or expense during the year, but any balance on the account at yearend is transferred to reserve
Health – Admin & Misc.	(£185,002)	External grant has been rolled forward into 2023/24
Homelessness	(£461,229)	External grant has been rolled forward into 2023/24
Licensing	(£52,514)	Income has been received in advance from two taxi companies. Where this relates to licence fee income for future income, this will be rolled forward at yearend.
Marketing and Grants	(£27,948)	Grants available for town councils have not yet been requested.
Street Naming & Renumbering	(£12,967)	Income is ahead of profile at this point in the year.
Travellers	£22,837	Income received will be allocated in quarter two.

3.4. The net revenue expenditure for this Committee at yearend is forecast to be £7,163,362. This reflects a forecast £195,000 overspend when compared to the approved budget. This is the combination of two forecast variations on service lines, as detailed in the table below.

3.5. It should be noted that the Local Government pay award (from 1st April 2023), has not yet been agreed, but is now expected to be higher than the 4% built into the budget in February 2023. Until a final agreement is in place, the additional cost is being shown as a separate line on the Finance and Assets report.

Service	Forecast Outturn Variance £	Explanation
Customer Services	(£5,000)	The underspend reflects vacancies in the Team in the first quarter of the year.
Planning	£200,000	The slowdown in the housing market caused by rising interest rates, lower transactions and more difficulty for home buyers to secure finance, have resulted in less planning applications for housing, particularly small to medium size

		<p>schemes, which has impact on fee income.</p> <p>For larger scale developments, which are by their very nature submitted irregularly, if the slowdown in the housing market continues, we are also likely to see a fee income deficit for these in the coming months. However, if we receive a few larger major applications (the applications that attract the largest fees) and/or fee levels are increased by the Government, as is anticipated later this year, then we may see a recovery in quarters three and four.</p> <p>A review of the Planning Service is planned to begin in quarter two to identify opportunities for cost control and efficiencies to mitigate income deficits and improve service delivery.</p>
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Capital

- 3.6. The revised capital budget for Operational Services stands at £5,637,813; including £956,307 of slippage brought forward from 2022/23 and a reduction of £5,793 on Disability Facilities Grant spend, where the capital element of the grant received from the County Council is lower than predicted in the budget.
- 3.7 The resultant capital programme for the Committee is £5,637,813, with the outturn position forecast to be £4,775,147, an underspend of £862,666. The underspend is in relation to the purchase of Waste vehicles where the price agreed for the ten refuse collection vehicles is lower than that included in the budget. See report to Committee on the 27th March 2023. While this underspend is reported at this point, there remains the potential that some of this may be utilised following a review of small fleet requirements within ECSS.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The current forecast is that the Committee's net revenue position will be an overspend of £195,000 at the end of the financial year.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no additional financial implications arising from this report other than those detailed above.
- 5.2. An equality Impact Assessment (INRA) is not required.
- 5.3. A Carbon Impact Assessment (CIA) is not required.

6.0 APPENDICES

- 6.1. Appendix 1 – Revenue budget monitoring report – 30th June 2023.
- 6.2. Appendix 2 – Capital budget monitoring report – 30th June 2023.

Background Documents:

Council Budget approved by Full Council on the 21st February 2023

OPERATIONAL SERVICES COMMITTEE BUDGET MONITORING REPORT - JUNE 2023

Revenue	Total Budget 2023-24	Profiled Budget to 30 June 2023	Actual to 30 June 2023	Variance	Forecast Outturn	Variance between Total Budget & Projected Outturn
	£	£	£	£	£	£
Building Regulations	36,736	(20,822)	(20,169)	653	36,736	
CIL	-.	-.	(1,434,152)	(1,434,152)	-.	
Climate Change	100,000	25,000	19,323	(5,677)	100,000	
Community Projects & Grants	193,482	45,867	45,536	(331)	193,482	
Community Safety	62,133	28,575	28,302	(273)	62,133	
Cons.Area & Listed Buildings	69,861	17,465	17,553	88	69,861	
Customer Services	543,885	143,654	132,244	(11,410)	538,885	(5,000)
Dog Warden Scheme	43,226	10,740	8,795	(1,945)	43,226	
Ely Markets	-.	(58,381)	(58,381)	-.	-.	
Emergency Planning	30,024	358	7,357	6,999	30,024	
Environmental Issues	147,961	33,180	31,227	(1,953)	147,961	
Health - Admin. & Misc.	529,805	132,895	(52,107)	(185,002)	529,805	
Homelessness	247,158	130,105	(331,124)	(461,229)	247,158	
IT	1,011,782	566,862	576,752	9,890	1,011,782	
Leisure Centre	(301,550)	265	-.	(265)	(301,550)	
Licencing	19,067	4,592	(47,922)	(52,514)	19,067	
Marketing & Grants	42,192	17,235	(10,713)	(27,948)	42,192	
Neighbourhood Panels	1,500	375	-.	(375)	1,500	
Nuisance Investigation	103,673	25,918	22,430	(3,488)	103,673	
Pest Control	11,033	2,758	2,643	(115)	11,033	
Planning	253,594	(96,700)	192,988	289,688	453,594	200,000
Public Relations	109,883	27,471	27,283	(188)	109,883	
Refuge Recycling	1,276,987	319,247	325,603	6,356	1,276,987	
Refuse Collection	1,497,443	385,826	378,447	(7,379)	1,497,443	
Street Cleansing	876,471	219,118	219,118	-.	876,471	
Street Naming & Numbering	16,704	4,176	(8,791)	(12,967)	16,704	
Travellers Sites	(18,159)	(16,666)	6,171	22,837	(18,159)	
Tree Preservation	63,471	15,868	53,193	37,325	63,471	
Revenue Total	6,968,362	1,964,981	131,606	(1,833,375)	7,163,362	195,000

CAPITAL BUDGET MONITORING 2023/24

Capital	Published Budget 2023-24 £	Slippage from 2022-23 £	Approved Additions £	Revised Budget 2023-24 £	Actual at 30th June 2023 £	Forecast Outturn £	Variance between Revised Budget & Forecast £
Conservation Area Schemes - 2nd round		27,506		27,506		27,506	0
Refuse & Cleansing Vehicles	2,775,000			2,775,000		1,912,334	(862,666)
Waste - Wheelied Bins	1,040,000			1,040,000	17,202	1,040,000	0
Mandatory Disabled Facilities Grants	697,299	928,801	(5,793)	1,620,307	144,478	1,620,307	0
Empty Properties, Discretionary DFGs, Minor Works, Home Repair Asst.	75,000			75,000	13,866	75,000	0
Vehicle Etc. Replacements	100,000			100,000	20,611	100,000	0
Leisure Centre				0	(18,038)	0	0
Total	4,687,299	956,307	(5,793)	5,637,813	178,119	4,775,147	(862,666)

SOURCES OF FINANCING	Published Budget 2023-24 £	Slippage from 2022-23 £	Approved Additions £	Revised Budget 2023-24 £	Variations £	Forecast Outturn £
Grants / Contributions (DFG)	608,471	404,111	(5,793)	1,006,789		1,006,789
Capital Receipts	203,828	552,196		756,024		756,024
Borrowing	3,775,000	0		3,775,000	(1,662,666)	2,112,334
Section 106 / CIL	100,000	0		100,000	800,000	900,000
Capital Funding Total	4,687,299	956,307	(5,793)	5,637,813	(862,666)	4,775,147

TITLE: Environmental Crime Enforcement Policy 2023

Committee: Operational Services Committee

Date: 18th September 2023

Author: Senior Environmental Health officer

Report No: Y43

Contact Officer: Karen See, Senior EHO

Karen.see@eastcambs.gov.uk

01353 616358

SF308 The Grange, Ely

1.0 ISSUE

- 1.1. The Environmental Crime Enforcement Policy 2018 has been reviewed and updated, so that it remains relevant with respect to current legislation and enforcement powers.

2.0 RECOMMENDATION(S)

- 2.1. Members are recommended to:

(1) Approve the Environmental Crime Enforcement Policy 2023

3.0 BACKGROUND

- 3.1. The Council's first Environmental Crime Enforcement Policy was adopted in 2018.
- 3.2. Policies need to be reviewed and updated from time to time. The recent Internal Audit on Enforcement Policy Compliance also highlighted this.
- 3.3. There have been few changes to waste and environmental crime legislation since the first policy was written. However, to reflect the way in which the council has successfully tackled the illegal burning of waste and other anti-social practices, the 2023 policy now references the use of Community Protection Warnings (CPW's) and Notices (CPN's) as a way to deal with such issues.
- 3.4. The council must use its enforcement powers in a manner which is proportionate to risk, expedient and efficient as well as consistent and fair, and this policy forms the basis of this work.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. East Cambridgeshire's 2023 to 2027 Corporate Plan identifies the priority to reduce environmental crime across the district and secure prosecutions. A policy which reflects this focus and which allows officers to use all the enforcement tools at their disposal is key to effectively and robustly addressing environmental crime.

- 4.2. Audit review of the council's enforcement policies identified that policy owners, issue dates and review dates should be consistently recorded on policy documents and documents should be reviewed after 3 years.
- 4.3. Following adoption of the Environmental Crime Enforcement Policy an Action Plan for 2023/24 will be brought forward in November, that sets out the council's focus for Environmental Crime prevention and prosecution, for example extending publicity on the risks of persons paying unregistered individuals (often termed 'a man with a van') to dispose of their bulky household waste, the use of CCTV for fly tipping hot spot areas, targeting high litter areas etc.
- 4.4. In addition, this further report will provide an opportunity to outline the 2023 Government changes to the maximum fixed penalty charges local authorities can apply to certain environmental offences, and to seek agreement on future charging schemes.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no additional financial implications arising from adopting this Policy.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

Appendix 1-Environmental Crime Enforcement Policy 2023

Appendix 2 - Environmental Crime Enforcement Policy 2018

Background Documents:

Environmental Protection Act 1990

Anti-Social Behaviour Act 2003

ASB, Crime and Policing Act 2014

All associated Regulations including:

The Environmental Offences (Fixed Penalties) (England) Regulations 2017,

The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 SI 2023/770



East Cambridgeshire
District Council

Environmental Crime Enforcement Policy

Written by Senior Environmental Health Officer (Domestic Team)

Published in July 2023

Version 1.1

Revision due in July 2026

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1. Introduction

Environmental problems such as fly tipping, litter, abandoned vehicles, dog fouling and the burning of waste can seriously blight an area.

East Cambridgeshire District Council is committed to ensuring that we maintain the local environment to a high standard by keeping the streets and green spaces clean and free of waste, litter, abandoned vehicles and graffiti and effectively deliver our regulatory functions in order to protect the environment and help enhance the quality of life in local neighbourhoods.

The Clean Neighbourhoods and Environment Act (CNEA) 2005 and the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 introduced new powers to enable councils to deal more effectively with environmental crime and other local environmental quality issues. The acts place an emphasis on the role of targeted and effective enforcement as an important tool in any council's armoury when dealing with environmental quality problems.

East Cambridgeshire District Council is committed to the principles laid out in the government's Enforcement Concordat and the Regulators Compliance Code.

This means that we will aim to help people to comply with their responsibilities through information, education and advice about what is expected of them and how they should be behaving, but will not hesitate to take enforcement action against those who do not take note of the guidance or who wilfully spoil our environment.

This strategy lays out how we propose to use the range of enforcement options available to help achieve our aims, which are:

- improved quality of the natural and built environment
- a more pleasant place to live, visit and work
- reduced fear of crime
- greater awareness of local environmental quality issues across the district
- improved understanding by residents and businesses of their responsibilities in relation to the waste that they produce, and the offences that they might commit; also, how East Cambridgeshire District Council will deal with them if they offend
- the establishment of clear and appropriate policies and practices to achieve the above objectives

2. Priority areas

While all of the issues that will be highlighted in the following pages are important and can have an effect on the overall environmental quality of the district, certain aspects will need to take priority over others taking into account:

- severity and scale of the problem
- risk to public health
- risk of environmental harm
- trends and patterns of offences
- public opinion
- the needs of the public, businesses and other organisations based in the district
- the needs of our statutory partners and stakeholders
- government directives

Issues addressed by this policy include the following offences.

Fly tipping waste offences

Fly tipping is the illegal deposit of any waste onto land that does not have a licence to accept it. Fly tip investigations may not always identify the actual fly tip offender but do reveal associated offences such as 'duty of care' offences. For example, persons paying unregistered individuals (often termed 'a man with a van') to dispose of their bulky household waste that is subsequently fly tipped.

The Council takes a rigorous approach to fly tipping and looks to prosecute fly tippers and other offenders for associated offences. We investigate fly tips on both private and public land. We only clear fly tips from public land though.

Waste presentation offences

Typical offences are when businesses or households do not take reasonable care over waste produced at their premises. For example, the abuse of household waste collection and disposal facilities by businesses and tradesmen or householders putting waste out too soon for collection.



Street scene offences

Litter, dog fouling, abandoned vehicles, graffiti, fly posting and the use of advertising boards on the street are all offences that come in to this category.

If an offence is witnessed by an officer for example dropping litter or failing to pick up after a dog, it can be dealt with instantly by issuing a fixed penalty notice (FPN). If the remedy is not instant, for example, the offence is reported by a witness, then subsequent enquiries will take place and appropriate enforcement action taken.

There is a district wide Public Space Protection Order (PSPO) in force under the Anti-Social Behaviour (ASB) Crime and Policing Act 2014, which applies to all public spaces including those where payment to enter is made or permission to access them is implied or expressly permitted. The PSPO creates an offence when a dog fouls and the person in charge fails to clean up after their dog. This can be dealt with by an FPN or prosecution.

Other offences relating to environmental crime caused by anti-social behaviour

These offences are where the behaviour of a person or a business is having a detrimental effect on the quality of life for other people in the district, by affecting the community or local environment, and the behaviour is persistent and continuing.

The type of behaviour can be wide ranging. For example, waste accumulations in a person's garden, unreasonable security lighting affecting others in the vicinity, burning of material

such as plastics, treated wood, oil based materials. Such materials release chemicals, which can cause harm or pollution of the environment.

In some instances, the behaviour may be such that officers consider a statutory nuisance is being caused. In such cases the council is required to serve an abatement notice to require the cessation of the nuisance. If not deemed a statutory nuisance but the behaviour does have a negative effect on the local community, a Community Protection Notice (CPN) can be issued. The notice will require the behaviour to stop and if necessary reasonable steps to be taken to remove the impact, for example to require a change to the angle of security lights or to require the lawful clearance and disposal of waste material.

In some instances, there may be an associated impact from the ASB, for example, a problem with vermin as a result of a waste accumulation. In such cases, the council will review the most appropriate legislation under which to act.

Although covering many scenarios, this document does not provide a definitive list of actions and behaviours that can be described as environmental crime offences under which officers are authorised to act. In addition, changes may be required with the adoption of new or updated legislation and/or guidance. The council reserves the right to address environmental matters not expressly referenced in this document where applicable. However, the principles of enforcement remain the same.



3. Our approach - how do we intend to enforce?

The councils' approach is based on government guidance, the council's Enforcement Protocol and examples of best practice.

This guidance has been used to inform a balanced approach of education, encouragement and enforcement measures to help achieve our aims.

Principles of good enforcement require that we:

- treat people in a courteous and respectful manner
- treat all people fairly and equitably in accordance with the Equalities Act
- ensure that responses are in proportion to the seriousness of the issue
- where possible, achieve our aims through education and awareness raising to avoid the need for enforcement action
- respond to reported incidents promptly
- be open and transparent in our approach, and provide information on services and protocols when asked to do so;
- gain community support and assistance with our actions
- deter offences through provision of information on the issues around environmental crime, warning signs and publicising successful enforcement actions where considered appropriate to do so
- work with partner organisations where considered appropriate and beneficial to do so
- use body worn CCTV and deployable CCTV when required, in compliance

with the relevant legislation including the Data Protection Act 1998, the Human Rights Act 1998 and the ICO CCTV Code of Practice, to ensure a consistent and effective system is adopted

- only use covert surveillance equipment to gather evidence for prosecution in relation to serious offences in accordance with government guidelines and requirements of The Regulation of Investigatory Powers Act (RIPA) 2000
- take firm action against those who wilfully disregard the law or are obstructive during investigations
- where the law requires, to have a robust appeal process to allow a fair hearing against an allegation made

4. Enforcement options

The council has a range of powers and enforcement options to help it deal with environmental crime. The following are the main enforcement options that will be used, although some additional powers are available in relation to specific issues.

No further action

When an investigation reveals insufficient evidence, legislation precludes prosecution. In addition, when a matter is not in the public interest to proceed, no further action will be taken. The council will be transparent in its decision making and formally record this.

Advice

Inform and educate

East Cambridgeshire District Council will provide clear information and guidelines on individual responsibility via its website, policies, publicity campaigns and so on. We will seek to help individuals and businesses to comply with their legal obligations. The expectation is that residents and businesses act on advice provided. Failure to do so will result in more formal action being taken.

Warnings

These can be verbal or written and may be used to reinforce advice and guidance where minor breaches of the law have been identified but where it is not considered appropriate to take formal action. The warning may include a requirement to take steps to rectify a situation. Follow up visits to assess for compliance will be undertaken.

Formal action

Legal notice

Some legislation provides for the service of notices requiring a person, business or organisation to comply with legal guidelines. The notice will explain what is wrong, what is required to put things right, the timescale by which to do this and what will happen if the notice is not complied with. There may be a right of appeal against certain notices. If there is a right of appeal, information will be provided on how to do this.

Fixed Penalty Notice (FPN)

FPN's are available in relation to a number of offences. By accepting an FPN, the offender accepts responsibility for the offence and discharges the responsibility to attend court. Failure to pay an FPN may result in prosecution for the original offence where the matter is criminal, or, recovery as a debt where the matter is civil.

The table in Appendix E details the levels of fixed penalties for environmental offences. These may be subject to change in response to future government guidance. Any changes to fixed penalty levels will be published on the council website.

Simple caution

Under certain circumstances, a simple caution may be used as an alternative to prosecution. This is a serious matter and will be recorded. An offender having admitted an offence is formally cautioned by an appropriately authorised officer. The offender receives a written record of the caution, which is kept on record for a period of 5 years. If the offender commits

any further related offences during this period the caution can be considered when deciding on enforcement action to be taken, and can be considered during sentencing if court action is taken.

Prosecution

Prosecution action is normally taken for more serious offences. Such action can send out a clear message to others whom may be considering committing an offence. It requires the preparation of a case that is presented at a Magistrates Court, or in some instances the Crown Court.

Criminal Behaviour Orders (CBO)

The council can apply to the court for imposition of a CBO in the case of repeat offenders where other enforcement options have failed to stop re-offending. A CBO can make requirements of a person as well as imposing prohibitions.

Seizure of items

The council can apply to the court for a warrant to enter a premise and seize items of equipment either causing a nuisance (for example, stereo equipment) or as a result of a successful prosecution for breach of a CPN. Forfeiture of the items can be awarded by the court.

Stop and Search

Any person collecting waste as part of their business must be registered as a waste carrier with The Environment Agency. The council can inspect associated documentation and issue FPN's where not produced.

Power to enter and require details

In pursuance of evidence to prosecute an offence, the council has powers to enter land, seize evidence and require name and address details of offenders. Failure to provide or provision of false details is an offence.



5. Applying enforcement options

When deciding which enforcement option to apply, a number of factors need to be considered, including:

- the seriousness of the offence
- previous conduct of the offender
- likelihood to re-offend
- impact of the offence on others

In certain circumstances outlined below, further consideration will be given to the appropriate action that should be taken in relation to an offence.

Dealing with vulnerable people

It is recognised that normal enforcement procedures are not appropriate in all circumstances, and that individual circumstances must be considered when deciding on appropriate action.

Approach to juveniles

In line with government guidance and examples of best practice, the council will not take formal enforcement action against juveniles below the age of 16 years except in exceptional circumstances.

Appeals

An appeal process is available for a range of formal notices that officers are authorised to serve and also for fixed penalties issued in relation to breaches of the householder duty of care and for breaching a section 46 notice under the Environmental Protection Act (EPA) 1990. All other matters, if dealt with by fixed penalty, can only be challenged by electing to have the matter heard at court.



6. Working with partners

Working with other departments in the council, as well as external organisations is a vital part of any enforcement strategy. It is important that all interested parties are kept informed of proposals and actions being considered thereby providing the opportunity for partnership working to tackle what are often complex and wide-ranging issues.

Planned approach

Where it is practical and beneficial to help deliver the aims of this strategy, we will work jointly with other council departments and external organisations, using the most appropriate enforcement tools available.

Where government guidance recommends that we should try a partnership approach to tackling issues before taking enforcement action, we will always seek to do this.

When considered appropriate to do so, the council will request courts to consider the option for offenders to undertake community payback if convicted for an environmental crime offence.

Identified partners

The following is a list of potential partners that have been identified for the delivery of aims included within this strategy.

Internal partners

- Community Safety Partnership
- Legal Services
- Planning and Planning Enforcement
- East Cambs Street Scene
- Anglia Revenues Partnership

External partners

- Cambridgeshire County Council
- Cambridgeshire Police
- Cambridgeshire Countryside Watch
- The Environment Agency
- Cambridge Fire and Rescue Service
- Neighbourhood Watch groups
- parish, town and city councils
- registered social landlords
- community groups
- Driver and Vehicle Licensing Agency



7. Who to contact and how

The officers who carry out the investigations and enforcement of environmental crime offences are authorised in writing in accordance with the council's scheme of delegation.

The council will ensure that its officers are suitably qualified, experienced, and competent with respect to the enforcement duties that they have been authorised to carry out, and that they receive ongoing training relevant to their enforcement role.

If you would like further information or to report a suspected environmental crime incident, please

- review our webpages on www.eastcambsgov.uk/content/envirocrime
- email the team at envirocrime@eastcambsgov.uk
- call us on 01353 665555
- write to us at Environmental Crime, Domestic Team Environmental Services, East Cambridgeshire District Council, Nutholt Lane, Ely, Cambridgeshire CB7 4EE





8. Reviewing this policy

The Environmental Crime Enforcement Policy 2023 will be reviewed every 3 years (or earlier if changes to legislation demand a change to policy) and published on the council website.

Plan owner: Karen See, Senior Environmental Health Officer (Domestic Team).

Last reviewed: July 2023.

Next review: July 2026.

Appendix A - fly tipping offences

Dumping waste illegally (or 'fly tipping') can seriously degrade any area. The problem can vary in scale from a couple of rubbish bags dumped on the street to several tonnes of commercial waste tipped down a quiet lane or drove. Apart from spoiling the appearance of an area and creating a risk to people and wildlife, fly tipping places a substantial drain on council finances.

Examples of the powers available:

- Section 33 of the Environmental Protection Act (EPA) 1990 makes it an offence for any person or business to deposit waste anywhere other than a licensed waste facility; persons or businesses found to be fly tipping can receive an unlimited fine and/or imprisonment; the offence is triable either way, placing it in the family of serious offences
- Section 33A of the EPA 1990 allows the courts to order a person or company who has been found guilty of fly tipping to pay for the costs of the investigation and enforcement actions, including any costs linked to the seizing of a suspect vehicle
- Section 33B of the EPA 1990 allows the courts to order a person or company who has been found guilty of fly tipping to pay for the cost of cleaning up waste that they fly tipped
- Section 33C of the EPA 1990 allows the courts in certain cases to seize a vehicle that has been used for fly tipping and pass it to the council
- Section 34B of the EPA 1990 gives the council the power to search and/or seize any vehicle involved or suspected of being involved in fly tipping

- Section 146 of the Powers of Criminal Courts (Sentencing) Act 2000 allows the court to disqualify a person convicted of fly tipping from driving for such periods as they see fit

Planned approach

East Cambridgeshire District Council considers fly tipping to be a serious offence and will offer an FPN to, or immediately prosecute any person or company involved where it is in the public interest to do so.

A Community Protection Notice (CPN) under the Antisocial Behaviour Crime and Policing Act 2014 may also be issued. This may require the waste to be removed by the person responsible and to provide documentation showing its correct transport and disposal. Failure to carry out such a recommendation may result in either an FPN being issued or a prosecution. A notice such as this will be considered and employed alongside other available enforcement resolutions such as an FPN for the tip itself, a penalty for failing to produce waste transfer documentation for business or a breach of the householder waste duty of care. Where a prosecution is undertaken, we will apply to the courts for the recovery of our investigation and any clean-up costs.

In certain cases, we will apply to the courts to have driving licences revoked and vehicles seized from people or companies convicted of fly tipping who we feel may re-offend. We may also apply for an Criminal Behaviour Order (CBO) if we feel this is appropriate.

We will take part in joint operations with other agencies to target unlicensed waste carriers, and traders who are unable to demonstrate legal disposal of their waste.

We will also produce information warning of the consequences of being caught fly

tipping, Duty of Care responsibilities for household and commercial waste, and information on how to dispose of waste legally.

Officers have appropriate training which enables them to use their discretion in their enforcement recommendations.

Any recommendation to serve a formal notice is reviewed by a senior officer before progressing.

Any recommendation to proceed to court for prosecution is reviewed by a senior officer and the service lead, prior to final decision being made by the Legal team.

Appendix B - waste presentation offences

East Cambridgeshire District Council (as the Waste Collection Authority) has a statutory duty imposed by Section 45 of the EPA 1990 to provide a collection service for household waste and to provide a commercial waste collection service to any business that requests it from us, who shall then be liable to pay a reasonable charge for the collection and disposal of the waste; and it shall be the duty of the authority to recover the charge unless in the case of a charge in respect of commercial waste the authority considers it inappropriate to do so.

At the present time, the two areas of concern are:

- traders and businesses passing off commercial waste as domestic waste to avoid paying collection and disposal charges
- households not following the council's instructions about the proper use of waste collection services, for example, putting out bags of refuse too early

Taking enforcement action will help to reduce litter problems due to incorrectly presented household waste, and ensure that businesses put in place arrangements for the safe storage, carriage and disposal of their waste.

Examples of the powers available:

- Section 46 of the EPA 1990 allows the council to serve a notice on an occupier requiring them, amongst other things, to separate their waste for recycling and/or to put out their refuse at specific times and/or in containers we supply; if this notice is not complied with, then the council can issue an FPN which if unpaid may result in the amount outstanding being pursued as an unpaid debt

- Section 1 of the Control of Pollution (Amendment) Act 1989 makes it an offence for any individual or company who is not a Registered Waste Carrier to move waste from one place to another for profit; if the council finds any individual or company doing this we can either prosecute or issue an FPN, which, if unpaid may result in prosecution for the original offence
- Section 34 of the EPA 1990 and The Environmental Protection (Duty of Care) Regulations 1991 places a Duty of Care on all holders of waste; this means, amongst other things, that
 - » anyone who passes waste to another person (apart from householders putting waste out for a normal council refuse collection) must be sure that the person who is taking the waste is a Registered Waste Carrier
 - » where the transfer of waste is anything other than the transfer of household waste produced by the occupier of a domestic property both parties must have a copy of a Waste Transfer Note (WTN) that describes, amongst other things, the type of waste that is being moved and the names of both parties
 - » both parties must ensure they can produce a valid WTN when requested by a Waste Regulation Authority (such as the council or the Environment Agency)
 - » companies or persons who are found to be in breach of these regulations may be prosecuted or issued with an FPN which if unpaid may result in prosecution for the original offence

- » householders similarly must ensure that any company or person they pay to remove waste for them is a registered waste carrier; persons who are found to be in breach of these regulations may be issued with an FPN or may be prosecuted
- Section 34.B of the EPA 1990 will allow the council to seize and impound any vehicle it suspects of being used for the illegal movement of waste and waste duty of care breaches

Planned approach

We will produce literature to make individuals and businesses aware of their responsibilities and outlining what actions we will take against offenders.

We will use the full range of powers available to us to deal with the illegal movement of waste and any waste duty of care breaches. Where waste has been found to have been illegally deposited, we will offer a fixed penalty where records of the transfer are not available for businesses and similarly for households where the waste carrier is unknown, although a prosecution will be preferred in both instances where it is in the public interest to do so.

Where it is suspected that commercial premises do not have suitable waste arrangements in place, inspections will be carried out. If the required waste transfer documentation is not produced within a specified period an FPN will be issued. If the FPN is not paid, or further offences are committed, this may result in a prosecution.

People or companies involved in the illegal movement of waste risk having their vehicles seized and receiving an FPN or being prosecuted.

Repeat offences or failure to pay the FPN may result in prosecution.

Householders who do not comply with the council's instructions for storing, separating or presenting waste for collection will initially be provided with advice and may be served with a Section 46 Notice. This places a legal requirement on them to follow instructions regarding the separation and presentation of waste for collection. If a notice is breached, an FPN may be issued. If the FPN is not paid, this may be pursued as a debt.

In instances where either businesses or households allow wastes to accumulate to the extent that it has a detrimental effect on the quality of life for those in the neighbourhood that is persistent and unreasonable, a CPN will be considered. Failing to carry out the requirements of such a notice may result in an FPN being issued or a prosecution for the breach or for clearance costs to be charged back to the person or organisation issued with the notice.

Officers have appropriate training which enables them to use their discretion in their enforcement recommendations.

Any recommendation to serve a formal notice is reviewed by a senior officer before progressing.

Any recommendation to proceed to court for prosecution is reviewed by a senior officer and the service lead, prior to final decision being made by the Legal team.

Appendix C - street scene offences

Litter, abandoned vehicles, fly posting, graffiti, dog fouling etc are all offences that come into this category.

East Cambridgeshire District Council intends to use the full range of powers available to deal with the range of street scene offences in the district.

In addition, we intend to promote responsible behaviour through information and publicity campaigns aimed at residents and businesses. These will highlight the problems caused by littering, abandoned vehicles, fly posting, graffiti, dog fouling etc and actions that will be taken against offenders.

Examples of the powers available:

- Section 87 of the EPA 1990 makes it an offence to drop or throw or otherwise deposit any litter onto land, the highway or a watercourse
- Section 88 of the EPA 1990 gives the council the power to issue any individual caught littering with an FPN which if unpaid may result in prosecution for the original offence
- Section 2 of the Refuse Disposal Amenity Act 1978 makes it an offence to abandon a vehicle on any land (public or private); persons found guilty of this offence can be prosecuted or issued with a FPN which if unpaid may result in prosecution for the original offence
- Section 3 and 4 of the Refuse Disposal Amenity Act 1978 places a duty of care on the council to remove any vehicle it suspects of being abandoned in its area, hold it for seven days and then destroy, or in the case of vehicle being in reasonable condition, sell the vehicle if it remains unclaimed

- Section 5 of the Refuse Disposal Amenity Act 1978 allows us to recover our costs from the owner or registered keeper of the vehicle
- Section 94B and Schedule 3A of the EPA 1990 gives the Council powers to control the on-street distribution of free printed materials (such as leaflets and flyers) in areas where this has caused a litter problem; people or businesses found to be distributing these sort of materials without the council's permission can be prosecuted or issued with an FPN, which if unpaid may result in prosecution for the original offence
- Section 43 of the Anti-Social Behaviour Act 2003 allows an authorised officer to issue an FPN to anyone found in the act of a graffiti offence; the decision to issue an FPN will be based on the judgement of the officer who witnesses the event and their decision will be dependent on the scale and location of the defacement; it must be noted, however, that as a general rule all but the most minor of graffiti offences will be reported to the police

Planned approach

We will promote national and local campaigns to raise awareness of littering. These will include smoking litter and chewing gum.

We will aim to promote responsible dog ownership by warning of the dangers caused by failure to remove dog fouling, and of the potential penalties for not doing so.

We will issue FPN's in all cases where a dog owner is identified and seen not to clear up after their pet forthwith.

We will work with partner organisations to identify and target areas where high levels of dog fouling are found.

We will work with local shops and licensed premises to encourage them to take responsibility for litter originating from their premises, such as smoking litter outside bars. Where voluntary agreements can't be achieved the council can impose a Community Protection Notice (CPN) imposing an obligation to remove litter resulting from the operation of the business and to take steps to prevent litter developing in the future.

Failing to comply with a CPN is an offence which may result in an FPN, prosecution or works being carried out that can be recharged to the person or organisation issued with the notice.

We will make checks where it is suspected that businesses do not have proper arrangements in place for disposal of their waste, or where it is not properly contained to prevent escape into public areas. The council has powers to impose solutions in such circumstances.

FPN's will be issued where it is considered that a person has wilfully dropped litter or if they have been previously warned for doing so. Unpaid FPN's may result in court action being taken.

Where it is considered appropriate we will offer the opportunity to pick up and properly dispose of dropped litter as an alternative to receiving an FPN.

For abandoned vehicles, we will aim to reclaim our costs from the last registered owner/keepers of all vehicles removed from the highway or private land.

We will look to issue an FPN to any person found to be responsible for abandoning a vehicle in the district. If the FPN is not paid we can prosecute for the original offence.

If graffiti is found to be persistent and having a detrimental impact and a lack of action to remove the graffiti from a premise by the landowner is considered unreasonable, then we will in certain cases issue CPN's to landowners compelling them to remove graffiti from their premises.

East Cambridgeshire District Council will liaise with businesses who may be involved in fly posting. If the practice continues and it is causing a persistent and detrimental impact to the amenities of the area, then the council will use its full range of powers to more formally discourage businesses or persons from continuing in this practice.

Officers have appropriate training which enables them to use their discretion in their enforcement recommendations.

Any recommendation to serve a formal notice is reviewed by a senior officer before progressing.

Any recommendation to proceed to court for prosecution is reviewed by a senior officer and the service lead, prior to final decision being made by the Legal team.

If a prosecution is brought, the council will always submit a claim to cover their costs, including costs of removal of material if applicable.

Appendix D – other offences

Considering examples of ASB offences that could come under the category of environmental crime, burning of waste material is an issue officers are often called to investigate.

Although burning can take place within the curtilage of domestic premises, for example, when disposing of cuttings from domestic garden maintenance, care must be taken so as to not burn items that will render the householder liable to prosecution. Plastics, treated wood, oil based materials, polystyrene, to name a few, release harmful chemicals when burned which can cause harm or pollution of the environment.

Harm under the EPA 1990 defines the term to mean ‘offence to any of his senses or harm to his property’ and pollution refers to the release or escape from the land where the waste is treated, deposited, kept or disposed, of substances or articles constituting or resulting from the waste and capable of causing harm to man or any other living organisms supported by the environment.

Similarly, for commercial sites, wastes must not be burned that are not covered by a D7 exemption which allows limited burning of organic materials and wood from joinery. A D7 exemption can be registered with the Environment Agency. Commercial sites must not burn plastics, treated wood or oil-based materials unless there is a permit in force from the Environment Agency allowing this.

In the case of businesses burning wastes outside of the limits of a permit or a D7 exemption, the business may be held liable for a breach of the waste duty of care at section 34 of the EPA 1990, which states: ‘it shall be the duty of any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a dealer or broker, has control of such waste, to take all such measures

applicable to him in that capacity as are reasonable in the circumstances to prevent any contravention by any other person of section 33 or to prevent any contravention by any other person of regulation 12 of the Environmental Permitting Regulations or of a condition of an environmental permit’.

Examples of the powers available:

- it is an offence at Section 33 of the EPA 1990 to keep, treat or dispose of waste in a way that causes pollution to the environment or harm to human health; burning waste will engage this power where commercial sites burn materials that are not exempted and domestic premises will engage this when incorrect materials are burned; offences carry an unlimited fine and or imprisonment on conviction
- it is an offence under the Clean Air Act 1993 to emit dark smoke from any trade or industrial premises and carries a fine of up to £20,000 on conviction
- officers will employ search and seizure powers under the Environment Act 1995 which allows officers to enter and inspect such fires and document or seize evidence of an offence

Planned approach

We will make information available to households and businesses to ensure that they are aware of materials that must not be burnt.

Where practicable, we will attend reports of fires burning improper materials and document and/or seize evidence of an offence.

We will, alongside the consideration of prosecution for offences committed in relation to the burning of wastes, issue a

Community Protection Warning (CPW), which may lead to a Community Protection Notice (CPN) requiring the cessation of burning activities and a requirement to produce evidence of authorised waste transfer documentation. Breach of a CPN may result in an FPN or prosecution for failure to comply with the requirements of the notice.

We will make information available to households and businesses to ensure they are aware of the need to control all activities that may cause a nuisance to others.

We will investigate complaints of statutory nuisance in accordance with our procedures, which may involve monitoring of the activities being undertaken.

If a statutory nuisance is not established but the activity is considered by officers to be having a detrimental effect on the quality of life for persons in the district, by affecting the community or local environment, and the behaviour is persistent and continuing, then consideration will be given to service of a CPW, which may lead to a CPN.

CPW's and/or CPN's will be considered and may be employed in the early stages of investigations for other offences, for example statutory nuisance, pest control, public health matters and so on.

Officers have appropriate training which enables them to use their discretion in their enforcement recommendations.

Any recommendation to serve a formal notice is reviewed by a senior officer before progressing.

Any recommendation to proceed to court for prosecution is reviewed by a senior officer and the service lead, prior to final decision being made by the Legal team.

Appendix E – fixed penalty charges

Environmental offence	ECDC adopted fixed penalty charge	Updated government guidance on max levels under The Environmental Offences (Fixed Penalties) Amendment Regs 2023
Illegal waste deposit	£400	£150 to £1000
Failure to produce a waste carriers' licence or waste transfer documentation	£300	no data
Breach of householder Duty of Care	£200	£150 to £600
Abandoning a vehicle	£200	no data
Nuisance parking	£100	no data
Alarm noise	£80	no data
Littering	£150	£65 to £500
Graffiti	£150	£65 to £500
Fly posting	£150	£65 to £500
Unauthorised distribution of free literature on designated land	£150	£65 to £150
Breach of the Public Space Protection Order (for example, failure to clear up dog fouling)	£80	no data

We will keep under review the fixed penalty charges to be applied for all offences, in accordance with government guidance and the assessed local impact of adopting higher fines.

Consideration will again be given during any review to the possible adoption of a discounted penalty for early payment of charge or a variation in fixed penalty charged, dependant on the seriousness of the offence or the amount of waste being deposited and so forth.

Environmental Crime Enforcement Policy



Let's Clean Up Our Act!

EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

Environmental Crime Enforcement Policy

Let's Clean Up Our Act!

July 2018

July 2018



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Appendix 1 East Cambridgeshire District
Council -Corporate Enforcement Protocol

Acknowledgements

Thanks are due to colleagues in East Cambridgeshire District Council, Plymouth City Council, East Lindsey District Council, Stevenage Borough Council, Keep Britain Tidy and DEFRA for guidance help and advice in preparation of this document.

1. Introduction

Environmental problems such as litter, dumped rubbish, graffiti, abandoned vehicles and fly tipping can seriously blight an area. East Cambridgeshire District Council is committed to ensuring that we maintain the local environment to a high standard by keeping the streets and green spaces clean and free of litter, graffiti, abandoned vehicles and other environmental nuisances.

The Clean Neighbourhood and Environment Act (CNEA) 2005 introduced new powers to enable councils to deal more effectively with environmental crime and other Local Environmental Quality issues. It places an emphasis on the role of proper enforcement as an important tool in any council's armoury when dealing with environmental quality problems.

East Cambridgeshire District Council is committed to the principles laid out in the Government's Enforcement Concordat and the New Regulators Compliance Code. This means that we will aim to persuade people to change their behaviour through information, education and advice, but will not hesitate to take enforcement action against those who continue to wilfully spoil our environment.

This strategy lays out how we propose to use the range of enforcement options available to help achieve our aims, which are:

- Improved quality of the natural and built environment;
- a more pleasant place to live, visit and work;

- reduced fear of crime;
- greater awareness of Local Environmental Quality issues across the district;
- Improved understanding by residents and businesses of their responsibilities in relation to the waste that they produce, and the offences that they might commit. Also, how East Cambridgeshire District Council will deal with them if they offend, and;
- The establishment of well considered and appropriate policies and practices to achieve the above objectives.

2. Priority Areas

While all of the issues that will be highlighted in the following pages are important and can have an effect on the overall environmental quality of the district, certain aspects will need to take priority over others taking into account;

- Severity and scale of the problem;
- risk to public health;
- trends & patterns of offences;
- public opinion;
- the needs of the public, businesses and other organisations based in the district;
- the needs of our statutory partners and stakeholders, and;
- Government directives.

Issues include

- Fly tipping;
- litter;
- household waste collection issues, such as putting waste out too soon for collection;
- abuse of household waste collection and disposal facilities by businesses and tradesmen
- unlicensed waste carriers;
- abandoned vehicles;
- dog fouling
- removal of waste from private land;
- graffiti, and;
- fly posting

3. Our approach—How do we intend to enforce?

The Councils' approach is based on Government guidance, the Council's Enforcement Protocol, and examples of Best Practice. This guidance has been used to inform a balanced approach of education, encouragement and enforcement measures to help achieve our aims.

Principles of good enforcement require that we:

- Treat people in a courteous and respectful manner;
 - treat all people fairly and equitably regardless of ethnic background, religion, sexuality, age or physical ability;
 - ensure that responses are in proportion to the seriousness of the issue;
 - where possible achieve our aims through education and awareness raising to avoid the need for enforcement action;
 - respond to reported incidents promptly, and outside of normal working hours where considered appropriate and safe to do so;
 - be open and transparent in our approach, and provide information on services and protocols when asked to do so;
- gain community support and assistance with our actions;
 - deter offences through provision of a visible uniformed presence, warning signs and publicising successful enforcement actions where considered appropriate to do so;
 - work with partner organisations where considered appropriate and beneficial to do so;
 - Only use covert surveillance equipment to gather evidence for prosecution in relation to serious offences in accordance with Government guidelines & requirements of The Regulation of Investigatory Powers Act (RIPA);
 - take firm action against those who wilfully disregard the law, or are obstructive during investigations, and;
 - have in place a robust appeals process where people feel they have been unfairly treated.

4. Enforcement options

The Council has a range of powers and enforcement options to help it deal with environmental crime. The following are the main enforcement options that will be used, although some additional powers are available in relation to specific issues:

- **Verbal warning**

Used for minor contraventions that are rectified at the time by the person responsible. A record will be made of the warning.

- **Written warning**

Used for minor offences where it has not been possible to provide a verbal warning or where the person responsible has not complied with a request to rectify the issue.

- **Simple Caution**

An offender having admitted an offence is formally cautioned by the Head of Environmental Services. The offender receives a written record of the caution, which is kept on record for a period of 5 years. If the offender commits any further related offences during this period the caution can be taken into account when deciding on enforcement action to be taken, and can be considered during sentencing if court action is taken.

- **Simple Caution with Costs**

As a Simple Caution, but the offender is required to pay clear-up costs incurred by the Council in relation to the offence.

- **Fixed Penalty Notice**

Fixed Penalty notices for varying amounts are available in relation to a number of offences. By accepting a Fixed Penalty Notice the offender accepts responsibility for an offence and discharges their responsibility to attend Court. The Council will set Fixed Penalty Notice fines at national default levels, and

offer a reduced fee for early payment where permissible. Failure to pay a Fixed Penalty Notice may result in prosecution for the original offence.

- **Prosecution**

Prosecution action is normally taken for more serious and repeat offences. It requires the preparation of a case that is presented at a Magistrates Court.

- **Anti Social Behaviour Orders**

The Council can apply to the Court for imposition of an ASBO in the case of serial repeat offenders where other enforcement options have failed to stop re-offending. These can impose certain conditions on the offender to prevent them committing further offences.

- **Legal notice**

Legal notices can be served in a variety of circumstances. They take the form of a written instruction to behave in a certain way or provide information. Examples are an instruction to a resident to present their waste for collection at a certain time and in a certain way, an instruction to clear waste from land owned by the recipient, and a requirement of the registered owner of a vehicle to state who was driving it at the time of an offence.

- **Stop & search**

Any person collecting waste as part of their business must be registered as a waste carrier with The Environment Agency. The Council can inspect associated documentation and issue Fixed Penalty Notices where not produced.

- **Power to enter and require details**

In pursuance of evidence to prosecute an offence, the Council has powers to enter land, seize evidence and require name and address details of offenders. Failure to provide or provision of false details is an offence.

5. Applying enforcement options

When deciding which enforcement option to apply, a number of factors need to be considered, including: the seriousness of the offence, previous conduct of the offender, likelihood to re-offend and impact of the offence on others.

In certain circumstances outlined below, further consideration will be given to the appropriate action that should be taken in relation to an offence.

Dealing with vulnerable people

It is recognised that normal enforcement procedures are not appropriate in all circumstances, and that individual circumstances such as mental health issues must be considered when deciding on appropriate action.

Approach to Juveniles

In line with Government guidance and examples of Best Practice, the Council will not take formal enforcement action against juveniles below the age of 16 years except in exceptional circumstances.

Appeals Process

Any person who feels that they have been dealt with unfairly by the Council in relation to environmental crime issues has a right to appeal against action taken. An appeal should be submitted to the Council in writing, outlining the grounds of the appeal.

6. Litter

Litter is a major problem in most urban and rural areas, and can if unchecked make an area look run down and neglected.

Litter includes a variety of small items that are often dropped without consideration of the mess that is caused and resources needed to tidy up. Common litter items include: take away wrappings, empty drinks cans, cigarette butts, chewing gum and flyers.

East Cambridgeshire District Council intends to use the full range of powers available to deal with littering in the District. In addition, we intend to promote responsible behaviour through information and publicity campaigns aimed at residents and businesses. These will highlight the problems caused by littering and actions that will be taken against offenders.

Powers Available:

S.87 of The Environmental Protection Act (EPA) 1990 makes it an offence to drop or throw or otherwise deposit any litter onto land, the highway or a watercourse.

S.88 of the EPA gives the Council the power to issue any individual caught littering with a Fixed Penalty Notice (FPN) which if unpaid may result in prosecution for the original offence.

S.92 of EPA 1990 gives the Council the power to take action against 'duty bodies' such as schools, railway operators and harbours that have allowed their land to become defaced by litter. In such cases the council can serve a Litter Abatement Notice that requires the duty body to clear up the litter and/or take steps to prevent the problem from happening again. If the Notice is not complied with then the Council can prosecute.

S.92A of the EPA 1990 gives the Council the power to serve a Litter Clearing Notice requiring the owners or occupiers of private land that has become defaced by litter to clear up the litter and/or take steps to prevent the problem from happening again. If the notice is not complied with then the Council can prosecute or issue a FPN, which if unpaid may result in prosecution for the original offence.

S.93 and 94 of the EPA 1990 gives the Council the power to serve a Street Litter Control Notice on shops and businesses whose activities are likely to create litter (for example takeaways and public houses). This compels them to clear up the litter outside their premises and take steps to stop the problem. If the notice is not complied with then the Council can prosecute or issue a FPN, which if unpaid may result in prosecution for the original offence.

S.94B and Schedule 3A of the Environmental Protection Act 1990 gives the Council powers to control the on street distribution of free printed materials (such as leaflets and flyers) in areas where this has caused a litter problem. People or businesses found to be distributing these sort of materials without the Council's permission can be prosecuted or issued with a FPN, which if unpaid may result in prosecution for the original offence.

Planned approach

- We will promote national & local campaigns to raise awareness of littering. These will include smoking litter & chewing gum, which cause major cleaning problems, but are often not considered as litter by those who drop them.
- We will work with local shops and licensed premises to encourage them to take responsibility for litter originating from their premises, such as smoking litter outside bars. Where voluntary agreements can't be achieved the Council can impose a Street Litter Control Notice, imposing an obligation to remove litter originating from the business within a defined area.
- We will make checks where it is suspected that businesses do not have proper arrangements in place for disposal of their waste, or where it is not properly contained to prevent escape into public areas. The Council has powers to impose solutions in such circumstances.
- Where it is considered appropriate we will offer the opportunity to pick up and properly dispose of dropped

litter as an alternative to receiving a Fixed Penalty Notice.

- Fixed Penalty Notices will be issued where it is considered that a person has wilfully dropped litter or if they have been previously warned for doing so. Unpaid FPN's may result in court action being taken.

7. Waste

East Cambridgeshire District Council (as the Waste Collection Authority) has a statutory duty imposed by S.45 of the Environmental Protection Act (EPA) 1990 to provide a collection service for household waste and to provide a commercial waste collection service to any business that requests it from us.

At the present time two main problem areas are:

- Traders and businesses passing off commercial waste as domestic waste to avoid paying collection and disposal charges.
- Households not following the Council's instructions about the proper use of waste collection services e.g. putting out bags of refuse too early.

Taking enforcement action will help to reduce litter problems due to incorrectly presented household waste, and ensure that businesses put in place arrangements for the safe storage, carriage and disposal of their waste.

Powers Available:

S.46 of the EPA 1990 allows the Council to serve a notice on an occupier requiring them amongst other things, to separate their waste for recycling and/or to put out their refuse at specific times and/or in containers we supply. If this notice

is not complied with, then the Council can prosecute or issue a Fixed Penalty Notice (FPN) which if unpaid may result in prosecution for the original offence.

S.1 of the Control of Pollution (Amendment) Act 1989 makes it an offence for any individual or company who is not a Registered Waste Carrier to move waste from one place to another for profit. If the Council finds any individual or company doing this we can either prosecute or issue a FPN which if unpaid may result in prosecution for the original offence.

S.34 of the EPA 1990 and The Environmental Protection (Duty of Care) Regulations 1991 places a Duty of Care on all holders of waste. This means amongst other things that anyone who passes waste to another person (apart from householders putting waste out for a normal council refuse collection) must be sure that the person who is taking the waste is a Registered Waste Carrier. Where the transfer of waste is anything other than the transfer of household waste produced by the occupier of a domestic property both parties must have a copy of a Waste Transfer Note (WTN) that describes amongst other things the type of waste that is being moved and the names of both parties. Both parties must ensure they can produce a valid WTN when requested by a Waste Regulation Authority (such as the Council or the Environment Agency). Companies or persons who are found to be in breach of these regulations may be prosecuted or issued with an FPN which if unpaid may result in prosecution for the original offence. Householders similarly must ensure that any company or person they pay to remove waste for them is a registered waste carrier. Persons who are found to be in breach of these regulations may be prosecuted.

S34.B of the EPA 1990 will allow the Council to seize and impound any vehicle it suspects of being used for the illegal movement of waste and waste duty of care breaches.

Planned approach

- We will produce literature to make individuals and businesses aware of their responsibilities and outlining what actions we will take against offenders.
 - We will use the full range of powers available to us to deal with the illegal movement of waste and any waste duty of care breaches.
 - Where it is suspected that commercial premises do not have suitable waste arrangements in place, inspections will be carried out. If required waste transfer documentation is not produced within a specified period a FPN will be issued. If the FPN is not paid, or further offences are committed, prosecution will be considered.
 - People or companies involved in the illegal movement of waste risk having their vehicles seized and receiving a FPN.
 - Repeat offences or failure to pay the FPN may result in prosecution.
 - In serious cases of both waste duty of care breaches and illegal movement of waste the Council may prosecute immediately.
- Householders found to have breached waste duty of care regulations will be provided with information explaining the law. If, however, they re-offend, they will receive a FPN which if unpaid may result in prosecution.
 - Householders who do not comply with the Council's instructions for storing, separating or presenting waste for collection will initially be provided with advice and may be served with a S.46 Notice. This places a legal requirement on them to follow instructions. If a Notice is breached a FPN may be issued. If the FPN is not paid, or further breaches occur prosecution may result.

8. Fly tipping

Dumping waste illegally (or 'fly tipping') can seriously degrade any area. The problem can vary in scale from a couple of rubbish bags dumped on the street to several tonnes of commercial waste tipped down a quiet lane or drove. The Council has to deal with substantial instances of fly tipping each year. Apart from spoiling the appearance of an area and creating a risk to people and wildlife, fly tipping places a substantial drain on Council finances.

Powers Available:

S.33 of the Environmental Protection Act (EPA) 1990 makes it an offence for any person or business to deposit waste anywhere other than a licensed waste facility. Persons or businesses found to be fly tipping can receive an unlimited fine and/or up to five years in prison. Because of the seriousness of the crime, fly tipping is an arrestable offence.

S.34B of the EPA 1990 gives the Council the power to search and/or seize any vehicle involved or suspected of being involved in fly tipping.

S.33A of the EPA 1990 allows the courts to order a person or company who has been found guilty of fly tipping to pay for the costs of the investigation and enforcement actions, including any Costs linked to the seizing of a suspect vehicle.

S.33B of the EPA 1990 allows the courts to order a person or company who has been found guilty of fly tipping to pay for the cost of cleaning up waste that they fly tipped.

S.33C of the EPA 1990 allows the courts in certain cases to seize a vehicle that has been used for fly tipping and pass it to the Council.

S.146 of the Powers of Criminal Courts (Sentencing) Act 2000 allows the Court to disqualify a person convicted of fly tipping from driving for such periods as they see fit.

Planned approach

- East Cambridgeshire District Council considers Fly tipping to be a serious offence and will usually prosecute any person or company involved.
- Where a prosecution is undertaken, we will apply to the courts for the recovery of our investigation and clean-up costs from those convicted.
- In certain cases we will apply to the courts to have driving licences revoked and vehicles seized from people or companies convicted of fly tipping who we feel may re-offend. We may also apply for an Anti-Social Behaviour Order if we feel this is appropriate.
- We will take part in joint operations with other agencies to target unlicensed waste carriers, and traders who are unable to demonstrate legal disposal of their waste.
- We will also produce information warning of the consequences of being caught fly tipping, Duty of Care responsibilities for household and commercial waste, and information on how to dispose of waste legally.

9. Dog Fouling

Owning a dog can bring great happiness but also places a life long responsibility on the owner to ensure that the dog is not a hazard, .

health risk, or a nuisance to other members of our society. Unfortunately too many owners do not take a responsible attitude towards dog ownership as a result the council receives a high number of complaints each year regarding a range of issues, including uncollected dog faeces

The dangers to health from dog faeces are well documented. Toxocara eggs released from faeces can live in soil for years and can cause unpleasant symptoms in humans. This is a real problem for crawling babies and toddlers and for people using contaminated areas for recreational sport.

Dog owners have the right to enjoy their pets and to exercise them however residents and in particular children also have a right to be able to enjoy a clean safe environment and be able to access areas free from dog fouling.

Powers Available:

Section 3 of The Dogs (Fouling of Land) Act 1996 makes it an offence for a person in charge of a dog not to clear up forthwith after the dog has defecated on designated land.

Planned approach

- We will aim to promote responsible dog ownership by warning of the dangers caused by failure to remove

dog fouling, and of the potential penalties for not doing so.

- We will issue FPN's in all cases where a dog owner is seen not to clear up after their pet.
- We will work with partner organisations to identify and target areas where high levels of dog fouling are found.

10. Abandoned vehicles

Abandoned vehicles not only make an area look run down, but can also pose a real danger to people, especially children who may be tempted to play in or around the vehicle.

East Cambridgeshire District Council Investigated 66 abandoned or burnt out vehicles between April 2009 and March 2010.

There is no legal definition of 'abandoned' and it is up to the investigating officer to decide whether it is abandoned. Most abandoned vehicles however show some or all of the following characteristics:

- Untaxed
- Burnt out
- Flat tyres
- Rusty brake discs
- Unlocked
- Rubbish in or around the vehicle
- Stationary for a long time

Caravans, trailers, motorbikes and any large part of a vehicle such as an engine block fall within the definition of an abandoned vehicle.

Powers Available:

S.2 of the Refuse Disposal Amenity Act 1978 makes it an offence to abandon a vehicle on any land (public or private). Persons found guilty of this offence can be prosecuted or

issued with a Fixed Penalty Notice which if unpaid may result in prosecution for the original offence.

S.3 and 4 of the Refuse Disposal Amenity Act 1978 places a duty of care on the Council to remove any vehicle it suspects of being abandoned in its area, hold it for seven days and then destroy, or in the case of vehicle being in reasonable condition, sell the vehicle if it remains unclaimed.

S.5 of the Refuse Disposal Amenity Act 1978 allows us to recover our costs from the owner or registered keeper of the vehicle.

S.148C and 149 of the Highways Act 1980 makes it an offence to place anything on the highway that causes an interruption or nuisance to other users. The Council can serve a notice on the owners to remove the object and if this is not complied with, can apply to a magistrate for a removal and disposal order. If the object is considered a danger to other users of the highway, the Council can remove any such object immediately and claim back its expenses.

The Council can only take action against vehicles it considers to be abandoned. It has no power to remove vehicles that are incorrectly parked or not displaying a tax disc.

Planned approach

- We will aim to reclaim our costs from the last registered owner/keepers of all vehicles removed from the highway or private land.

- We will also prosecute or issue a Fixed Penalty Notice to any person found to be responsible for abandoning a vehicle in the district. If the FPN is not paid we will prosecute for the original offence.

11. Graffiti

Whilst graffiti does not pose any actual health risks, the presence of large amounts in any area can make the area look run down, and feel unsafe for residents because of the association with anti social behaviour and 'gang culture'.

Powers Available:

S.1(1) of the Criminal Damage Act 1971 makes it a criminal offence to be involved in the 'painting or writing on, or the soiling, marking or other defacing of, any property by whatever means'. Offenders can face a fine of up to £5,000 and be ordered to pay compensation to the owners of property or the Council if found guilty in a magistrates court. For serious offences offenders can face an unlimited fine and/or imprisonment if found guilty in a crown court. Such offences will be reported to the police.

Graffiti that is racially or religiously motivated is considered a very serious offence and will be reported to the police.

S.43 of the Anti Social Behaviour Act 2003 allows an authorised officer to issue a Fixed Penalty Notice (FPN) to anyone found in the act of a graffiti offence. The decision to issue a FPN will be based on the judgement of the officer who witnesses the event and their decision will be dependant on the scale and location of the defacement.

It must be noted, however, that as a general rule all but the most minor of offences will be reported to the police.

S.1 of the Crime and Disorder Act 1998 allows the Council to apply for an Anti-Social Behaviour Order against persons who have been convicted of criminal damage offences who we feel are likely to commit additional offences. This can set provisions such as banning that person from certain areas or from being in possession of paint and marker pens.

S.48-52 of the Anti Social Behaviour Act 2003 allows the Council to issue Defacement Removal Notices on the owners of properties and surfaces defaced by graffiti. However, this should only be used as a last resort if a voluntary agreement can't be achieved that leads to the removal of existing graffiti and steps being taken to reduce the risk of further defacement.

Planned approach

- East Cambridgeshire District Council will work closely with the Police in identifying and prosecuting serial offenders, particularly those involved in 'tagging'. Where a conviction is secured, we will claim compensation from the offender for the cost of removing graffiti that they have been responsible for. If the offender is likely to receive a Community Punishment Order, we will ask the police to make a recommendation to the Probation Service that this is spent removing graffiti. In certain cases we will apply to the courts for an Anti Social Behaviour Order if it is felt that this could assist in preventing additional offences from being committed.
- We will issue FPNs for minor graffiti offences. The decision to issue a FPN for an offence will be based on

the scale of the defacement and whether that person has been involved in such behaviour before.

- We will work in partnership with private companies and statutory bodies to ensure that graffiti does not build up on their property and to establish agreed standards and control measures (such as the use of anti graffiti coatings on telecommunications boxes).
- We will in certain cases issue Defacement Removal Notices on private landowners compelling them to remove graffiti from their premises. This will only be done where a landowner refuses to enter into a partnership agreement with the council.
- We will aim to raise awareness that graffiti is a crime, and of the potential penalties for offenders. Publicity will be primarily targeted at younger age groups, who are recognised to be more likely to offend.
- We will outreach into the Graffiti community to try and educate them about how their actions affect other people. Also, considering diversionary activities as a way of preventing offences.
- We will create a 'Taggers Register' to help link those apprehended to other offences.

12. Fly Posting

Fly posting often occurs in city and town centres. Fly posters are unlicensed advertisements for events and businesses, often taking the form of a notice attached to a lamp or sign post. The law classes anything in size from a sticker to a large banner as a fly poster and all these fall within the category of illegal adverts.

Like graffiti, fly posting has no direct impact on public health, but the remains of old posters and the cable ties used to attach them to street furniture can make areas look untidy and run down.

Powers Available:

S.224 of the Town and Country Planning Act 1990 makes it an offence to display or be involved in the display of an illegal advert (one which does not have the consent of the Local Planning Authority or is otherwise permitted by the Town and Country (control of advertisement)(England) Regulations 2007). Anyone found guilty of a fly posting offence (including anyone who benefited from the advert, including; the artist, the promoter and the club owner) can be fined up to £2500 per offence.

S.225 of the Town and Country Planning Act also gives the Council the power to remove or obliterate any illegal posters it finds unless the poster contains the name and contact details of the person responsible for the poster being displayed. In such cases the Council must contact the individual and give them a set time to remove the posters. If the notice is not complied with, the Council can remove the posters and

recover the cost of doing so from the person who caused the poster to be displayed or the person whose goods/services or concerns are advertised.

S.132 of the Highways Act 1980, makes it an offence to attach or paint anything on the surface of the public highway or any street furniture without the permission of the Highways Authority. A person found guilty of this offence can be fined up to £2500. This also allows the Council to remove any poster that it finds attached to street furniture or any other structure on the highway immediately.

Section 43 of the Anti Social Behaviour Act 2003 allows an authorised officer to issue a Fixed Penalty Notice to anyone caught in the act of fly posting.

Sections 48-52 of the Anti Social Behaviour Act 2003 allows the Council to issue Defacement Removal Notices on the owners of properties and surfaces defaced by the remnants of old fly posters. However, this should only be done as a last resort if the Council cannot achieve a voluntary agreement to clean up structures under their control to an agreed standard.

Planned approach

- East Cambridgeshire District Council intends to use the full range of powers available to enable us to deal effectively with fly posting in the District.
- We will initially talk to businesses who may have had past involvement in fly posting to encourage them to adopt a voluntary code of practice. However, the

Council will adopt a zero tolerance approach to illegal fly posting, and any business or person found to have been responsible for or have benefited from this will be prosecuted by the Council.

- If a prosecution is brought, the Council will always submit a claim to cover the costs of removal from the offender(s).

13. Working with partners

Working with other sections of the Council, as well as external organisations is a vital part of any enforcement strategy. Many of the proposals in this strategy will affect other sections of the Council and external organisations. This makes it important that all interested parties are kept well informed of our plans, and presents the opportunity for working in partnership to tackle issues.

Planned approach

- Where it is practical and beneficial to help deliver the aims of this strategy, we will enter into partnership with other Council sections and external organisations.
- Where government guidance recommends that we should try a partnership approach to tackling issues before taking enforcement action, we will always seek to do this.
- The Council will aim to increase use of offenders on Community Payback initiatives to resolve environmental issues where considered appropriate to do so.

Identified Partners

The following is a list of potential partners that have been identified for the delivery of aims included within this strategy

Internal partners

- Environmental Services
- Corporate Services
- Legal Services
- Planning and Planning Enforcement
- Anglia Revenues Partnership

External partners

- Cambridgeshire County Council
- Cambridgeshire Police
- Cambridgeshire Countryside Watch
- The Environment Agency
- Cambridge Fire and Rescue Service
- Cambridgeshire and Peterborough Probation Trust
- Other local authorities
- Parish, town & city councils
- Private companies
- Residents associations
- Housing associations
- Community groups
- Neighbourhood Watch groups
- Neighbourhood Panels
- Driver and Vehicle Licensing Agency

TITLE: HYDROTREATED VEGTABLE OIL (HVO) PROCUREMENT

Committee: Operational Services Committee

Date: 18th September 2023

Author: Head of Street Scene

Report No: Y44

Contact Officer:
Head of Street Scene

1.0 ISSUE

1.1. In March, the Operational Services Committee approved the use of HVO fuel in ECSS' waste and recycling collection fleet, provided it did not exceed an agreed cost to ECSS. Since then, the price of HVO has increased above this financial level, meaning ECSS have continued to fuel vehicles with diesel.

2.0 RECOMMENDATION(S)

2.1. Members to note the prohibitive cost of the move to HVO for ECSS waste and recycling fleet at this present time.

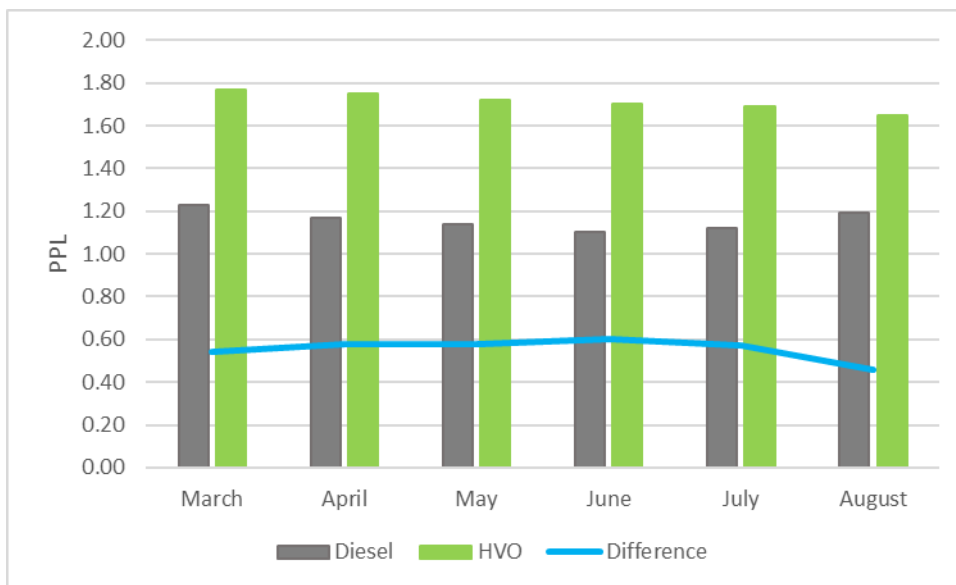
3.0 BACKGROUND/OPTIONS

3.1. The council recognise the need to act fast to reduce our net emissions, of the Council's fleet vehicles, the waste collection vehicles used 270,000 litres of diesel in 2020/21 and emitted 860 tCO₂e (when well to tank is factored in), and therefore responsible for over two-thirds of the council's entire emissions.

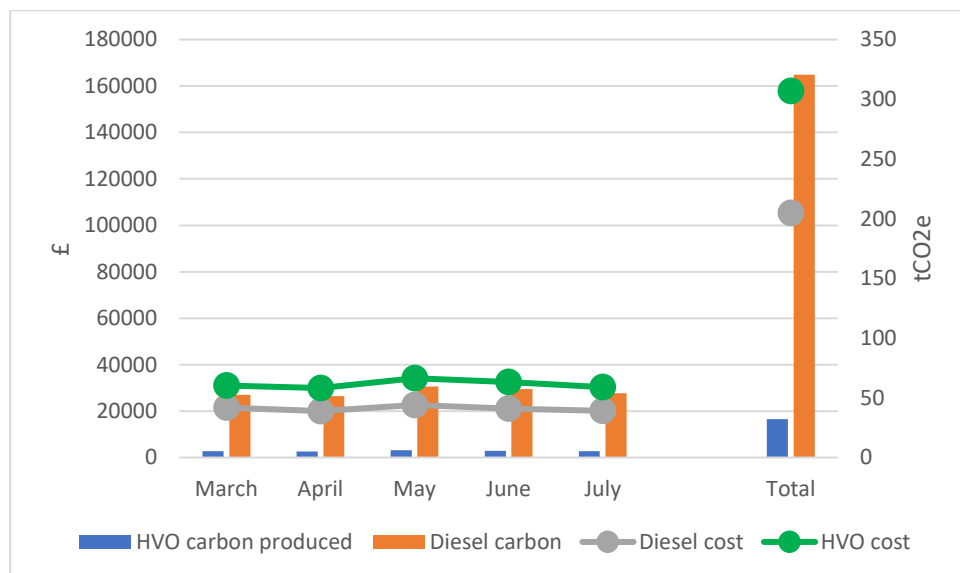
3.2. On 27th March a report was presented at Operational Services Committee regarding the replacement of 10 RCV's. The report outlined low emission fuel options for the new fleet. Hydrotreated Vegetable Oil (HVO) was and still is considered to be the most viable option at present for the Councils waste fleet.

3.3. At the time the report was brought to Committee, HVO costs were generally tracking an average of 20p per litre above the cost of diesel. It was agreed that where HVO costs increased beyond the monthly average plus 5p, then ECSS should continue to run vehicles on diesel.

3.4. In preparation for the delivery of the new RCV's, soft market testing has been undertaken with HVO suppliers along with any required infrastructure requirements. At present the cost of HVO is running at between £1.65 - £1.92 per litre. ECSS are paying an average of £1.15 per litre for diesel, HVO is tracking at £0.50 - £0.77 per litre which is £0.25 – £0.52 per litre beyond the recommended threshold agreed by Committee on the 27th March. The chart below displays a comparison of the price per litre (PPL) over the last six months.



For Members information, the carbon cost of using diesel over HVO has been an estimated 288 tCO₂e of carbon. The chart below compares the financial and carbon costs of both fuel types in the period since the last report.



3.5. ECSS are exploring options with our neighbouring authorities to bulk purchase HVO in the hope that we may see a reduction in price per litre. At present there is no centrally located tank available for the larger quantities required for supplying the anticipated number of vehicles used by all authorities. ECSS are not a party to the Greater Cambridge (City and South Cambs) and Huntingdon framework for supply of HVO, ECSS will need to undertake a procurement process of their own for supply as well as looking at storage at the depot (if this was the most suitable location). In the meantime, to facilitate an immediate switch to HVO should the price PPL drop, ECSS have arranged for a temporary tank to be available at the depot.

3.6. The introduction of the new RCV's will provide more efficient, less polluting vehicles even when run off diesel. New vehicle technology, will enable us to ensure driver behaviour and operational management contribute to optimising fuel efficiency, providing both a cost and CO₂ emission saving.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The Council remains committed to reducing its net emissions as quickly as possible, whilst being mindful of ensuring the service operates within a financially stable model. At present, the price of using HVO is above the threshold at which the Committee agreed, and therefore the service continues to operate using diesel.
- 4.2. The demand for HVO is currently out pacing the production and this is being reflected in the increasing cost per litre: since March costs of HVO are tracking at between £0.50 – £0.77 per litre higher than diesel.
- 4.3. As a result of the increased cost of HVO, in line with the decision made at Operational Services Committee on 27th March, ECSS will continue to operate the waste and recycling collection vehicles on diesel. ECSS will undertake a procurement process for the supply of HVO and look at storage options to ensure that they have access to a supply when costs drop to an acceptable level.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. The table below provides the cost comparison from February to July, 2023 for the use of diesel compared to HVO at the price agreed at committee, and the lowest and highest price per litre:

Month	RCVs litres	Diesel 1.15	HVO 1.40	HVO 1.65	HVO £1.92
February	15,347	£17,649.05	£21,485.80	£25,322.55	£29,466.24
March	17,489	£20,112.35	£24,484.60	£28,856.85	£33,578.88
April	17,105	£19,670.75	£23,947.00	£28,223.25	£32,841.60
May	19,853	£22,830.95	£27,794.20	£32,757.45	£38,117.76
June	19,117	£21,984.55	£26,763.80	£31,543.05	£36,704.64
July	17,906	£20,591.90	£25,068.40	£29,544.90	£34,379.52
Total	106,817	£122,839.55	£149,543.80	£176,248.05	£205,088.64

- 5.2. Equality Impact Assessment not required.

6.0 CARBON IMPACT ASSESSMENT (CIA)

- 6.1. In summary, the CIA concluded as follows:
- 6.2. The Council is committed to and recognises the need to act fast to reduce our net emissions as quickly as possible, and as deeply as possible, on our journey to net zero emissions. The Council has brought forward by 10 years, from 2050 to 2040, its own net zero carbon emissions target date.
- 6.3. Details gathered on the Council's 2020/21 carbon footprint shows the largest single contributing area is a consequence of the Council's fleet vehicles. Of the Council's fleet vehicles, the vehicles operated by ECSS consumed over 270,000 litres of diesel in 2020/21 and emitted around 860 tCO₂e (when well to tank is factored in) and are therefore responsible for over two-thirds of the Council's entire emissions.

- 6.4. HVO provides a viable transitional alternative until the other RCV markets (such as electric RCVs) mature. It significantly reduces emissions by up to 90% (compared with conventional fossil fuels), is similar in cost to diesel and has been successfully trialled and adopted by other Councils.
- 6.5. Whilst the purchase of new vehicles will have a negative impact arising from the embodied carbon of such vehicles (i.e. the energy and emissions arising from the manufacturing of the new vehicles), such negative implications can reasonably be assumed to be offset within a short period of time as a consequence of having more fuel-efficient vehicles, together with such new vehicles consuming a low carbon fuel.

7.0 **APPENDICES**

None

Background Documents:

None

TITLE: QUARTER 1 2023/24 PERFORMANCE REPORT FOR THE WASTE AND STREET CLEANSING SERVICES

Committee: Operational Services Committee

Date: 18 September 2023

Author: Development Manager and Operations Manager

Report No: Y45

Contact Officer: Catherine Sutherland
Catherine.sutherland@eastcambsstreetscene.co.uk
01353 616262
Room 207 The Grange, Ely

1.0 ISSUE

1.1. To provide the Board with the Quarter 1 performance report for the delivery of the waste and street cleansing services by East Cambs Street Scene Ltd (ECSS).

2.0 RECOMMENDATION(S)

2.1. Members of the Board are requested to note the performance of service delivery for quarter 1 (April – June) 2023/24.

3.0 BACKGROUND/OPTIONS

3.1. Waste collection, recycling and street cleansing are all services provided by East Cambs Street Scene Ltd. The trading company was set up on April 1st 2018.

3.2. The Council continues to operate these services through ECSS and is committed to provide high levels of performance and service delivery, delivering best value for money under the Memorandum of Agreement and through the Service Delivery Plan.

3.3. Key Performance Indicators of the service provided by ECSS ensure performance levels are managed and monitored.

3.4. The Key Performance Indicators were changed in April 2023 following approval by Members of both the Operational Service Committee and ECSS Board through the 2023/24 ECSS Business Plan. This was in order to give stakeholders a more accurate and clearer record of the performance of the service.

3.5. Members of the Board will note an improving performance of the waste collection service. The performance of the street cleansing service is still not optimal and as is under review.

4.0 PERFORMANCE UPDATE(S)

4.1. The tables below highlight the performance for quarter 1 against the KPIs highlighted within the business plan:

Health and safety – staff welfare

Description of Key Performance Indicator	Target	Q1
ECSS Accident Incident (AIR) score	4%	5%
No. reported monthly near misses	10 or more	2
Percentage of productive days	94% (sickness absence 6%)	93%

Waste Collection

Description of Key Performance Indicator	Target	Q1
Refuse – Average no. of missed bins per 100,000 bins collected	15	57
Recycling – Average no. of missed bins per 100,000 bins collected	30	77
Green – Average no. of missed bins per 100,000 bins collected	30	98
No. of monthly service complaints	3	4 Average
No. of monthly service compliments	No target	1

Street Cleansing

Description of Key Performance Indicator	Target	Q1
Average monthly clean streets graded A on random inspection	95%	41%
No. streets graded C or below for litter on random inspection	1%	8%
No. reported fly tips per month	No target	150
No. reported incidents of graffiti per month	No target	15
Removal of offensive graffiti within 1 working day	98%	0%
Removal of fly tipped waste within 2 working days	98%	59%
No. overflowing litter bins reported per 100 bins emptied	3	0.30
No. overflowing dog bins reported per 100 bins emptied	1	2
No. of monthly service complaints	3	Average 4
No. of monthly service compliments	No target	1

Communication, Education and Promotion

Description of Key Performance Indicator	Target	Q1
Increase in social media presence	Increase by 5%	27%
School or Community groups engaged with	10 PA	0
Number of local events attended	10 PA	1
Recycling rate	60% (annual)	50.2% (Q4 22-23)
Overall waste tonnage reduction	1% (annual)	6%

Appendix 1 is a visual summary of the service performance and is referred to by slide number in the following section.

5.0 **COMMENTARY ON PERFORMANCE**

5.1. **Health and safety – staff welfare**

Slide 1: The accident incident rate (%) is based on the number of incidents divided by number employees for the month.

There were four reported incidents this quarter. Two were vehicle collisions (one which was the fault of a third party) resulting in no injuries and only minor damage in one case. Two were due to mechanical vehicle faults on an ECSS vehicle that were subsequently checked.

Four accidents were recorded: Three minor injuries were caused but did not result in time off work. All have resulted in some retraining for the employees.

Two near misses were reported. Both involved the contractors working on the depot and have been addressed with the contractor to avoid any future incidents.

The Operations Team are reviewing the debrief process to ensure all near misses are reported. Performance is rated as good when we have more than 10 being reported each month as it encourages a culture of safety as a priority. Any reported near misses will be addressed through our risk assessment process.

Slide 2: Sickness absence continues to challenge, with the new stretch target just being missed this month. Long term sickness remains a focus priority which is being managed through our HR policy. Short term sickness slightly increased with the main reasons being colds/flu and stomach complaints.

5.2. **Waste and recycling collections**

Slide 3: The number of missed collections is the lowest it has been since Q1 2021 (pre-round reconfiguration), and reduced by over half from the previous quarter. All services achieved a significant reduction in missed bin/bag complaints. The service has under achieved its new stretch target of 30 missed bins per 100,000 on recycling and green waste and 15 per 100,000 on refuse. As the communication and monitoring of the crews continues to improve, the culture of missed collections is beginning to shift and they have a renewed focus on getting

it right first time. The management team is now analysing missed collections weekly to identify trends and improve performance with regular reviews involving all crews to further decrease the number. The introduction of incab software will also allow the team to validate whether a collection is genuinely missed or not. Currently, if a crew can't get into a road due to a car blocking access, and the resident reports their bin as missed, we will record it as missed, despite the crew returning at a later time to collect the bin/bag.

This will be the same for other issues: whether the bin or bag is on the boundary on time or if it is contaminated, all of which are currently recorded and reported as a missed collection.

Slide 4 shows performance against the previous KPI which is no longer reported on but provides Members of the Board some further context. Of the 769 bins and bags that were missed, 97% of them were recovered within the target of 1 working day.

5.3. **Street Cleaning KPIs**

Slide 5: The new performance management regime of the service has been implemented, with regular monitoring of cleansing activities by the management team.

The graph on the left shows the quality of the cleansing work. The management team are targeted with inspecting 10 locations each week within each of the 3 zones in the District that have been attended to by a cleansing team. The inspection must take place within one day of that cleanse. Where a grade of less than an 'A' standard is found, the road will be revisited to bring it up to the required standard. There is a corresponding response time dependant on the zone and the grade it was found to be.

The graph on the right shows the number of random streets inspected (irrespective of cleansing activity) in zone 4 that has a level of litter graded 'C' or below. Long term, ECSS aims to ensure that nowhere in the District falls below a grade C for litter, with the ultimate aim to use our data and data systems to proactively deploy resources to improve localised service delivery.

ECSS recognises that this KPI is currently underachieving which Project Street Smart is targeted to address. The number of streets graded as an 'A' and '<'C' has been an improving picture during this quarter. Despite half of the number inspections required being completed, ECSS believes the performance to be a true reflection of the street scene. During this period, the Supervisors were managing other areas of the Operation that required an increased focus. With recruitment underway for a third Supervisor, ECSS will be able to achieve the target number of inspections giving a more complete picture of performance. ECSS is also analysing the scheduled work as part of Project Street Smart.

The litter picking of the whole length of the A11 / A14 has been completed, with a significant improvement noted on both roads.

Slide 6 shows the number of reported instances of graffiti. Half of these were offensive and cleared but not within target. These locations were all on private property (but visible from the highway) and so the landowner's permission was needed before removal which delays the removal.

Slide 7 shows that there was a significantly improved response rate to fly tips in Q1 compared with the same quarter last year, and in comparison with Q4 (15%). We have under achieved the performance target of 98%. There has been a decrease in the number of fly tips this month.

Slide 8 shows that we achieved our target of no more than 3 reported overflowing litter bins. We under achieved the target of 1 overflowing dog bin. All overflowing bins were emptied quickly.

5.4. **Project Street Smart**

Appendix 2 is the project's Highlight Report.

5.5. **Recycling rate and waste tonnage reduction**

As previously highlighted, this performance figure is reported one quarter in arrears. Slide 9 shows the quarter 4 (2022-23) performance (50.2% recycling rate) as well as the performance for the whole year: 55% of waste for April 2022 – March 2023.

Whilst this underachieves the target of 60%, encouragingly, the total amount of waste produced/collected has reduced by 6.5% compared to the previous period. As the priority for the management of waste shifts to prevention rather than recycling, this performance is significant.

DEFRA also confirm the annual figures for each year anything up to one year in arrears. They recently confirmed that for 2021-22, East Cambs District Council retained its position as the 25th best recycling performer in England. This achieves ECSS' objective of retaining the Council's position in the top 25.

5.6. **Communications, Education and Promotion**

The Development Team attended Ely Eel Day this quarter. The focus was on food waste and the right bin for it. Colleagues from the County Council also attended and provided a game for younger residents to play. The event was well attended with many visitors, most of who were engaged and positive about the service.

The team has continued to respond to information requests from the public and schools. However their focus has been on the implementation of the incab software, ensuring data is ready to be imported into the new system and the team receives the correct training.

In addition to this a number of projects are being worked on: a comprehensive Love your Street campaign is being designed to support the improvement of the street scene and contribute to the new Corporate Plan priority for improving the public realm, the launch of a reusable wipes trial, and the RECAP partnerships [6](#)

[month waste reduction challenge](https://www.recap.co.uk/pledge-to-fight-food-waste) (https://www.recap.co.uk/pledge-to-fight-food-waste)

The Metal Matters campaign ran during this quarter. It encourages residents to use their recycling bin for metals such as cans, not their black bag. Our waste composition analysis identified that there is a small amount of metal in the black bag, which has a more significant value when captured in the recycling bin. Adverts on buses and on local radio were produced, and a social media campaign run on ECSS' Facebook account. It was funded by Alupro, a metal industry funded not for profit organisation with whom the RECAP partnership has worked with before.

This quarter ECSS also successfully applied for grant funding to tackle the problem of Chewing Gum on the pavements. More information can be found [here](https://www.eastcambs.gov.uk/press/gum-busting-machine-help-out-sticky-situations) (https://www.eastcambs.gov.uk/press/gum-busting-machine-help-out-sticky-situations), but the team have been working to implement the project by ordering equipment and supporting signage.

The number of Facebook followers for the East Cambs Recycles page increased by 27% and now has 131 followers. The page has been promoting the Compost Awareness Week and Metal Matters campaigns. In addition to this, it has targeted all the city, town and village groups to advise of service information and advertise company vacancies.

6.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 6.1 There are no additional financial implications arising from this report.
- 6.2 Equality Impact Assessment (EIA) not required.
- 6.3 Carbon Impact Assessment (CIA) not required.

7.0 APPENDICES

- 1 Slide deck - Performance Dashboard
- 2 Project Street Smart highlight report
- 3 Project Street Smart Risk Register

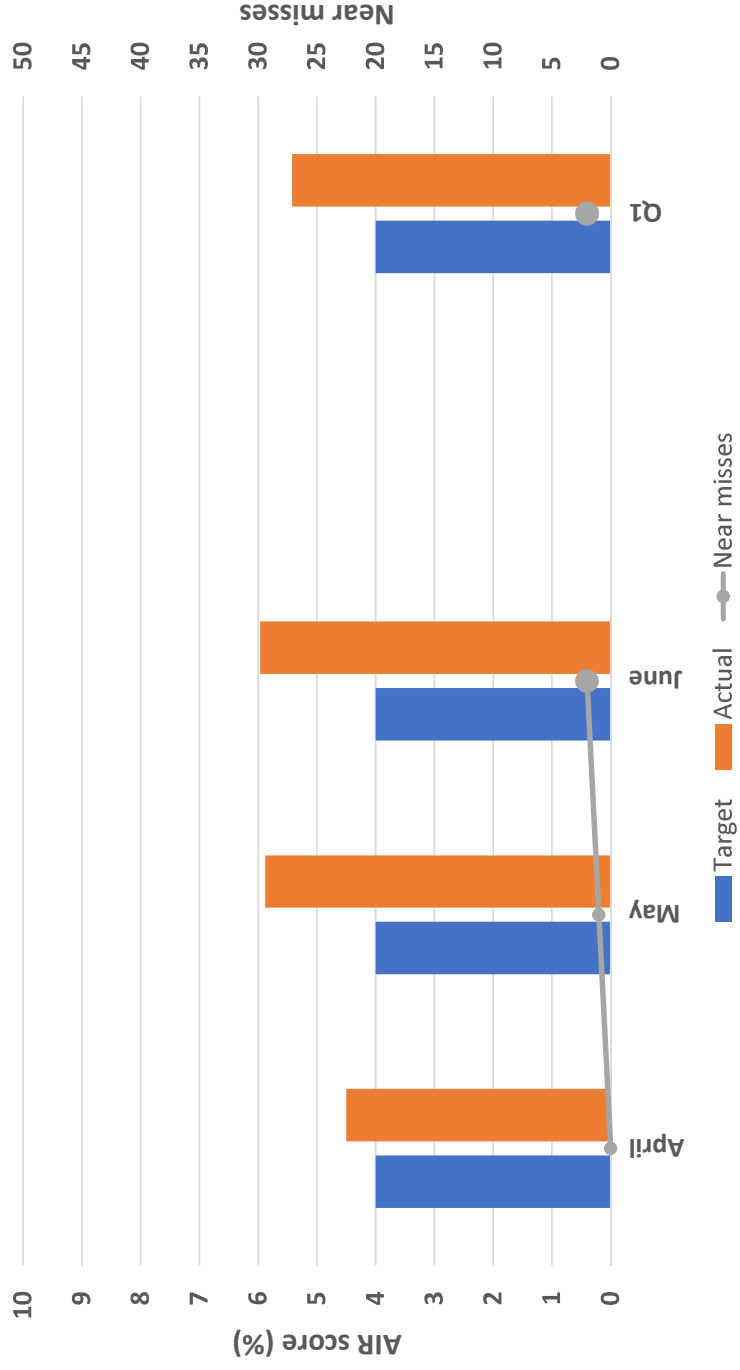
Background Documents:

None



Health and Safety – staff welfare

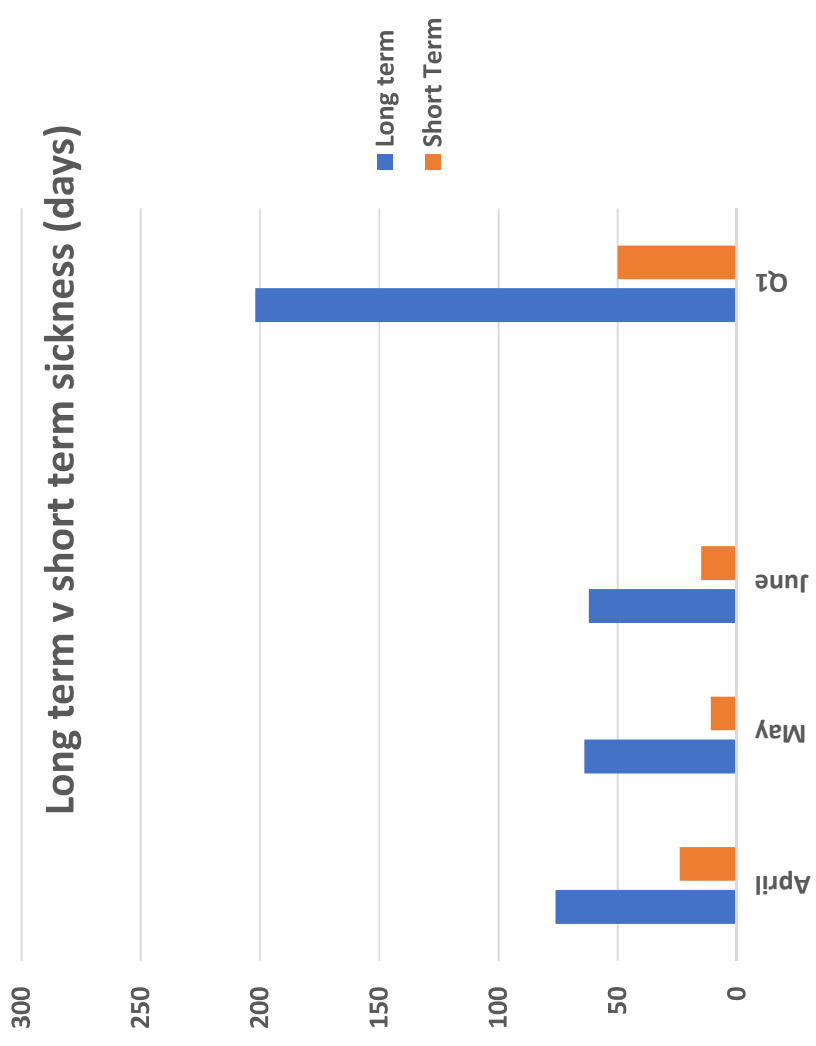
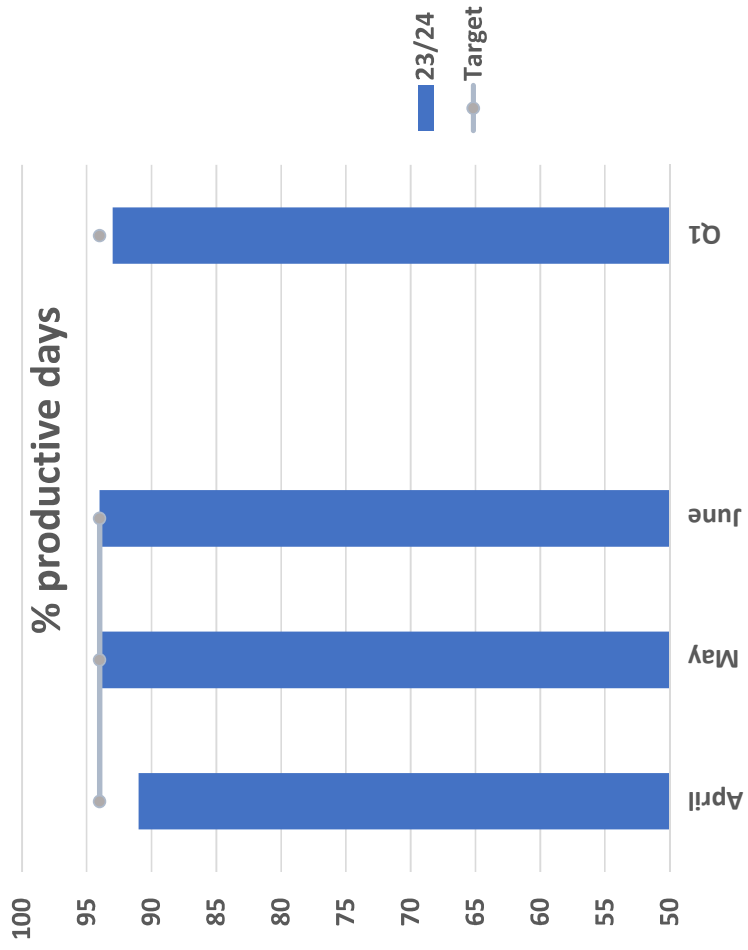
Accident Incident Score, near misses





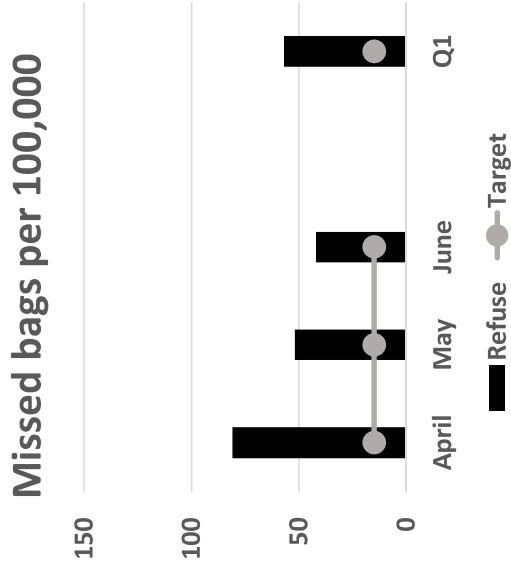
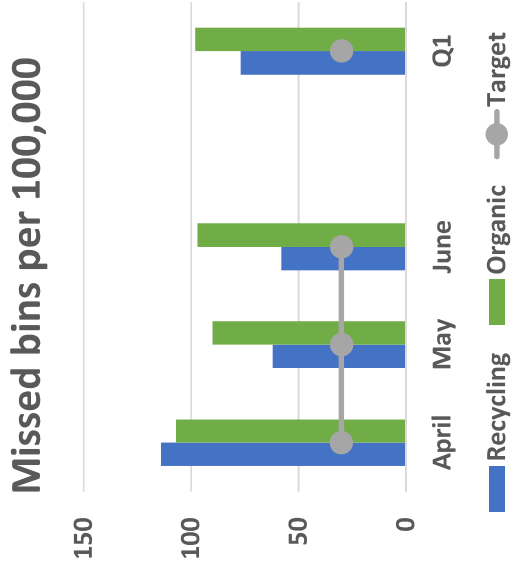
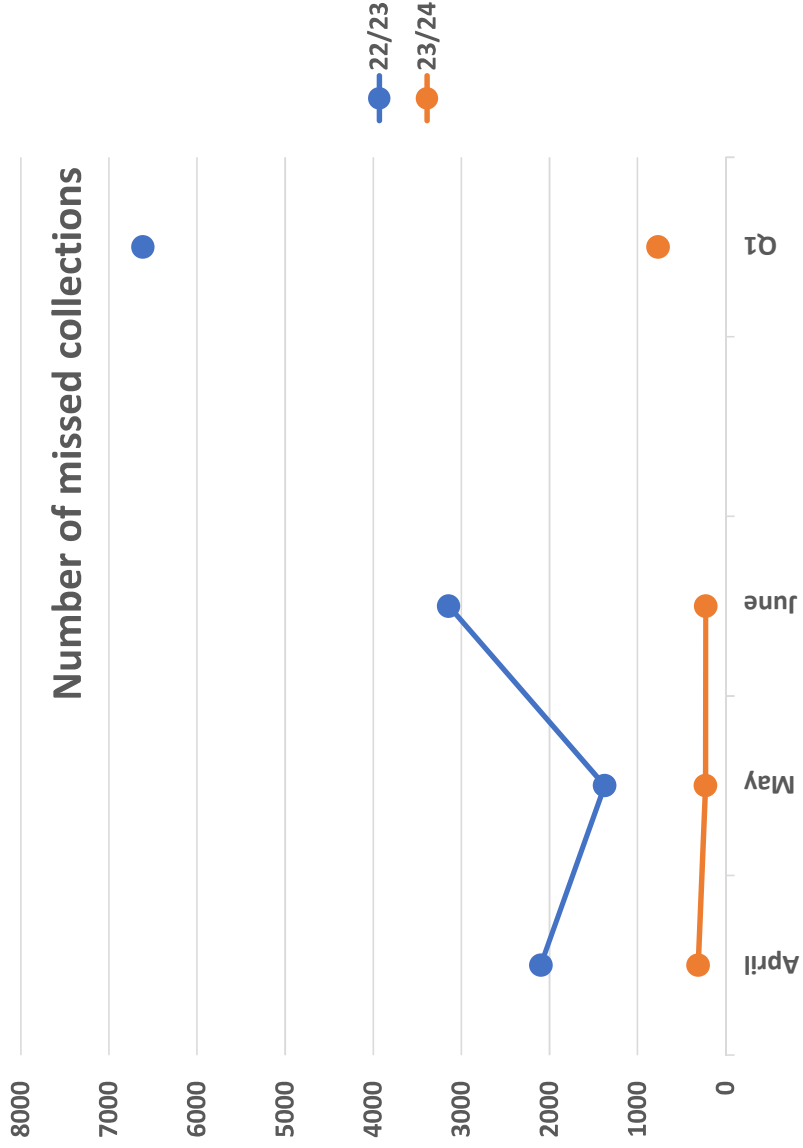
Health and safety – staff welfare

Staff sickness





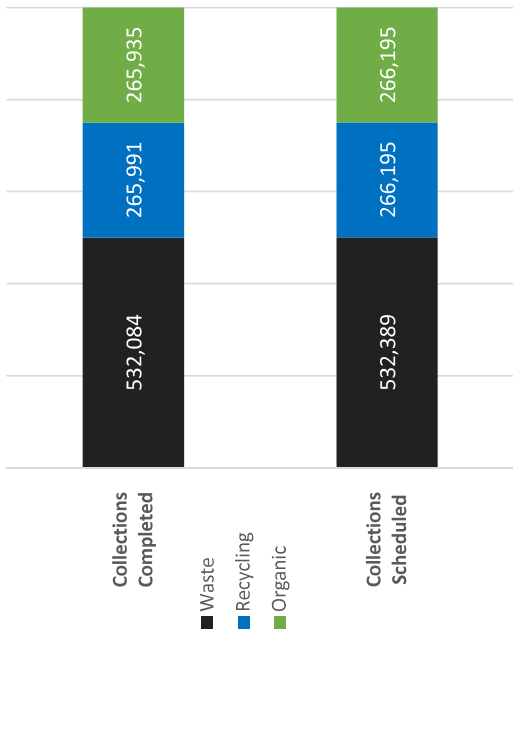
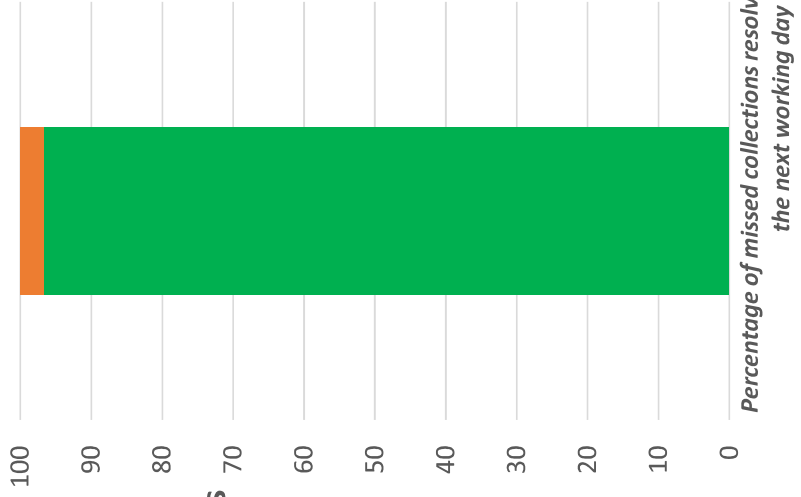
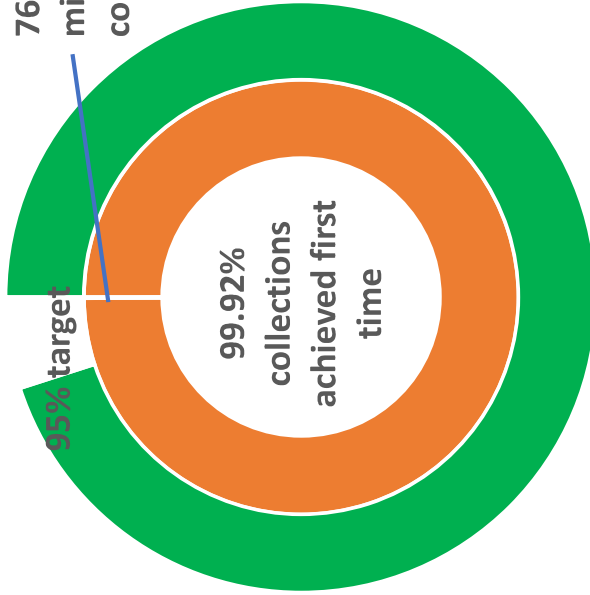
Cleaner, Greener East Cambridgeshire Keep the environment of East Cambridgeshire, clean and presentable





Cleaner, Greener East Cambridgeshire

Keep the environment of East Cambridgeshire, clean and presentable



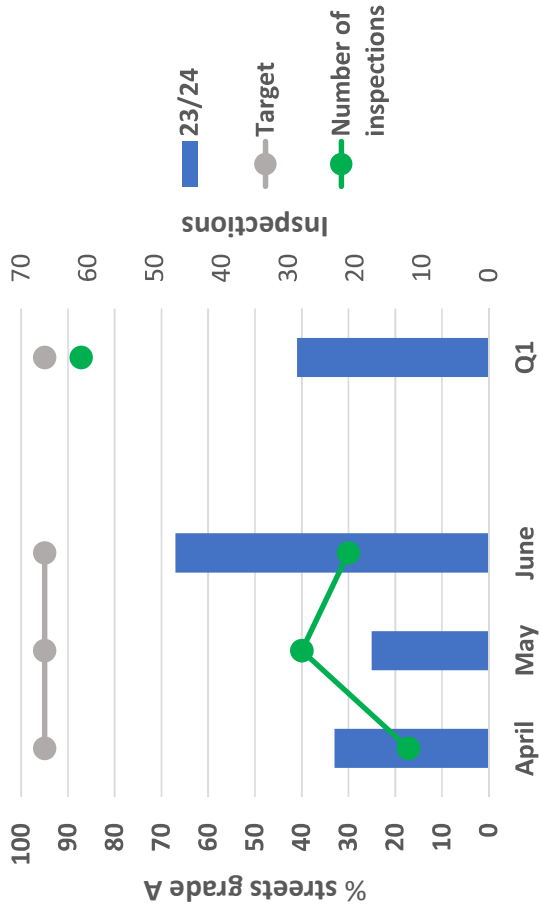
- Completed, not within 1 working day
- Completed, within 1 working day



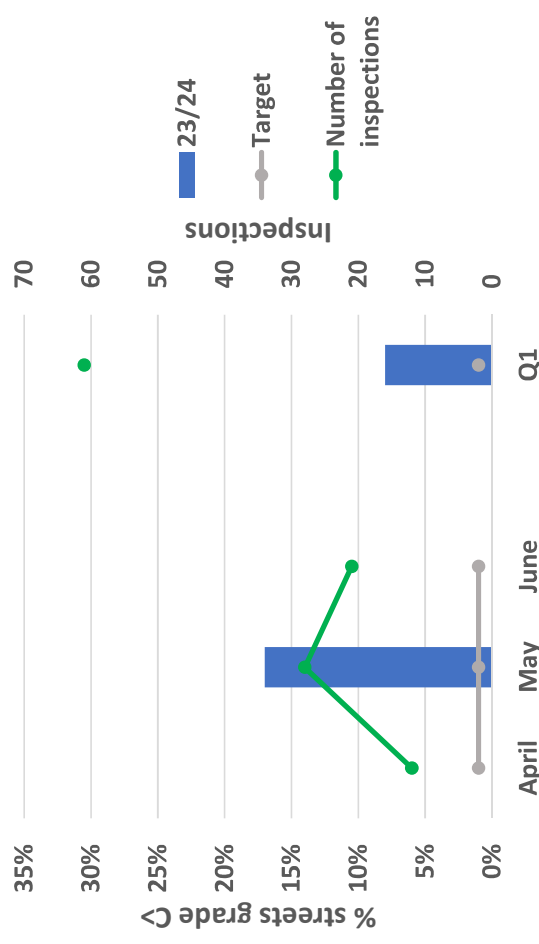
Cleaner, Greener East Cambridgeshire

Keep the environment of East Cambridgeshire, clean and presentable

Average monthly clean streets graded A on random inspection



No. of streets graded C or below for litter on random inspection

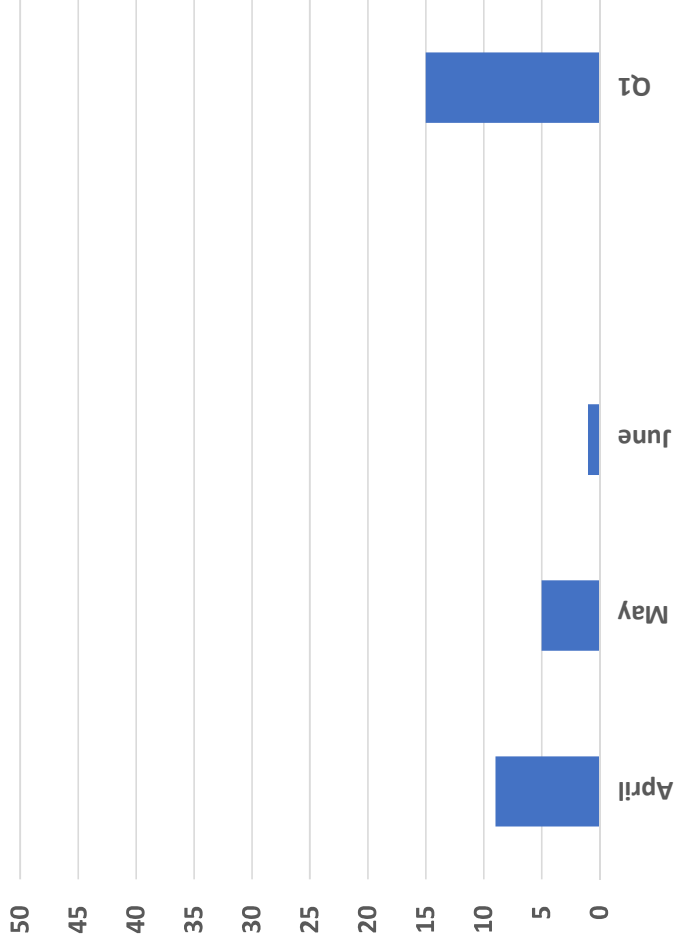




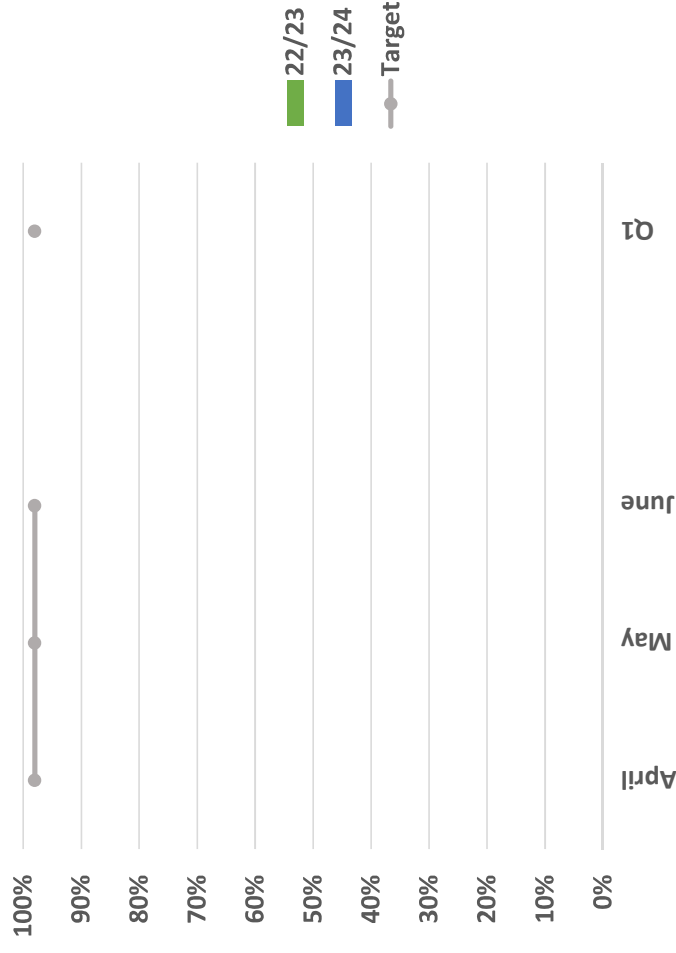
Cleaner, Greener East Cambridgeshire

Maintain a clean and presentable environment by removing graffiti and fly tipped waste from the district

No. reported incidents of all graffiti per month



Successful removal of offensive graffiti within 1 working day

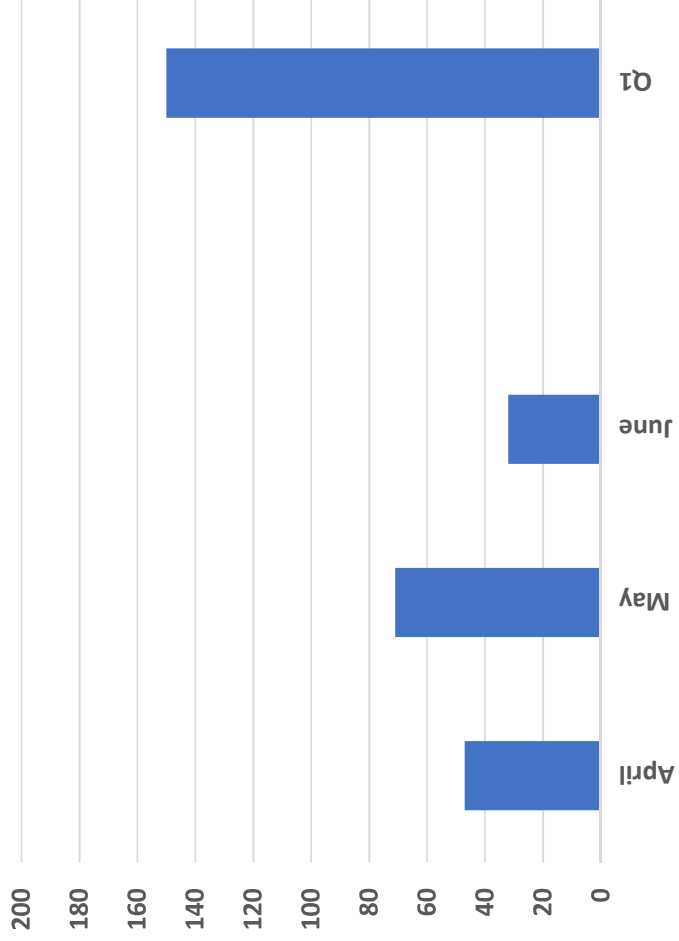




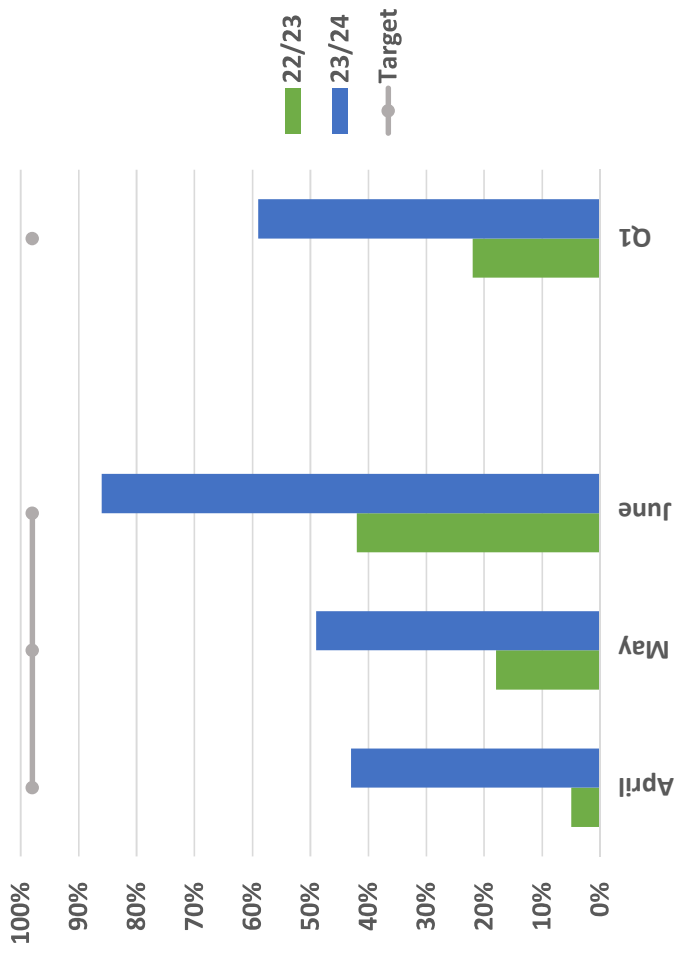
Cleaner, Greener East Cambridgeshire

Maintain a clean and presentable environment by removing graffiti and fly tipped waste from the district

No. reported incidents of fly tips per month

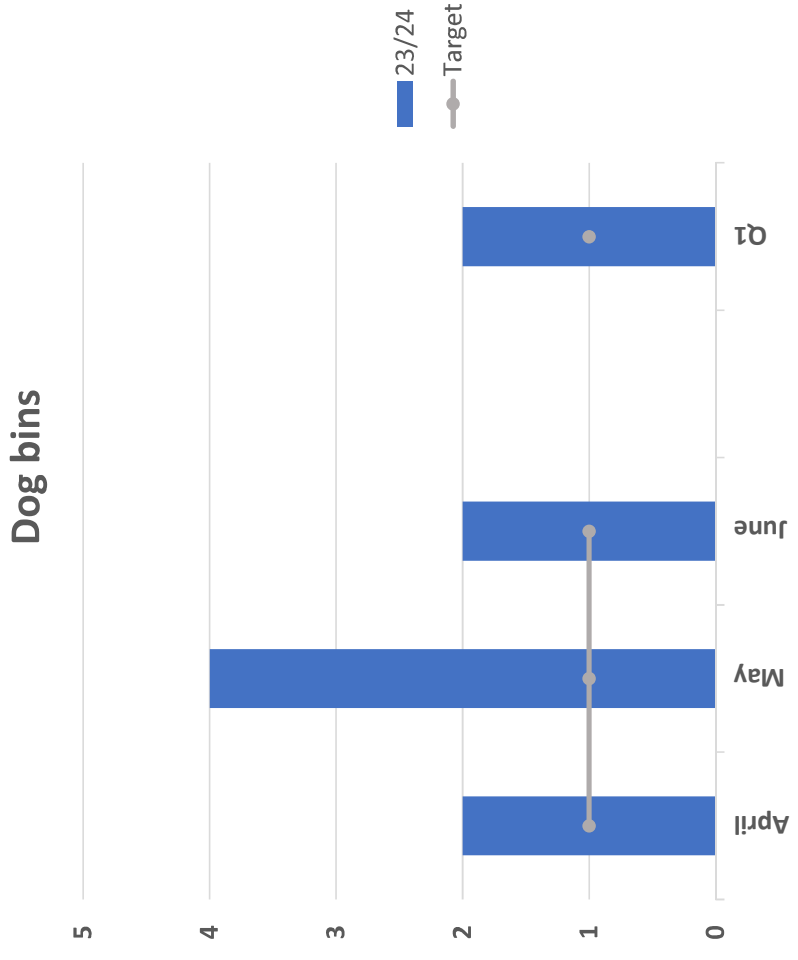
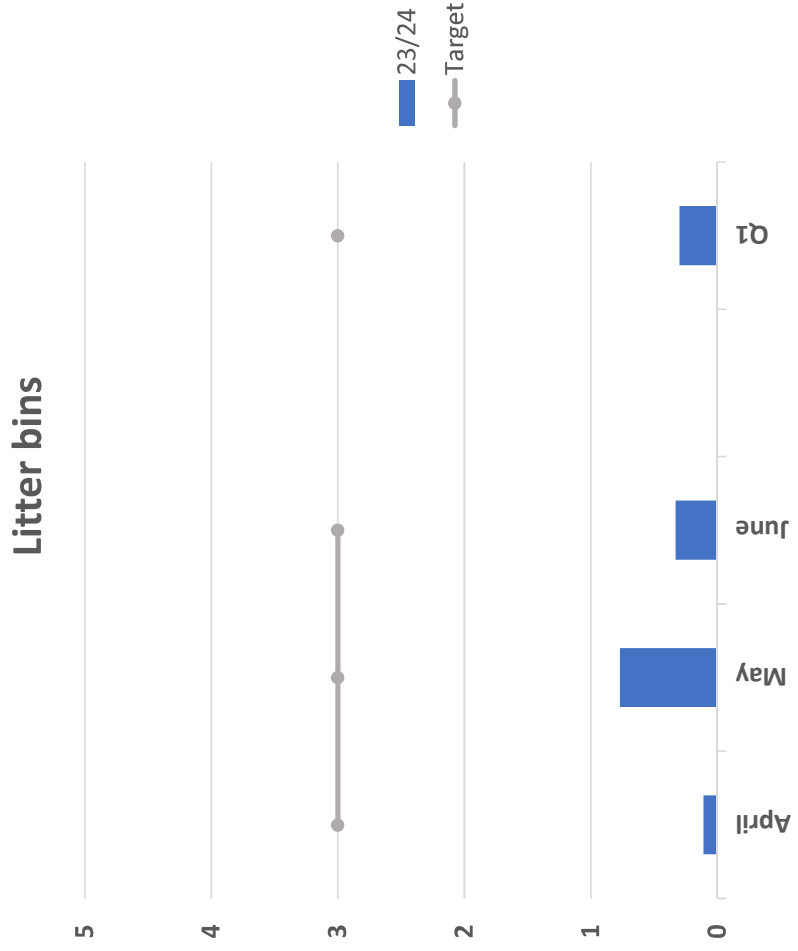


Successful removal of fly tips within 2 working days





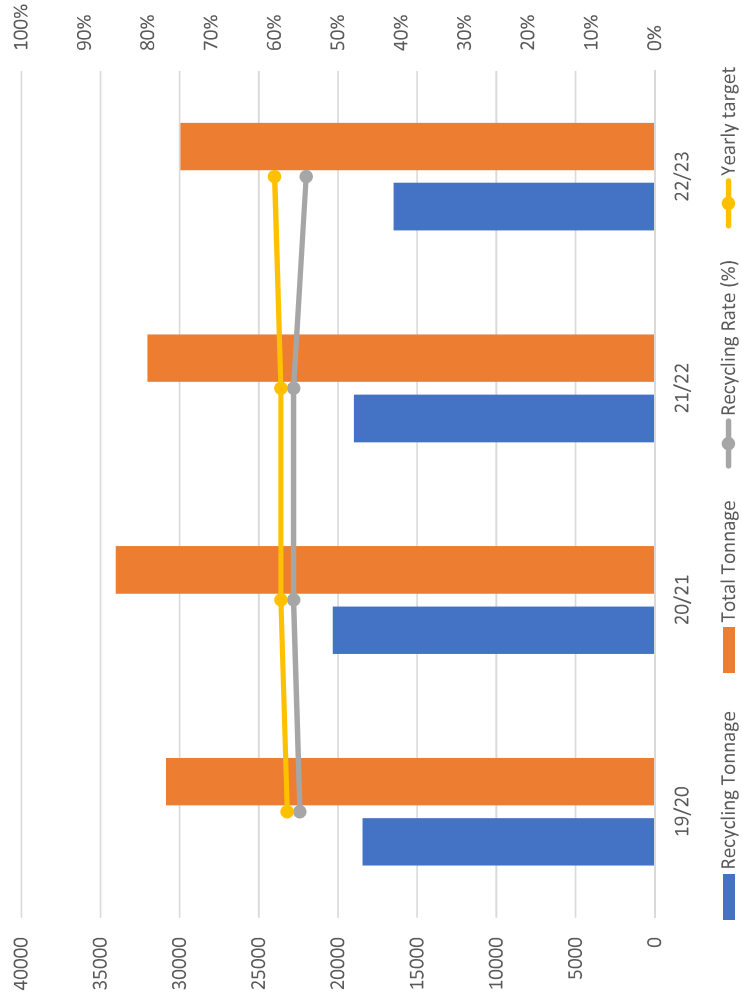
Cleaner, Greener East Cambridgeshire *Overflowing street bins (per 100 bins)*






Cleaner, Greener East Cambridgeshire

Reduce waste sent to landfill wherever possible, maximising the district's recycling rate:



Highlight Report

August 2023

Project Name	Street Smart	Programme	Waste	
Project Manager	Liz Knox	Project Executive	Isabel Edgar	

Purpose: To provide a progress update on the project

Period Covered: May-August 23-24

Overall Project Status

G

The significant project milestones have either been completed or are on track: compliance, new management structure and an improved performance management regime are in place. The implementation of the new incab technology has commenced and the completion date for stage one (refuse) is on target for 18 September. Delivery of the new recycling and green waste fleet also remains on target. The use of more carbon efficient fuel, internal communication plan and review of street cleansing projects remain underway, and a revised milestone of September has been agreed by the project board. This has predominately been due to the availability of staff during holiday season.

Budget Status

N/A

There is no specific budget for the project, but at each Board / Committee ECSS will provide a budget health check for the service.

Schedule Status

G

Some activities have been delayed but should not impact on the delivery of the project:

- Review and agree minimum staffing level for delivery of service. This is dependant on the below being completed:
- Street cleansing schedules finalised and rounds being established. Further recording and mapping of street cleansing has been required to establish the current service against the requirements of the MoA. Once understood, a service that is fit for the future can be recommended to Board / Committee. This work is to be completed in September.
- The internal communications plan (including staff health and wellbeing survey) is still in development. Having recruited key people as well as the end of the holiday leave period means the plan is expected to be completed in September.
- HVO is not being used as expected but this due to the cost of HVO being above the financial limit agreed by the Operational Services Committee. A review of this is underway and a recommendation to Committee is to follow in September. ECSS continues to be in talks with suppliers to be ready for if and when a decision to use HVO is taken.

Work Completed

G

- O License approved and service fully compliant.
- New management structure implemented, vacancies being recruited (Transport & Depot Manager recruited, permanent Operations Manager in post).
- Depot infrastructure improvements have started.
- Data cleanse for refuse incab software (Bartec) completed, implementation has begun.
- VOR management has improved, and a new trial contract is in place for the maintenance of smaller fleet.
- COP, SSOW, TBT, Waste Services & Cleansing Handbooks have been updated and a training matrix has been developed.
- H&S Statement has been completed.
- HR policy (including absence management) reviewed with UNISON.

Risks and Issues

G

See Appendix 1.

Forward Plan

G

Next Period Milestones

- New RCV fleet arriving (green waste and recycling).
- Go live of vehicle incab technology and hyper care period.
- Additional Customer Operations and Support Administrator advertised.
- Completion of depot infrastructure improvements.
- Street cleansing review completed and report produced, which will include a proposal for fleet replacement, and any changes to the minimum staffing level to deliver the service.
- Further monitoring of HVO fuel potentially being used.
- Staff health and wellbeing survey finalised.

Appendix 3 (Project Highlight Report) – Street Smart Risk Register

Inherent Risk								Residual Risk				Assurances	Actions				
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Sources of assurance over key controls	Actions	Owner	Target Date	Action RAG	
CUSTOMER PERSPECTIVE																	
1	Failure to report performances against Business Plan, lack of monitoring of internal performances	Unclear or inadequate data collection methodology Data unavailable Lack of resources, ownership or skills Poor communication	Poor performances and service quality Low staff engagement Negative image Reputational damage	WDSM	2	3	6	Monthly and Quarterly Performance Reports Performance data Issues and KPI presented during project meetings Bartec's reports	1	2	2	Operational Services Committee meetings Fortnightly project meetings and internal team meetings where feedback is provided Bartec adopted	Deadline met to present reports WDSM to present KPI Bartec's report functionalities promptly looked into				
2	Restructuring is delayed or level of resources against Business Plan is amended	Members engagement/consultation process requires more time than expected Consultation has different output than expected	Reliance on temporary staff or further adjustment to resource levels required Inadequate level of resources to deliver service Reputational damage Overspending in the longer term	D-O HoW	3	3	9		1	3	3						
3	Round data clearance results in low quality, unreliable data which impacts service delivery	Round reconfiguration errors, inability to identify errors Failure to track rounds or rounds capacity originally not adequate Multiple Master Round spreadsheet copies used	Inability to validate level of resources required for service delivery Project timeline affected Disruption to service or inefficient service provided Customer complaints	OM	3	3	9	Data sanity checking from team and data owner identified Crews to monitor/validate round data Master Rounds' spreadsheet updated	2	3	6	Master Round spreadsheet Crews rounds copies Internal team meetings	Crews rounds copies are evaluated and used to amend Master Round spreadsheet. Only one copy of Master Round in use and kept in shared folder. Copies archived.				

Inherent Risk								Residual Risk				Assurances	Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Sources of assurance over key controls	Actions	Owner	Target Date	Action RAG
4	UPRN and LLPG out of sync or not linked affecting Bartec's adoption and ultimately customer experience	Format of current data Timing of sync Poor IT consultation Late stakeholder consultation Internet limitations	Inability to adopt Bartec or automation/integration processes compromised depending on severity of issue/ case Changes required to current data Overspending	ITM	2	4	8	IT to check opportunities to change format, harmonise format with Bartec's requirements Understand dimensions of issue and/or occurrence (case scenarios) Integration meetings and early stakeholders' engagement	1	3	3	Bartec Project Meetings IT processes/data agreements Automation and Integration Agreement	PID actions followed up and updated CSM and WDSM regularly consult IT M Documents signed			
5	Lack of clarity on sickness absence reporting/data entering and/or management impacts available resources and decision making	Sickness absence tracker is not a synthetic tool for data analysis or performance tracking Inadequate skills Lack of training or clarity on policy requirements and roles	Poor operational management decisions Inadequate level of resources to deliver service affecting business performances Delays or disruption to service Overspending or over-reliance on temporary staff/ inefficiencies Pressure on staff	WDSM OP	2	4	8	Create synthetic dashboard for KPI analysis and as a predictive/analytical tool for operations management Clarify roles and sickness policy Ensure data entering is consistent Ensure staff training and tool ownership	1	3	3	Sickness Absence Dashboard Sickness Absence Policy Internal team meetings Project Team meetings	Data are checked and errors addressed Sickness Absence Policy Procedure established Data entering procedures established			
6	O'Licence application not approved within expected timeline, affecting compliance	Additional time or changes requested for approval	Business operating illegally or under fines/legal challenges Reputational loss	TM	3	3	9	Interim operating license requested while application is processed	2	2	4	Gantt Chart Monthly Meetings with CCC Interim operating Licence and regular updates	Gantt Chart's compliance actions monitored against timeline Actions of Meetings with CCC monitored through fortnightly Project Meetings			

Inherent Risk								Residual Risk				Assurances	Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Sources of assurance over key controls	Actions	Owner	Target Date	Action RAG
7	Bartec does not provide the expected service improvements and impacts negatively on the customer	Poor quality data provided Systems not tested adequately Failure to train staff, lack of hypercare	Disruption to service Increase in complaints Negative image	WDSM OM	3	4	6	Regular project meetings with supplier Engage all staff early in the project Compare data in both databases and run tests in the live system Support drivers through go live period Ensure all users have access to Collective following training sessions	2	3	6	Project Plan and Risk Register Regular project group meetings Relevant documents are updated	Project plan in folder and shared with all team members Regular meetings booked in with project team Testing booked in Training sessions booked			
8	Recruitment failure, resulting in increased time to hire or/and insufficient resources to deliver service	Roles not adequately advertised (e.g. basin, timeline, salary..) Inadequate expertise of applicants	Insufficient resources Reliance on temporary staff Increased pressure on current staff Service disruptions	HRM HoW	2	3	6	Updates over recruitment process/monitoring of applications received. Checks of positions advertised and over process of advertising (format, where..), with recruitment strategy developed. Market analysis	1	2	2	Project meetings Roles' salary benchmarked and follow up with HR	Folders of recruitment ads shared Consultations held			
9	Poor street cleansing review affecting service level and quality	Street cleansing schedules not recorded, insufficient information for decision making MoA baseline data not matching current data Standards of service or street cleansing grading unclear	Resources inefficiently used Poor quality of service Lack of consistency or lack of agreement on requirements Customer complaints, negative image of service provided	OP WDSM	3	4	12	Cleansing KPI sheet Level of service required to include proposal for fleet replacement and any change to minimum staffing levels MoA	2	3	6	Team meetings and development of forms. Crews' engagement and feedback. Operational Services Committee Meeting Projects meetings	Street cleansing activities to be recorded and analysed. To be mapped and reported to Issues and decisions logged			

Inherent Risk								Residual Risk				Assurances	Actions			
Risk No.	Risk Description	Cause	Effect	Owner	Likelihood	Impact	Score & RAG	Key Controls	Likelihood	Impact	Score & RAG	Sources of assurance over key controls	Actions	Owner	Target Date	Action RAG
10	Increased cost of SLA	<p>Single supplier</p> <p>Increased fleet</p> <p>Lack of maintenance diversification</p> <p>Lack of vehicles' KPI or follow up and/or poor transport management decisions</p> <p>Inadequate skills or training</p>	<p>Financial loss</p> <p>Compromised quality and effectiveness of maintenance solutions</p> <p>Vehicles off road and fleet service issues not addressed resulting in service disruption and increased pressure on staff/resources</p>	<p>TM</p> <p>HoW</p>	2	4	8	<p>SLA review and diversification of maintenance solutions/ providers</p> <p>On site workshop</p> <p>Monthly Vehicles' KPI review</p> <p>Transport Management Consultant to lead on proposals and review with HoW and D-O</p> <p>O'Licence compliance training to be arranged for relevant staff</p> <p>Hiring of Depot Transport Manager</p>				<p>Monthly SLA meetings with CCC, follow up reported to Project meetings</p> <p>Financial modelling of on-site solution and cost controls.</p> <p>Maintenance solutions review and reduced fleet numbers through hire</p> <p>O'Licence compliance training arranged</p>	<p>Transport Management Consultant writes proposals and provides updates</p> <p>On site fitter/s recruited</p> <p>Deadline met for training completion and staff can highlight compliance or vehicles' KPI issues</p>			

Key to risk owners (above):

D-O Director, Operations

HoW Head of Waste Services

OM Operations Manager

WDSM Waste Development & Support Manager

TM Transport Manager/Consultant

ITM IT Manager

HWDSM Head of Customer Services

HRM Human Resources Manager

Appendix 2 - Risk Register Heat Map

Summary of Residual Scores for Corporate Risks

Impact	Very High	5					
	High	4		4, 5, 10	7, 9		
	Medium	3		1, 8	2, 3, 6		
	Low	2					
	Negligible	1					
			1	2	3	4	5
			Very rare	Unlikely	Possible	Likely	Very Likely
Likelihood							

Red scores – in excess of the Council's risk appetite. Action is needed to redress, with regular monitoring. In exceptional circumstances residual risk in excess of the risk appetite can be approved if it is agreed that it is impractical or impossible to reduce the risk level below 16. Such risks should be escalated through the management reporting line to Corporate Management Team, Resources and Finance Committee and Council.

Amber scores – likely to cause the Council some difficulties (risk score 5 to 15) – six monthly monitoring.

Green scores (risk score 1 to 4) – low risk, monitor as necessary.

Code	Title
1	Failure to report performances against Business Plan, lack of monitoring of internal performances.
2	Restructuring is delayed or level of resources against Business Plan is amended.
3	Round data clearance results in low quality, unreliable data which impacts service delivery.
4	UPRN and LLPG out of sync or not linked affecting Bartec's adoption and ultimately customer experience.
5	Lack of clarity on sickness absence reporting/data entering and/or management impacts available resources and decision making.
6	O'Licence application not approved within expected timeline, affecting compliance.
7	Bartec does not provide the expected service improvements and impacts negatively on the customer.
8	Recruitment failure, resulting in increased time to hire or/and insufficient resources to deliver service.
9	Poor street cleansing review affecting service level and quality.
10	Increased cost of SLA.

BRECKLAND COUNCIL
EAST CAMBRIDGESHIRE DISTRICT COUNCIL
EAST SUFFOLK DISTRICT COUNCIL
FENLAND DISTRICT COUNCIL
WEST SUFFOLK DISTRICT COUNCIL

At a Meeting of the

ANGLIA REVENUES & BENEFITS JOINT COMMITTEE

Held on Tuesday, 13 June 2023 at 10.30 am in the
Level 5 Meeting Room, Breckland House, St Nicholas Street, Thetford. IP24
1BT

PRESENT

Cllr Paul Ashton (Chairman)	Cllr James Lay
Cllr Diane Hind (Vice-Chairman)	Cllr Chris Boden (Substitute Member)
Cllr Philip Cowen	

In Attendance

Sam Anthony	- Head of HR & OD (Fenland)
Alison Chubbock	- Section 151 Officer & Assistant Director Finance (BDC)
Lorraine King	- Head of Benefits & Council Tax Billing (ARP)
Rachael Mann	- Director (Resources & Property) (West Suffolk)
Adrian Mills	- Head of ARP
Lorraine Rogers	- Acting Chief Finance Officer & S151 Officer (East Suffolk)
Matthew Waite-Wright	- Head of NNDR Recovery & Enforcement (ARP)
Ian Smith	- Director, Finance (East Cambs)
Julie Britton	- Democratic Services Officer

Action
By

10/23 CHAIR AND VICE-CHAIR

It had been noted that following a change to the East Suffolk Council representatives for the Joint Committee, Councillor Paul Ashton had been appointed as the Member representative and Councillor Peter Byatt had been appointed as the substitute.

In the absence of the outgoing Chairman, Councillor Jan French, Councillor Chris Boden her substitute welcomed everyone to the meeting and explained the procedure in relation to the respective appointments.

After being duly proposed and seconded and with no other nominations being made it was:

RESOLVED that Councillor Councillor Paul Ashton (East Suffolk) be

Action By

appointed as Chairman for the ensuing year.

After being duly proposed and seconded and with no other nominations being made it was:

RESOLVED that Councillor Diane Hind (West Suffolk) be appointed as Vice-Chair for the ensuing year.

Councillor Paul Ashton in the Chair.

11/23 TREASURER

After being duly proposed and seconded and with no other nominations being made it was **RESOLVED** that:

Breckland Council be appointed as Treasurer for the ensuing year.

12/23 MINUTES

The Minutes of the meeting held on 7 March 2023 were agreed as a correct record.

13/23 APOLOGIES

An apology for absence was received from Councillor French.

Rachael Mann, Director of Resources & Property (West Suffolk) advised that due to a technicality Councillor Hind had not officially been appointed as a Member of this Joint Committee until their Cabinet meeting which was being held later that evening. Councillor Hind would not therefore be able to vote on any matter on the agenda but would remain in the meeting to observe.

14/23 URGENT BUSINESS

None.

15/23 DECLARATIONS

None declared.

16/23 ARP ACTUAL PERFORMANCE REPORT 2022-23 (STANDING ITEM)

Matthew Waite-Wright, the Head of NNDR Recovery & Enforcement (ARP) provided Members with a detailed overview of the Performance Report 2022-23.

Overall, all partner Councils combined were on target in all areas except for the NNDR collections for Breckland Council, East Cambridgeshire District Council and East Suffolk Council. The reasons these particular councils had not reached their targets

Action By

compared to the previous year were provided (see narrative included in the report).

An update on each service was then provided.

The Fraud & Compliance Team had exceeded their target and was being put forward for a national award.

The Fraud Manager and Assistant Fraud Manager had undertaken a review of the Fraud Service at Broadland and South Norfolk Councils. This was on a chargeable consultancy basis and a report had been produced detailing findings and recommendations. OIB and Joint Committee have agreed to the business cases submitted in respect of taking on fraud and Single Person Discounts (SPD) review work for Broadland and South Norfolk and taking on the SPD review work for seven Lincolnshire Councils, funded by the County Council. The Fraud Manager had been closely involved with the energy rebate schemes, having completed a fraud risk assessment and similar work would continue relating to the two new Energy Bill Support Schemes.

The Council Tax Billing Team had become more resilient and could now deal with more generic matters such as benefits.

The Valuation Office Agency revalued businesses for the 2023 Revaluation list, all lists were in balance and were actioned in time for annual billing 2023-24.

Over 50 projects were ongoing, and the annual billing had been a great success, and further automated services were now in place.

Councillor Boden declared an interest as he had previously been a Member of Cambridgeshire County Council. He asked a question about the 12-month trial period and what the metrics were on that.

Members were informed that the 12-month period was for this year and the Head of NNDR Recovery & Enforcement (ARP) said he was more than confident in meeting that target.

Adrian Mills, the Head of ARP, stated that the other Cambridgeshire district authorities had been persuaded to follow the same model that ARP had operated for fraud since 2015 and hopefully, this would become a long-term arrangement.

Councillor Cowen referred to the setting of targets as it seemed that all targets were being overachieved and he had been particularly interested in getting a return of £2.8m on a target of £1.3m in respect of fraud & compliance. He asked what the target actually meant and what it would be set at for this service next year or had something exceptional occurred this year.

The Head of ARP said he would be happy to take this away and discuss it further with the Operational Improvement Board (OIB) but

Action By

explained that it was difficult to set a target as it was difficult to estimate the value of single-person discount fraud.

Councillor Cowen felt that ARP was incredibly successful in clawing back money from people who were falsely claiming single person discounts and assuming that this was publicised it should be a deterrent, therefore, the levels of revenue could be lower for next year.

Members were informed that there were two successful prosecution cases going forward which would be publicised and hopefully would be a good deterrent.

The Chairman felt that the target was not a measure of the work that the Team was doing it was an observation of the work that was ongoing, and this year more money had been recovered but further understanding was required.

The Head of ARP explained that this was a performance aspect in identifying where the fraud was.

Councillor Hind presumed there were percentages involved when these targets were first set and felt that it be easier to set a percentage figure rather than the amount.

The Head of NNDR Recovery & Enforcement (ARP) explained that it was not just about single person discount fraud as other areas were also covered in this target within Council Tax, NNDR (business rates) and Tenancy fraud.

Councillor Boden said that it would be interesting to find out about tenancy fraud as this had a knock-on effect on all Councils.

The Head of ARP pointed out that such a matter had been included in the past and this would also be taken forward for consideration.

Councillor Boden felt that the more publicity the better.

Councillor Lay felt that twice as much money being brought in was very good but questioned the costs involved.

Members were informed that the Team had remained the same size apart from when additional partners had been taken on board. If more resources were provided, more fraud could be identified, although the Team was operating at a higher level than other authorities.

Councillor Lay felt that the Team should be increased so that further work could be carried out.

The Head of NNDR Recovery & Enforcement (ARP) agreed, but how much fraud was out there was difficult to value and manpower was not the issue it was more about intelligence.

Action By

**ARP
Team**

The following actions were proposed and agreed:

1. How to get better future recovery from fraud and what impact this would have on each partner authority.
2. An analysis to be undertaken for Members to understand why ARP overachieved against its target and what could be done going forward to potentially recover further monies.
3. To establish how much more money ARP would gain if more money was put into the service and how much of it goes to County Council.

Councillor Cowen stated that authorities were not allowed to make a profit and therefore should form part of the analysis. More could be achieved if ARP could sell more of their services.

**17/23 ARP ACTUAL FINANCIAL PERFORMANCE REPORT 2022-23
(STANDING ITEM)**

Alison Chubbock, Assistant Director of Finance & S151 Officer (BDC) presented the report.

In quarter 3 a forecast overspend of £761k for the year had been forecasted, therefore a movement of £1,202k could be seen since the last financial report. The main reason for this had been the late receipt of £988k of Government new burdens grants, which had been previously reported but with no indication of values. In addition to this there was also increased enforcement income and a reduction in salary costs compared to the last forecasts

Further detail could be seen in Appendix A of the report.

Councillor Lay wondered why East Cambridgeshire District Council received the smallest portion of shares.

The Head of ARP explained that the factors that were taken into account were in the apportionment of partner shares.

RESOLVED that:

1. The report and appendix be noted; and
2. The final full year variance at 31 March 2023 be shared between the partner authorities in the approved shares.

18/23 ARP SERVICE PLAN AND RISK REGISTER

The Head of ARP presented the ARP Service Plan and Risk Register and provided Members with a detailed overview of the work gained by the Partnership and the increase in demand.

Action By

Section 2.14 of the report showed the budget position, and Appendix A detailed the Service Delivery Plan highlighting the high-level actions that the service must implement to ensure that the varied demands on the service were being met.

The Cabinet Office conversations in respect of the DEA pilot scheme were still ongoing (see section 3.7 of the report).

Councillor Boden suggested a change to the Risk Register in terms of putting the risks in order of significance. He also mentioned the error made by one of the County Councils when they notified their precepts, and although he was aware that mistakes such as these could not be predicted, he asked if there were any measures that could be put in place to prevent such errors being repeated.

The Head of ARP said the change to the risk register matrix would be incorporated. In terms of the error made by the County, this was the first time that this had happened, but the figures would be re-checked with the County S151 Officer. It did not have an impact on annual billing as ARP was able to quickly re-bill at cost, fully funded by the County Council.

Councillor Cowen drew attention to section 3.7 of the report where the Department of Work & Pensions (DWP) were threatening to restrict the circulation of data if particular requirements were not complied with and asked for an update on this matter.

The Head of ARP explained that this was in terms of the Memorandum of Understanding that all authorities had to sign up to, in order to receive securely derived data from DWP and HMRC. The timeframe for this year's MOU had been extended for a further month and ARP would be providing regular updates to OIB in due course. There was a risk to the partnership if access to secure data were to be removed given ARP's automation, but ARP was and would continue to work with DWP and HMRC to be compliant.

Councillor Cowen felt that this could be an opportunity to offer our services to other authorities who had failed and asked that the risk be captured in the risk register.

Members were informed that DWP had been very clear of what was required from local authorities but there were some areas that ARP would not be compliant and there were some new stipulations that would have to be complied with.

Lorraine King, the Head of Benefits & Council Tax Billing (ARP) stated that DWP were aware that no authority would be currently in compliance.

The progress in respect of the December 2022 Service Delivery Plan was otherwise noted.

Action By

19/23 WELFARE REFORM UPDATE (STANDING ITEM)

Lorraine King, Head of Benefits & Council Tax Billing (ARP), presented the report and provided Members with further updates since the publication of the report.

The help to claim scheme with CAB had been extended for another year to March 2024. Department was considering support required post April 2024.

Following the move to Universal Credit trials during 2022-23, managed migration for tax credit only cases were commencing nationally. CEOs would be contacted 4-6 weeks before their areas were impacted.

At the end of April 2023 East Suffolk, Fenland and West Suffolk CEOs received notification that DWP would start to issue migration notices to households claiming tax credits only in July 2023. This did not include households in receipt of housing benefit and tax credits. Migration of Housing benefit cases would take place during 2024-25.

The tax credit only cases could also be claiming Council Tax Reduction and a partly automated process was already in place to re-assess these cases as they moved across to Universal Credit.

The estimated number of CTRS claimants in receipt of tax credits only in East Suffolk, Fenland and West Suffolk was less than 100 cases per local authority.

It was noted that DWP had held a meeting with local authorities and had been informed that ARP was not expected to be involved and to signpost to DWP.

From ARP's point of view, Councillor Boden asked if it would be easier if all 5 authorities were included in the same tranche.

The Head of Benefits & Council Tax Billing (ARP) explained that this would be dependent on the volumes.

The Head of ARP stated that the approach DWP was taking was unknown, but he had asked if the timetable would be repeated from this year, and they did not know.

The report was otherwise noted.

20/23 ARP HEALTH & SAFETY POLICY STATEMENT

The Head of Benefits & Council Tax Billing (ARP) presented the report.

The Policy had been reviewed and as ARP did not have any employees the responsibility for health & safety of ARP Officers remained with the four employing authorities; therefore, a Policy Statement had been produced instead (see section 6).

Action By

Members' attention was drawn to ARP's responsibilities which could be seen at section 7 of the Statement.

It was noted that the Policy Statement would be reviewed as and when required.

Councillor Lay asked if the policies across the 5 authorities were radically different.

Members were informed that they were not, but it was ARP's responsibility to work with each authority to ensure alignment where possible.

RESOLVED that the revised ARP Health & Safety Policy Statement for 2023 detailing individual employer's responsibilities and ARP's role in the review of those individual policies be approved.

21/23 FORTHCOMING ISSUES (STANDING ITEM)

None.

22/23 NEXT MEETING

The arrangements for the next meeting on Tuesday, 12 September 2023 at 10am were noted. This meeting would be held via Teams and invites would be sent in due course.

The Head of ARP explained the arrangements for future meetings going forward.

A substitute would be required for Breckland Council for the September meeting.

The meeting closed at 11.40 am

OPERATIONAL SERVICES COMMITTEE
ANNUAL AGENDA PLAN

AGENDA ITEM NO 15

LEAD OFFICER: Isabel Edgar, Director Operations

DEMOCRATIC SERVICES OFFICER:

Mon 19 June 2023 4:30pm		Mon 18 September 2023 4:30pm		Mon 13 November 2023 4:30pm	
Report deadline	4pm Mon 5 June	Report deadline	4pm Mon 4 Sept	Report deadline	4pm Mon 30 Oct
Agenda despatch	Weds 7 June	Agenda despatch	Weds 6 September	Agenda despatch	Weds 1 November
Youth Action Plan Update	Stephanie Jones (Communities & Partnerships)	Community Safety Partnership Update	CSP Representative	VCAEC Update	VCAEC representative
VCAEC Update	Angela Haylock, CEO	Food Safety Enforcement Policy	Richard Garnett (Senior Env. Health Officer)	Service Delivery Plans – 6 Month Performance Monitoring	Service Leads
				Budget Monitoring Report	Anne Wareham (Senior Accountant)
Environment Action Plan 2023	Richard Kay (Strategic Planning Manager)	Health and Safety Enforcement Policy	Richard Garnett (Senior Env. Health Officer)	DAHA Policy & Strategy	Angela Parmenter (Housing & Community Safety Manager)
Representation on Outside Bodies & Annual Reports	SDSO	Environment Act Implementation	Director Operations	Environmental Crime Action Plan	Liz Knox (Environmental Services Manager)
Budget Outturn Report	Anne Wareham (Senior Accountant)	Environmental Crime Enforcement Policy Review	Liz Knox (Environmental Services Manager)	Materials Recycling Contract – Procurement Update & Delegation Request	Liz Knox (Head of Street Scene)
<i>ARP Joint Committee Minutes</i>	<i>DSO</i>	HVO Vehicles Procurement	Liz Knox (Head of Street Scene)	Quarter 2 – Waste Performance Monitoring & Street Smart Highlights Report	Liz Knox (Head of Street Scene) & Catherine Sutherland (Development Manager)
Forward Agenda Plan	DSO	Quarter 1 – Waste Performance Monitoring & Street Smart Highlights Report	Liz Knox (Head of Street Scene) & Catherine Sutherland (Development Manager)	ECSS Half Yearly Report	Director Operations

Notes:

1. Agenda items which are likely to be “urgent” and therefore not subject to call-in are marked *
2. Agenda items in italics are provisional items / possible items for future meetings.

OPERATIONAL SERVICES COMMITTEE
ANNUAL AGENDA PLAN

AGENDA ITEM NO 15

LEAD OFFICER: Isabel Edgar, Director Operations

DEMOCRATIC SERVICES OFFICER:

		Budget Monitoring Report	Anne Wareham (Senior Accountant)	ARP Joint Committee Minutes 12 September 2023	DSO
ECSS Management Accounts [EXEMPT]		ARP Joint Committee Minutes 13 June 2023	DSO	Forward Agenda Plan	DSO
<i>ECSS Board Minutes (if any)</i> [EXEMPT]		Forward Agenda Plan	DSO	ECSS Management Accounts [EXEMPT]	
		ECSS Management Accounts [EXEMPT]		<i>ECSS Board Minutes (if any)</i> [EXEMPT]	
		<i>ECSS Board Minutes (if any)</i> [EXEMPT]			
		ECSS Performance Matter [EXEMPT]	Director Legal		

Notes:

1. Agenda items which are likely to be “urgent” and therefore not subject to call-in are marked *
2. Agenda items in italics are provisional items / possible items for future meetings.

OPERATIONAL SERVICES COMMITTEE
ANNUAL AGENDA PLAN

AGENDA ITEM NO 15

LEAD OFFICER: Isabel Edgar, Director Operations

DEMOCRATIC SERVICES OFFICER:

Mon 15 January 2024 4:30pm		Mon 25 March 2024 4:30pm			
Report deadline	4pm Fri 29 Dec	Report deadline	4pm Mon 11 March	Report deadline	
Agenda despatch	Wed 3 Jan 2024	Agenda despatch	Wed 13 March 2024	Agenda despatch	
Community Safety Partnership Update	CSP Representative	VCAEC Update	VCAEC representative		
Youth Action Plan Update	Stephanie Jones (Communities & Partnerships)	End of Year Reports 2023/24 Service Delivery Plans 2024/25	Service Leads		
Citizens Advice West Suffolk (CAWS) Grant	Lewis Bage (Communities & Partnerships)	ECSS Business Plan	Isabel Edgar ECSS Director		
VCAEC Grant	Lewis Bage (Communities & Partnerships)	Community Engagement Strategy	Lewis Bage (Communities & Partnerships)		
Health and Wellbeing Strategy and Action Plan review	Liz Knox (Environmental Services Manager)	Vulnerable Community Strategy	Lewis Bage (Communities & Partnerships)		
Waste Performance Monitoring Report Q3 & Street Smart Highlights Report	Liz Knox (Head of Street Scene) & Catherine Sutherland (Development Manager)	Budget Monitoring Report	Anne Wareham (Senior Accountant)		
<i>ARP Joint Committee Minutes</i>	<i>DSO</i>	Waste Performance Monitoring Q4 & Street Smart Highlights Report	Liz Knox (Head of Street Scene) & Catherine Sutherland (Development Manager)		
Forward Agenda Plan	DSO	<i>ARP Joint Committee Minutes</i>	<i>DSO</i>		
ECSS Management Accounts [EXEMPT]		Forward Agenda Plan	DSO		

Notes:

1. Agenda items which are likely to be “urgent” and therefore not subject to call-in are marked *
2. Agenda items in italics are provisional items / possible items for future meetings.

OPERATIONAL SERVICES COMMITTEE
ANNUAL AGENDA PLAN

AGENDA ITEM NO 15

LEAD OFFICER: Isabel Edgar, Director Operations

DEMOCRATIC SERVICES OFFICER:

<i>ECSS Board Minutes (if any)</i> <i>[EXEMPT]</i>		<i>ECSS Management Accounts</i> <i>[EXEMPT]</i>			
		<i>ECSS Board Minutes (if any)</i> <i>[EXEMPT]</i>			

- Notes:**
- 1. Agenda items which are likely to be “urgent” and therefore not subject to call-in are marked *
 - 2. Agenda items in italics are provisional items / possible items for future meetings.