

## Agenda for a meeting of the Environment and Waste Management Overview & Scrutiny Committee to be held on Tuesday, 19 December 2017 at 5.30 pm in Committee Room 1, City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT	GREEN
Gibbons Senior	A Ahmed Berry Mohammed Watson	Stubbs	Love Warnes

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT	GREEN
Ellis Rickard	Duffy Iqbal H Khan Nazir	Fear	H Hussain

### NON VOTING CO-OPTED MEMBERS

Nicola Hoggart  
Julia Pearson

Environment Agency  
Bradford Environmental Forum

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

### From:

Parveen Akhtar, City Solicitor  
Agenda Contact: Jane Lythgow  
Phone: 01274 432270 / 434287

### To:

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## **A. PROCEDURAL ITEMS**

### **1. ALTERNATE MEMBERS (Standing Order 34)**

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### **2. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meetings held on 26 September, 31 October and 21 November 2017 be signed as a correct record (previously circulated).**

(Jane Lythgow/Tracey Sugden – 01274 432270/434287)

#### **4. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Jane Lythgow/Tracey Sugden – 01274 432270/434287)

#### **5. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE**

None.

#### **6. B. OVERVIEW AND SCRUTINY ACTIVITIES**

#### **7. PUBLIC RIGHTS OF WAY**

The report of the Strategic Director, Place, (**Document “S”**) provides a brief overview of the Council’s duties in relation to public rights of way. The report also clarifies how obstructions are dealt with and how paths are moved in response to a query from a member of the public.

**Recommended –**

**That the report be noted.**

(Danny Jackson – 01274 431230)

#### **8. FLY TIPPING IN THE BRADFORD DISTRICT**

The Strategic Director, Place will present a report (**Document “P”**) which gives an update on fly tipping in the District, including an analysis on trends in complaints, levels of tonnages collected and whether recent policy changes with regard to waste disposal and collection have had any associated impacts.

To allow the Strategic Director to be present at the meeting this item was deferred from the meeting held on 21 November 2017.

**Recommended –**

**(1) That the update on fly tipping and actions taken to address the problem be noted.**

**(2) That a further report be brought to this Committee within twelve months.**

(Damian Fisher – 01274 437146)

**9. ENVIRONMENTAL ENFORCEMENT STRATEGY**

Previous reference: Minute 70 (2015/16)

The Strategic Director, Place, will present a report, (**Document “T”**) which presents the Environmental Enforcement Strategy outlining approaches that will be taken to address environmental crime and improve environmental quality across the Bradford District.

**Members are requested to consider the draft Environmental Enforcement Strategy and the overall approach to enforcement.**

(Amjad Ishaq – 01274 433682)

**10. REVIEW OF THE COUNCIL WARDEN SERVICE**

Previous reference: Regeneration and Economy Overview and Scrutiny Committee – Minute 32 (2016/17)

The report of the Strategic Director, Place, (**Document “U”**) provides information about the Council Warden Service and highlights new areas of work and advances in technology that support and increase the effectiveness of Council Wardens.

**Members are requested to consider and suggest any changes to the work of the Council Warden Service.**

(Louise Williams – 01274 431066)

**11. BRADFORD FORSTER SQUARE REDEVELOPMENT CONSULTATION**

The Strategic Director, Place, will present a report (**Document “V”**) which informs Members of the consultation process being conducted with regard to the Bradford Forster Square Redevelopment process.

**The views and comments of Members are sought in relation to the station design and features.**

(Tom Jones – 01274 434983)

## **12. WORK PROGRAMME 2017/2018**

Previous reference: Minute 38 (2017/18)

The report of the Chair of the Committee (**Document “W”**) presents for Members' consideration the Committee's work programme for 2017-18.

### **Recommended –**

- (1) That Members consider and comment on the areas of work included in the 2017-18 Work Programme for the Committee.**
- (2) That Members consider any detailed scrutiny reviews that they may wish to conduct.**
- (3) That the work programme 2017-18 continues to be reviewed regularly during the year.**

(Mustansir Butt – 01274 432574)

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## **Report of the Strategic Director of Place to the meeting of Environment and Waste Management Overview and Scrutiny Committee to be held on 19<sup>th</sup> December 2017.**

**S**

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### **Subject:**

**Public Rights of Way**

### **Summary statement:**

The report gives a brief overview of the Council's duties in relation to public rights of way it also clarifies how obstructions are dealt with and how paths are moved in response to a query from a member of the public.

Steve Hartley  
Strategic Director of Place

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Countryside and Rights of Way  
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### **Portfolio:**

**Regeneration, Planning and Transport**

### **Overview & Scrutiny Area:**

**Environment and Waste Management**

## 1. SUMMARY

The report gives a brief overview of the Council's duties in relation to public rights of way it also clarifies how obstructions are dealt with and how paths are moved in response to a query from a member of the public.

## 2. BACKGROUND

2.1 Bradford Council, as highway authority and surveying authority, has a range of duties and powers in relation to the public rights of way network.

2.2 Public rights of way are highways and the Council's main duty is to record and manage this network. Bradford's network totals around 1,106km (687 miles) of public footpath, bridleway and restricted byway broken down as follows:

Status	Miles	Kms	% of total network
Public footpath (walkers only)	634	1020	92
Public bridleway (walkers, horse riders, cyclists)	46	75	7
Restricted byway (walkers, horse riders, cyclists, non-mechanically propelled vehicles)	7	11	1

2.3 The Public Rights of Way (PROW) network is a valuable asset, a significant part of our heritage and a major recreational and transport resource. It enables people to get away from roads used mainly by motor vehicles and enjoy large parts of the District's countryside to which they would not otherwise have access, or to get to work, the shops or school. Rights of way provide for various forms of sustainable transport and can play a significant part in reducing traffic congestion and harmful emissions. The network spans both the urban and rural parts of the District and includes some (though not all) routes often called by names other than "footpath", such as ginnel, snicket, track, alleyway etc.

2.4 For the purposes of this report, it is useful to briefly summarise the main areas of activity in managing this resource as;

- Recording the network – updating and reviewing the Definitive Map and processing related Modification Orders
- Changing the network – processing Public Path Orders to create, divert, extinguish rights of way, using a range powers set out in legislation
- Managing and maintaining the network – ensuring that the network is usable and maintained, that obstructions, problems and blockages are dealt with
- Promoting and raising awareness of the network and wider access – national, regional and local routes are promoted across the District (such as the Pennine Way, the Dalesway, the Bronte Way, the Millennium Way) and add to the tourist offer and support the visitor economy as well as promoting the District and offering significant health benefits. The Council also acts as "access authority" in managing access to open country/right to roam in the District – which includes access on foot to all our moorland areas.



2.5 The Countryside and Rights of Way (CROW) team, based in the Planning, Transportation and Highways Service has the main responsibility for recording and changing the network, and the responsibility for managing and maintaining the network is shared between CROW – who maintain the rural and promoted recreational parts of the network - and Highways Maintenance who maintain the urban parts of the network.

2.6 In response to the query which triggered this report, the next sections will focus on dealing with obstructions and clarify the process for “moving” rights of way.

**2.7 Obstructions on the network:** The public rights of way network is located primarily on, or adjacent to privately owned land, and the ways in which that land is used can affect the availability of the network, sometimes causing blockages. The Council has a duty to keep the network open and available – whether by ensuring it is properly maintained, or by securing the removal of blockages and obstructions.

2.8 In the case of obstructions, when the CROW Service becomes aware of one, they will investigate and follow up with an informal approach to the land owner, or person responsible and ask for the obstruction to be removed. In the majority of cases, this results in the removal of the obstruction. In some cases, such obstructions are in the form of faulty path furniture (gates, stiles etc.) or deliberately blocked gates/stiles due to stock control problems. In these cases, although the furniture is the responsibility of the landowner, the Service can and does occasionally assist with repair or replacement, so that the obstruction is rectified as quickly as possible.

2.9 In other cases, where the informal approach does not bear fruit, there are legal powers which are used to secure removal (serving of legal notice) via the Legal Services team. If these are not complied with, the Council has powers to take direct enforcement action to remove the obstruction itself and recharge the costs to person responsible.

2.10 In most cases, the issue does not progress this far, as new blockages are dealt with as soon as practicable after discovery. There are, however, a number of long-term blockages across the network which are more difficult to resolve and can affect the public’s ability to use parts of the network. As these are particularly difficult and time-consuming to resolve and, in some cases, there is significant resistance to their re-opening (not just from landowners but from resident living alongside – who often quote fear of crime as a reason to keep the path blocked); unless there is a strategic value to the route, or high levels of complaint and demand for its use; work on resolving these blockage is not given as high a priority as other newer blockages. It is recognised that the Council’s duty is to ensure that all the network is available and that all blockages should be removed, no matter how old or how much resistance there is to their re-opening. Given current resources and workload, however, it is necessary to focus on those obstructions which affect routes with high demand, high strategic value or whose obstruction presents a public safety issue.

2.11 It is worth noting also that a high proportion of reported obstructions or blockages are temporary in nature and caused by weather, seasonality or temporary circumstances. Overgrown vegetation is by far the most reported type of obstruction and the CROW team spends all summer and beyond every year routinely clearing rights of way of vegetation growing in the surface of the path on the rural network. If the vegetation affecting the path is overhanging from neighbouring properties, it is the responsibility of the owners of these to clear the overhang, but the Council’s Network Resilience team usually follow these complaints up. Other temporary blockages are often resolved before the officer has been

to investigate, or shortly after and no action is necessary. There is an issue with vegetation clearance and other maintenance on the urban parts of the network because budget reductions in the Highways Maintenance teams means that they can no longer prioritise this work on urban snickets and paths.

2.12 Records of all obstructions are kept on individual path files, plus details of follow-up action taken, but in order to get an accurate real-time idea of how much of the network is affected by obstructions would require a full-network survey, which is a major undertaking. The last full-network survey was undertaken in the late 1990's and recorded locations where problems were impeding the ease of use – some of these were temporary and many have since been resolved. A more recent survey undertaken in 2015-16 by the Ramblers Association, which included parts of the Bradford District reported that 19% of the surveyed paths (in Bradford) had been classed as “unusable”. This figure can, however, be challenged because large parts of the District were not included in the survey - including most of Wharfedale which has a good, relatively unobstructed network, and most of urban Bradford. In addition, many issues recorded in the survey as rendering the paths “unusable” were temporary in nature and included overgrown vegetation, stile in need of repair etc. and even “lack of waymarking” which might make a path harder to use but not necessarily unusable. Given these shortcomings in the survey it is reasonable to estimate that a more accurate figure for the proportion of rights of way which are truly permanently unusable would be nearer 10%. This mirrors both the regional (Yorkshire and the Humber) and national picture.

2.13 **Changing the network:** The public rights of way network is not a static resource but a dynamic asset subject to regular change and alteration. The Council has powers, enshrined in a range of legislation to make temporary or permanent changes to the network in response to requests, development or other strategic priorities. These include powers to create, extinguish and divert public rights of way in order to create links, implement planning permissions, facilitate agricultural operations, rationalise parts of the network, reduce crime or other problems. Most of these powers are contained within either the Highways Act 1980 or the Town and Country Planning Act 1990.

2.14 There is a requirement to ensure that such requests to change the network meet legal tests and are widely consulted upon. If, after such considerations, the Council decides that these tests are not met, or that a high level of objection is expected, there is no compulsion to implement the change to the network by making and confirming a legal order. If however, the Council agrees that a change to the network is reasonable and beneficial it can make an order and re-charge some of the costs of doing so to the applicant.

2.15 On average, the team receives around 10 -15 public path order applications (mostly diversions) per year and there are currently 12 on the waiting list to be picked up. When applications for public path orders are received they are dealt with in order of receipt unless there are specific strategic or safety reasons to prioritise them. To that end, officers prioritise work on orders which are required to implement a planning approval so that this (which is entirely separate from the planning process), does not hold up development for houses or employment sites and so assists with the Council's regeneration priorities. Other orders which are given priority are those sought under specific school safety or serious crime reduction provisions within the legislation – although these are much less common and require other options to have been considered, reverting to path orders as a last resort.

2.16 The informal and formal consultation stages of path orders take time and there are minimum time requirements for advertisements and notices on site to be available for the public to make comments or raise objections – so to some extent the timescale for processing such orders is set. Orders typically take a minimum of 6 months from work starting to decision, and can, depending on complexity and level of objection, take much longer. For any order (eg. one intending to extinguish a right of way on the basis that it is no longer required for public use) a single objection is enough to require the order to be abandoned or referred to the Planning Inspectorate and possible Public Inquiry. Once this happens, the timescales are dictated by the Planning Inspectorate and entirely out of the Council's hands. For these reasons, it is very difficult to give an accurate timescale if someone asks how long a public path order might take.

### **3. OTHER CONSIDERATIONS**

3.1 Resources: The Countryside and Right of Way team currently comprises 5 officers (4 FTE) who work full-time on the management of the public rights of way network. There are also 3 other officers in the team, part of whose work is the practical maintenance of the network. At the time of writing this report, one further officer is being recruited as a dedicated Definitive Map officer who will deal with the review of the Definitive Map and with the backlog of Definitive Map Modification Orders.

3.2 Other teams involved in managing the network are the Highways Maintenance teams and the Network Resilience team. Legal support for drafting legal orders and assisting with enforcement is provided by the Legal Services team.

### **4. FINANCIAL & RESOURCE APPRAISAL**

4.1 None arising from the report

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

5.1 None arising from the report

### **6. LEGAL APPRAISAL**

6.1 None arising from the report

### **7. OTHER IMPLICATIONS**

#### **7.1 EQUALITY & DIVERSITY**

The Council strives to provide an inclusive public rights of way network, for example by promoting easy to use paths and furniture which would not be a barrier for people with limited mobility. Wherever possible the Council installs, and encourages landowners to install gaps rather than gates, and gates rather than stiles.

#### **7.2 SUSTAINABILITY IMPLICATIONS**

The public rights of way network constitutes a valuable network for non-motorised travel,

whether it be for travelling to work, school and around local neighbourhoods, or for recreational use. A well maintained network can play its part in encouraging “modal shift” from car-borne travel and therefore contribute also to greenhouse gas/climate change reduction.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

See above

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

None arising from the report

### **7.5 HUMAN RIGHTS ACT**

None arising from the report

### **7.6 TRADE UNION**

None arising from the report

### **7.7 WARD IMPLICATIONS**

None arising from the report

### **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

N/A

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

9.1 The Committee notes the report.

9.2 The Committee notes the report and makes further comment for consideration by the Service.

## **10. RECOMMENDATIONS**

That the Committee notes the report

## **11. APPENDICES**

none

## **12. BACKGROUND DOCUMENTS**

none



**Report of the Director of Place to the meeting of  
Environmental Scrutiny Committee to be held on 21<sup>st</sup>  
November 2017.**

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**P**

**Subject:**

**Fly Tipping in the Bradford District.**

**Summary statement:**

**This report gives an update on Fly Tipping in the district including an analysis on trends in complaints, levels of tonnages collected and whether recent policy changes with regards waste disposal and collection have had any associated impacts.**

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**Portfolio:**

**Cllr Sarah Ferriby**

**Overview & Scrutiny Area:**

**Environment & Waste Management**

## 1. SUMMARY

- 1.1 This report gives an update on Fly Tipping in the district including an analysis on trends, complaints, tonnages and whether recent policy changes at Household Recycling Centres and the introduction of fortnightly collections have had any associated impacts.

## 2. BACKGROUND

- 2.1 At the meeting of this Committee on 25<sup>th</sup> July 2017, Members requested an update on Fly Tipping to be presented to coincide with the planned performance outturn report for Waste Management.
- 2.2 At the meeting Members were reviewing the policy of charging for the removal bulky household waste and whether to include DIY materials in the future. In addition, whether the various changes in waste policies have had an impact on fly tipping over time.

### Reports to the Council (Appendix 1)

- 2.3 Appendix 1 (table A) shows that reports of fly tipping made to the Council have seen an upward trend for the past seven years since 2010/11; in the past 4 years the figure has doubled from 4,602 in 2010/11 to 9,271 in 2016/17.
- 2.4 However these figures must be treated with caution. Table B demonstrates that duplication of reports and easier reporting mechanisms have been a major contributory factor. An indepth analysis shows a startling increase in the duplication of cases where multiple customers report the same fly tip in a very short period of time. For example in Shipley Constituency a fly tip generated 10 separate reports within a matter of hours.
- 2.5 The increasing awareness of and access to services across the 24 hour day significant factor in the rising levels of reports. A further example in Appendix 2 illustrates this particularly well. Prior to 2012 the self-service option was limited. In 2012 there was a drive on the range of services that offered self-service options, and they were promoted more heavily on the web pages. This is evident with the rapid increase from 2012 onwards. Acceleration in the increase in reporting occurs in 2014 which coincides with the launch of the mobile app platform in March 2013. By the end of 2016 approximately 42% of fly tipping reports were created via self-service; matching almost exactly the growth in this five-year period.
- 2.6 By way of example Appendix 3 shows why the Queensbury ward had experienced a sharp increase in reports over a 4 month period when compared to the same period the year before. Duplication of reported cases rose from 3% to 31% between the two periods. Again the large number of the cases in this study were created using the self-service options.
- 2.7 It would be too crude an interpretation of this data to state moving customers away from traditional telephony or written contacts is the sole cause of the growth in fly tipping reports. Appendix 4 shows the same data but sorted by Constituency and the channels used for contacting the council. It is clear that web-based cases

correlate with the increases in each area. However in Bradford East and Bradford West, there is also an increase in volume of cases created using traditional methods. Therefore it is safe to say that there other contributory factors to the increase as well as changes in the method and ease of reporting.

- 2.8 A more accurate assessment of changes can be made when comparing reporting against weight (tonnage) collected.

### **Tonnage collected**

- 2.9 The increased number of reported cases is also not reflected in the amount of tonnage collected by the clean teams Appendix 4 shows that despite this increase in reports being logged, the tonnage of waste collected has remained consistent and any increase in fly tipping actually being collected would be reflected within the tonnages being recorded.
- 2.10 In summary there is clear evidence that duplication of case creation is on the increase, and that coincides with the rise in the reporting of flytipping over all and the rise in self-service reporting is also a significant. It is the Service's position that the severity of the issue of fly tipping and its impact upon cleansing operations has remained at a fairly consistent level over the past few years. The Service will continue to investigate how data collection and analysis around the issue can be improved, as well as work alongside Environmental Enforcement to identify, catch and successfully prosecute offenders.

### **Impacts of Council policy changes on fly tipping reports to the Council**

- 2.11 Appendix 5 shows fly tipping reported to the Council by month over the past 13 years. It has been annotated with times of key policy changes which might have impacted on levels of reporting.
- 2.12 The graph shows that it is difficult to attribute any single change to the growth in reporting of fly tipping. Some changes have seen an initial increase and then fall e.g. Van / Trailer permits in 2006. Other changes have seen an immediate fall in reports e.g. introducing £5 charge for electrical collections.
- 2.13 Whilst there is an upward trend in the number of reported fly tipping incidents the analysis suggests the ease of self-service reporting and the corresponding duplication of reports counts for the majority of reports rather than an actual increase in fly tipping.

## **3. OTHER CONSIDERATIONS**

### **Environmental Enforcement**

- 3.1 The Environmental Enforcement Team is responsible for enforcing legislation affecting the visible environment. The Team consists of the Environmental Services and Enforcement Manager, 2 Senior Enforcement Officers and 7.5 Enforcement Officers. The Team moved from Environmental Health to Neighbourhood and Customer Services in January 2016 in order to work more collaboratively with Council Wardens, Ward Officers and Street Cleansing Operatives. Enforcement Officers are already working for part of the week from Area Co-ordinator's Offices to

facilitate this closer working relationship.

3.2 Enforcement staff have been deployed to area teams as follows:

Bradford East = 2.5 officers

Bradford West = 2 officers

Bradford South = 2 officers (Including 1 Senior Enforcement Officer)

Keighley = 1 officer

Shipley = 1 officer

3.3 One Senior Enforcement Officer also provides additional cover across Bradford West, Shipley and Keighley as required.

3.4 Deployment of staff across areas has been based on numbers of service requests/complaints received over previous years. The deployment model is regularly reviewed to ensure that resources are deployed appropriately.

3.5 Enforcement Officers respond to complaints generated through the Council's Contact Centre and from referrals by Council Wardens and other Neighbourhoods staff. However, as part of the area-based approach to tackling environmental issues affecting neighbourhoods, the Team is embracing opportunities to move from a reactive to a more proactive service.

3.6 Flytipping is a criminal offence that carries an unlimited fine or up to 5 years imprisonment upon successful prosecution. The Environmental Enforcement Team actively investigates flytipping incidents to identify and prosecute offenders. The team carries out a range of work to tackle flytipping.

3.7 **Surveillance of fly tipping hotspots** – there are currently a number CCTV cameras which have been placed at fly tipping hotspots. The cameras are linked to the Council's CCTV network and are placed on lampposts. They have been very successful in capturing flytipping incidents involving vehicles. The team used the DVLA database to identify vehicle keepers who are then interviewed under the Police & Criminal Evidence Act to secure prosecutions against drivers and/or passengers of vehicles who were involved in the flytipping. The success of the cameras has resulted in the team securing additional funding to purchase more cameras. They are currently being rolled out across the district as more locations are being identified. It must be noted that not all locations are suitable for these types for cameras due to connectivity issues with the Council's CCTV network.

3.8 In addition the team has invested in a further 7 standalone covert cameras. These are designed to be hidden at locations where CCTV cameras are not suitable such as rural locations, back streets, lay bys etc. These cameras allow the team some flexibility to carry out surveillance in difficult areas and they can be moved to different locations relatively easily. The team has also had successful prosecutions using these types of cameras.

3.9 **Fixed Penalty Notices (FPNs) for flytipping**- New legislation was introduced last year allowing Council's to issue fixed penalty fines for low level flytipping as an alternative to prosecution. The definition of "low level" flytipping means where a car boot or less of domestic waste is flytipped. In Bradford the Council set the fixed penalty fine at £400 payable within 15 days which is reduced to £300 if paid within



10 days. The Enforcement Team started issuing FPNs in October 2016 and to date has issued 26 with the vast majority being paid. This has generated £6,100 of income which the team has reinvested into surveillance cameras.

- 3.10 **Work with land owners** – officers work with land owners to identify long term solutions to reduce/prevent the recurrence of fly tipping at sites where rubbish is regularly dumped. This includes encouraging the land owner to sell or develop the site, fence off the land or ensure waste is removed regularly from the site. In cases where land ownership is known enforcement action may also be considered and the Enforcement Team can prosecute landowners for allowing waste to accumulate on their land.
- 3.11 **Ward Officer Team (WOTs) meetings** – officers take fly tipping data and intelligence to WOTs to ensure that a multi-agency approach is developed and that the most sustainable solution is sought. Recently this has resulted in multi agency stop and search operations that target criminal behaviour in relation to motor vehicles e.g illegal waste carriers, uninsured drivers and unsafe vehicles.
- 3.12 **Community engagement and education/enforcement** – some fly tipping hotspots are close to residential areas and often the fly tipping is caused by local residents. It is often difficult to identify and prosecute offenders and community-based solutions are the only option. An example of this is rubbish dumped on unadopted back streets. The Council is not responsible for cleaning unadopted back streets and the responsibility for this falls to residents. In such cases occupiers (not owners) of properties adjoining the unadopted streets are legally responsible for the waste and this is difficult to enforce due to the large number of occupiers of some unadopted back streets.
- 3.13 In such cases Enforcement officers work closely with Council Wardens and Ward Officers to undertake days of action to talk to residents to educate them about the services that they can use to responsibly dispose of their waste. People are also encouraged to report fly tipping. Back street community clean ups are organised where residents working alongside Wardens and Ward officers collect the rubbish and Street Cleansing teams remove and dispose of the rubbish. In some areas this has worked very well however where there has been poor engagement and participation by residents then the Environmental Enforcement team will follow up with formal action involving serving enforcement notices on all occupiers, arranging removal of the rubbish and recovering the costs from all the occupiers.
- 3.14 **Offenders and seizure of vehicles** - There is evidence to suggest that a large proportion of fly tips is commercial waste. Current data for the 2017/18 year shows that 51.5% of fly tips actually collected are described as being sized as a small van load, a transit van load, a tipper lorry load or as significant multiple loads. These sizes suggest the use of types of vehicle are generally unavailable to most domestic residents, inferring that there is a group of people with access to commercial vehicles that are using them for illegal purposes.
- 3.15 By looking at the predominant waste types collected, the Service currently estimates at least 20% of all fly tipping is of waste that is commercial in origin, bags, packaging, construction materials, vehicle parts etc. The difference between this figure and the 51.5% stated above is a combination of dumping of domestic waste by commercial vehicles and the depositing of large amounts of waste outside

houses by residents e.g. landlord conducting a house clearance which would flag up as a larger sized fly tip.

- 3.16 New legislation allowing Councils to seize vehicles involved in flytipping was used for the first time in Bradford last year. A van that was involved in multiple flytips was eventually caught on CCTV camera. The vehicle was not registered or insured and the keeper could not be traced. Images of the vehicle were circulated to Council Wardens and Clean Teams to see if the vehicle could be found. The vehicle was eventually spotted by a cleansing operative and the Enforcement Team were notified. The Enforcement team worked in partnership with the Police to seize the vehicle. Images of the vehicle and the driver publicised in local press and social media and after the owner of the vehicle refused to come forward the vehicle was crushed. The crushing of the van was a first for a Yorkshire Council and received national media attention on ITN news as well as 50,000 views and breaking the record on the Councils' Face book page. The driver of the vehicle has since been identified by the public and a prosecution is now pending.
- 3.17 **Rubbish in Gardens and on private land** – the Enforcement team receives large numbers of complaints relating to rubbish in gardens and on private land. New powers under the Anti-Social Behaviour (Crime & Policing) Act 2014 has allowed the team to successfully use Community Protection Notices (CPNs) to ensure householders and landowners keep their property clean and tidy and free of rubbish accumulations. Non-compliance with a CPN is a criminal offence and offenders can be issued with £100 fixed penalty fines or prosecuted. Fines can be up to £5000 for householders and £20,000 for businesses Where CPNs have not been complied with the team has prosecuted offenders and in some cases applied for Remedial Orders (Court Orders) to ensure the notices are complied with. A recent prosecution for non-compliance with a CPN resulted in a statutory maximum £20,000 fine.
- 3.18 **Behaviour Change** - The Enforcement team works closely with the Press Office to ensure all successful prosecutions for waste offences are publicised through the press and social media in order to maximise awareness of these types of offences and penalties to hopefully effect behaviour change so that the public become more responsible about their waste.
- 3.19 **Duty of Care** – The Team enforces the Duty of Care regulations to ensure businesses contain all their waste and only use licensed operators to collect, transport and dispose of waste. The Enforcement Team and Council wardens regularly visit businesses to ensure compliance with the regulations.
- 3.20 The Householder Waste Duty of care Regulations came into force in 2005 and placed on all householders a responsibility to ensure that whoever is used to collect, transport and dispose of waste, are appropriately licensed. Recently there has been an increase in householders using unlicensed carriers of waste which has resulted in a small number of prosecutions. The Enforcement Team is currently looking at ways to identify and tackle illegal waste carriers which target vulnerable members of the public.

### **Prosecution of Offences**

- 3.21 The key strategy for the Enforcement Team over the last 18 months has been to increase levels of enforcement for waste offences (such as rubbish in gardens) by

serving statutory notices and prosecuting offenders for non-compliance with the requirements of notices, in particular CPNs. Due to high levels of compliance with CPWs and CPNs prosecutions for these offences have not always been necessary and the vast majority of prosecutions have been for flytipping offences.

- 3.22 The deployment of CCTV cameras has allowed the team to proactively target flytippers by undertaking extensive surveillance of flytipping hotspots and subsequently identify and prosecute offenders. However as most flytipping offences involve the use of a vehicle a successful prosecution depends on the ability to identify the registered keeper of the vehicle. Unfortunately a number of vehicles caught on camera have not registered the vehicle keeper details with the DVLA and therefore it is not always possible to identify the offender. Such cases are referred to the Police and details are placed to the Police Automatic Number Plate Recognition (ANPR) system for further action.
- 3.23 In addition for “low level flytipping” typically involving a vehicle dumping a car boot or less of domestic waste a £400 flytipping fixed penalty notice will be issued as opposed to a prosecution. However for serious flytipping offences e.g. more than a car boot load of waste or commercial waste then the policy is to prosecute for the offence.
- 3.24 There has been a significant increase in prosecutions since January 2016 compared with previous years. For example in 2015 there were only 7 prosecutions for waste offences. This included 4 prosecutions for littering.

**Number of Prosecutions since 1<sup>st</sup> January 2016 to date**

<b>Offence</b>	<b>Number of Prosecutions</b>
Flytipping	23
Non compliance with CPN	8
Duty of Care	3
Dog Fouling	2
<b>Total</b>	<b>36</b>

**Total fines = £42,905**

**Total Costs = £16,560**

**Publicity and Marketing**

- 3.25 Neighbourhood Services are currently working with Keep Britain Tidy and the Council’s marketing department with regards a hard hitting and sustained anti- fly tipping, litter and dog fouling campaign. The programme of campaigns throughout 2017/2018 will focus on different themes and the first campaign began in September with regards chewing gum litter. This is a significant problem within the Bradford District. It is very costly and time consuming to remove and removal it in itself can cause damage to some surfaces such as tarmac. Bradford Council took part in a national campaign organised by the Chewing Gum Action Group (CGAG). The group is chaired by Defra and brings together representatives from the gum industry, the various regional “tidy” groups and the Chartered Institute of

Waste Management. The purpose of the campaign is to raise awareness of the issue of discarded gum, to change behaviours and to ultimately reduce littered gum. It promotes the following messages;

- Put your gum in a bin – a tangible way you can do your bit to show you care about where you live.
- It's your responsibility to do the right thing
- People who irresponsibly dispose of their gum can be fined up to £80 on-the-spot

3.26 The campaign started in Bradford City centre and will be rolled out to other town centres over the coming months. An example of the campaign is shown below.



3.27 The campaign, was posted on social media on Bradford Council's Twitter and Facebook pages, as well as sent out a Stay Connected e-newsletter to all waste and recycling subscribers (approximately 9,500 subscribers).

3.28 Following on from this campaign car litter will then be targeted. 'We're Watching You Signs' will be erected at strategic locations of the district to raise awareness and remind car owners of their responsibilities and that they will be fined for littering. More details will be provided of forthcoming campaigns in future reports.



3.29 The Press Office are also involved in promoting maximum publicity for all campaigns together with any fines/prosecutions for offences to effectively manage behaviour change moving forward.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

4.1 This report is only a briefing on levels of fly tipping within the district at the present time.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

5.1 No specific issues.

#### **6. LEGAL APPRAISAL**

6.1 No specific issues.

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

7.1.1 Committee decisions will need to be made in line with Equal Rights legislation. This will require committees to assess the potential equality impact of any decisions they make.

##### **7.2 SUSTAINABILITY IMPLICATIONS**

7.2.1 Increased local decision-making has the potential to create more sustainable solutions to local issues.

##### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

7.3.1 No specific issues.

##### **7.4 COMMUNITY SAFETY IMPLICATIONS**

7.4.1 Increased local decision making has the potential to improve community safety through more closely addressing local priorities.

##### **7.5 HUMAN RIGHTS ACT**

7.5.1 There are no Human Rights Act implications arising from this report.

##### **7.6 TRADE UNION**

7.6.1 No specific issues.

##### **7.7 WARD IMPLICATIONS**

7.7.1 The information in this report is relevant to all Wards in the district.

#### **8. NOT FOR PUBLICATION DOCUMENTS**

8.1 There are no not for publication documents.

#### **9. OPTIONS**

9.1 None.

**10. RECOMMENDATIONS**

10.1 That the update on fly tipping and actions taken to address the problem be noted.

10.2 That a further report be brought to this committee within twelve months.

## **11. APPENDICES**

Appendix 1 – Fly tipping reports to the Council

Appendix 2 – Analysis of increase in fly tipping reports within Queensbury Ward

Appendix 3 – Channel shift by constituency

Appendix 4 – Reports of fly tipping and the tonnages collected

Appendix 5 - Impacts of council policy changes on fly tipping reports (since 2004)

## **12. BACKGROUND DOCUMENTS**

- 12.1 Report of the Strategic Director (Place) to the meeting of Environment and Waste Management Overview and Scrutiny Committee, 25 July 2017, Document C, 'Update on policy relating to the collection of bulky waste'.





FLY TIPPING REPORTS TO THE COUNCIL

Table A – Overall levels of reported fly tipping per year

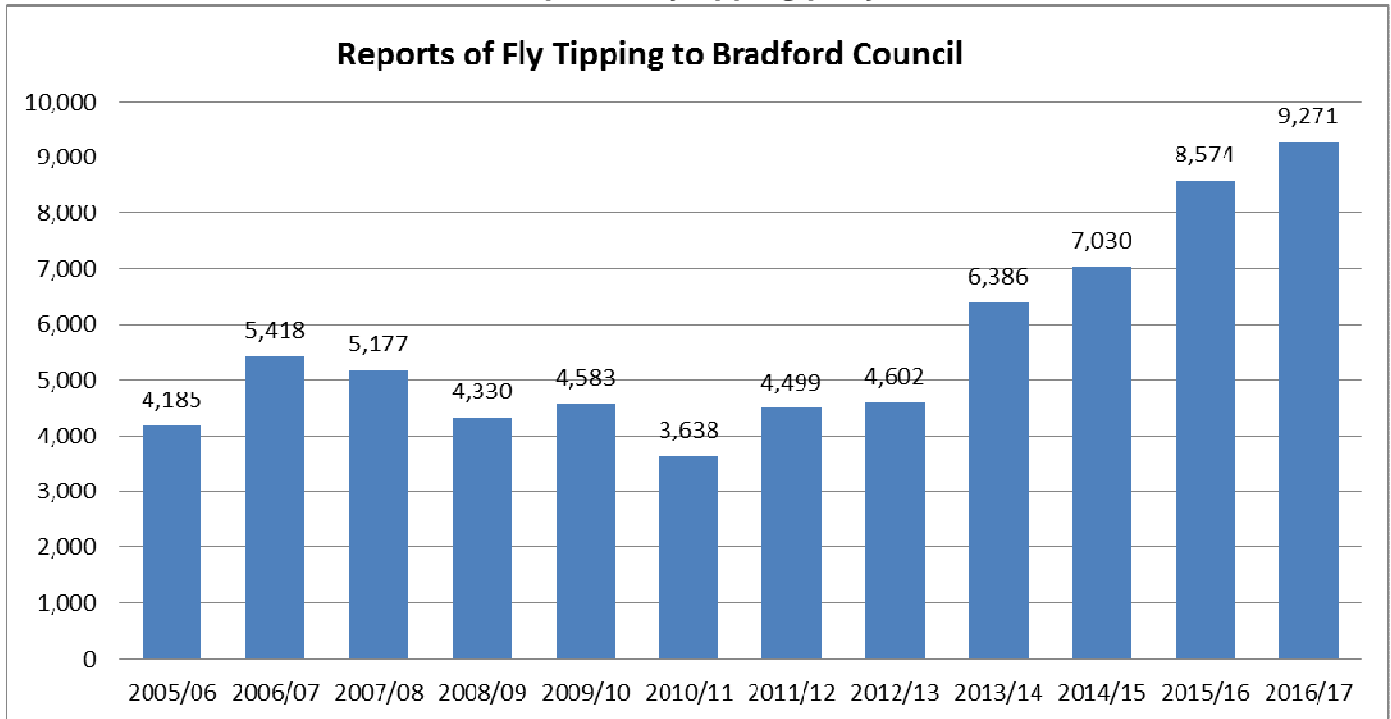
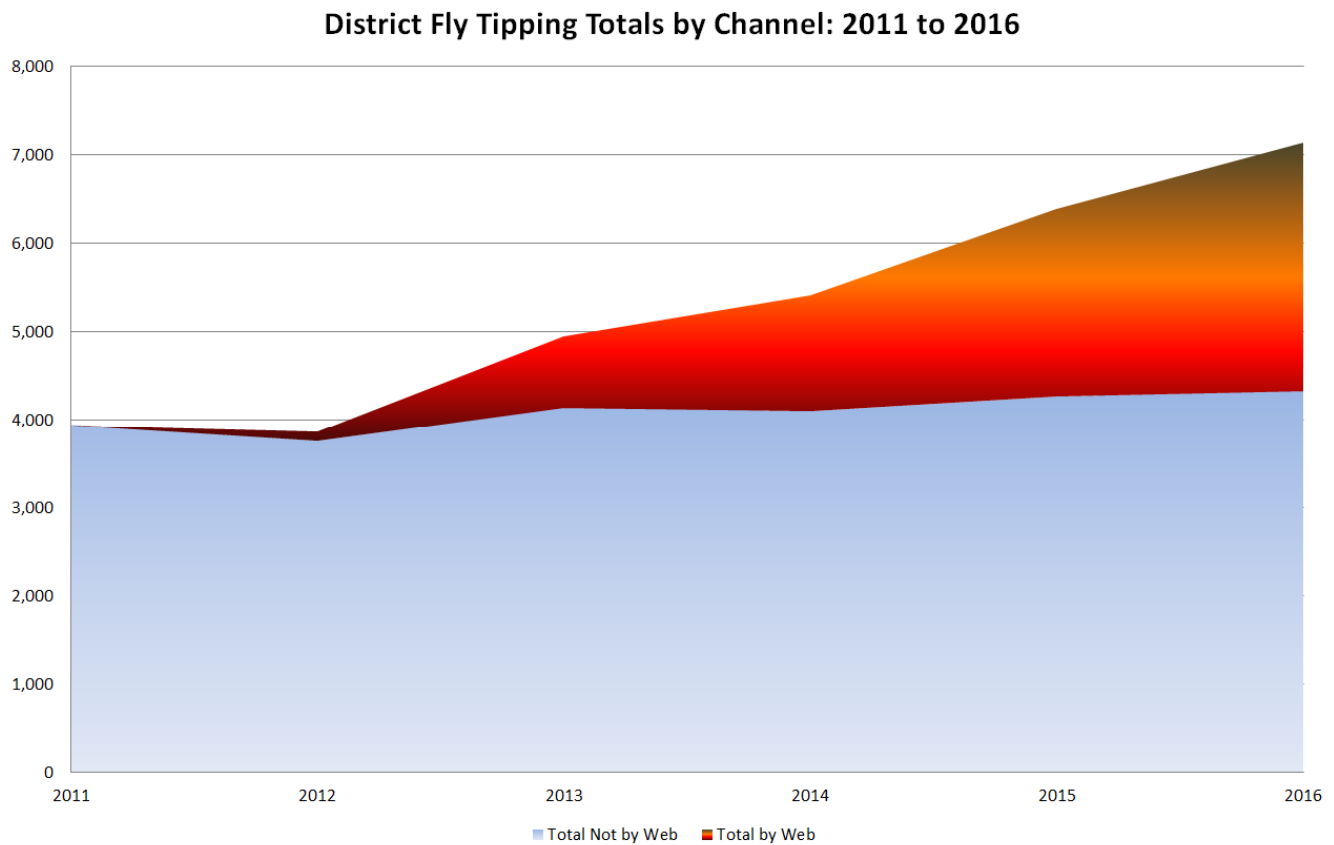
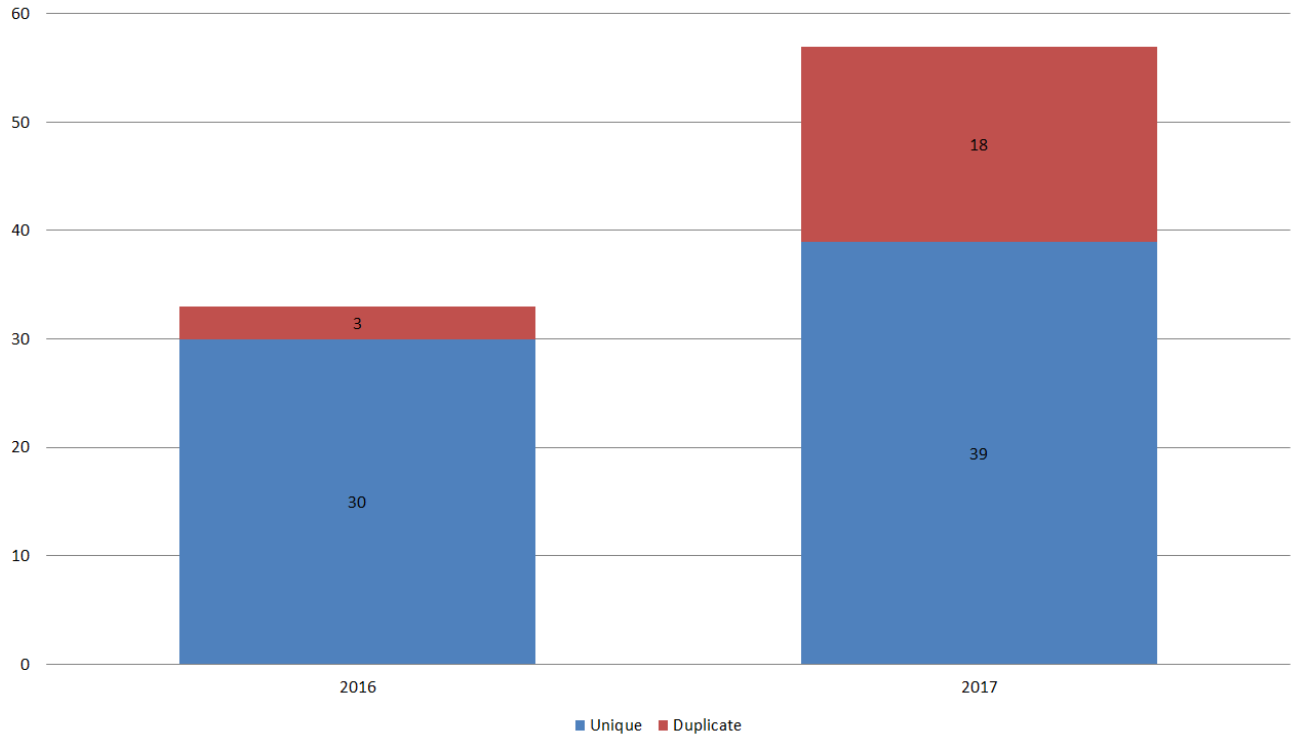


Table B – Significance of channel-shift and duplications in the reporting of fly tips



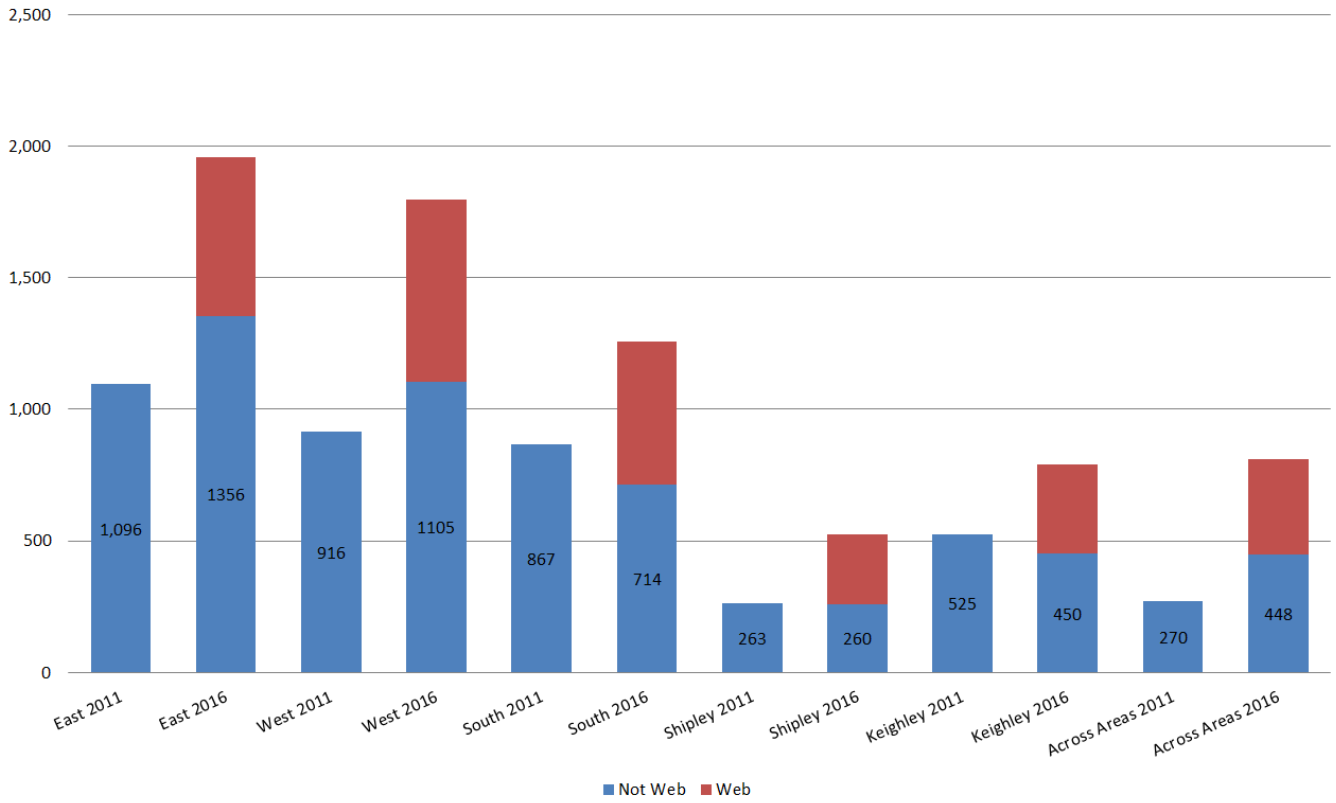
ANALYSIS OF INCREASE IN FLY TIPPING REPORTS WITHIN QUEENSBURY WARD

Change in Fly Tipping Reports for Queensbury  
(Apr-Jul 2016 v Apr-Jul 2017)

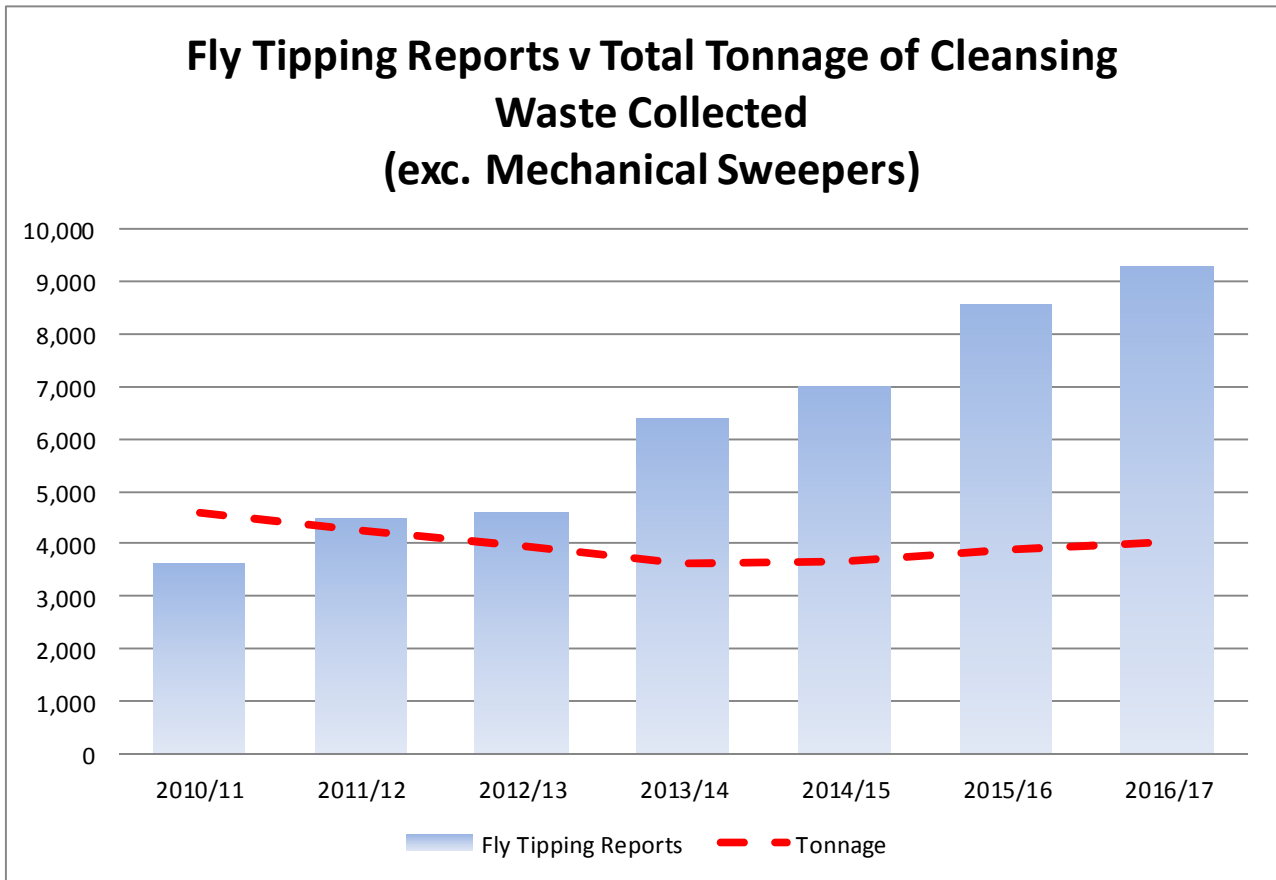


CHANNEL SHIFT BY CONSTITUENCY

Fly Tipping Cases by Channel and by Area: 2011 v2016

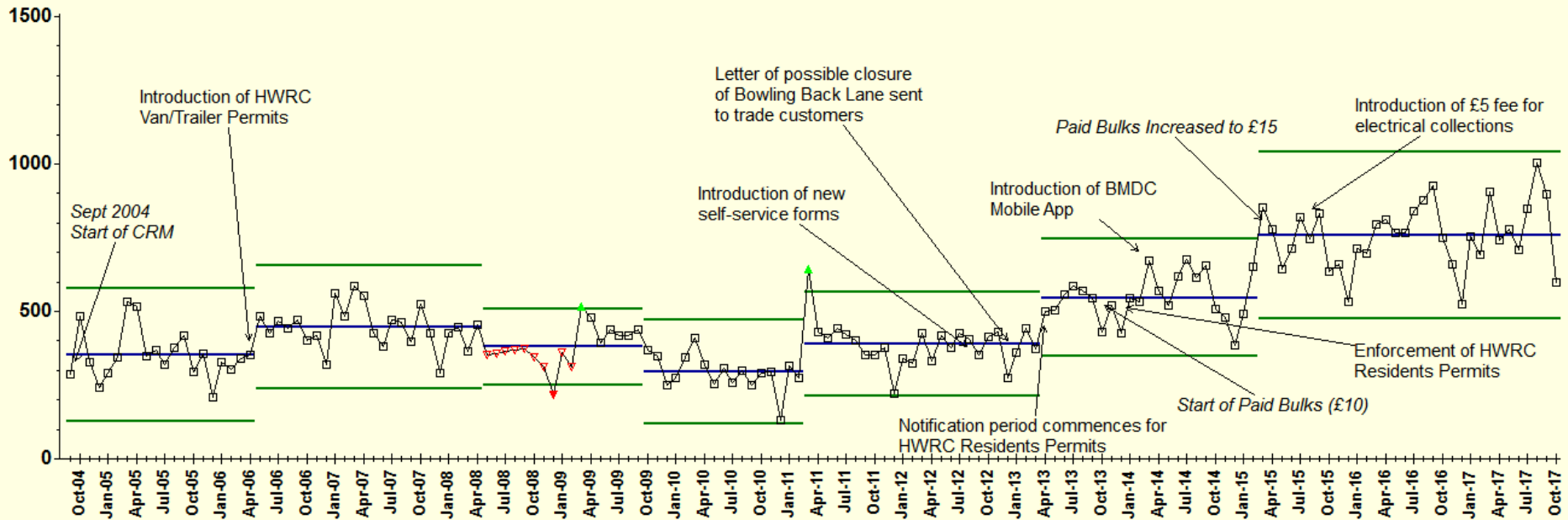


REPORTS OF FLY TIPPING AND THE TONNAGES COLLECTED





**Impacts of Council Policy Changes on Fly Tipping Reports**



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Split Start	Sep-04	May-06	May-08	Oct-09	Mar-11	Apr-13	Mar-15
U.C.L.	=577.6	655.0	509.7	469.6	565.7	745.4	1041.0
Mean	=352.4	445.6	380.2	293.6	389.8	546.2	758.5
L.C.L.	=127.1	236.1	250.7	117.5	213.9	346.9	475.9



## **Report of the Director of Place to the meeting of The Environment & Waste Management Overview and Scrutiny Committee to be held on Tuesday 19<sup>th</sup> December 2017.**

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**Subject:** Environmental Enforcement Strategy

**Summary statement:**

This report presents the Environmental Enforcement Strategy, outlining approaches that will be taken to address environmental crime and improve environmental quality across the Bradford District.

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Steve Hartley  
Director of Place

**Portfolio:**

**Environment, Sport & Culture**

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**Overview & Scrutiny Area:**

**Environment & Waste Management**

## **1. SUMMARY**

- 1.1 This report presents the Environmental Enforcement Strategy, outlining approaches that will be taken to address environmental crime and improve environmental quality across the Bradford District.

## **2. BACKGROUND**

- 2.1 A report considered by the Environment and Waste Management Overview and Scrutiny Committee on 5<sup>th</sup> April 2016 included a resolution for an Environmental Enforcement Strategy to be developed and presented to the Committee.
- 2.2 In January 2016 Neighbourhood and Customer Services took on responsibility for environmental enforcement.
- 2.3 An Environmental Enforcement Strategy has been produced to support the Council's objectives to transform its services, reduce costs and demand for services and make the district safer and cleaner (attached as Appendix 1). The Strategy introduces a firm but fair approach, using educational, engagement and enforcement approaches to deter and penalise offenders through greater use of fixed penalty notices and the issuing of notices and prosecutions and behaviour change.
- 2.4 The Strategy demonstrates the importance placed by the Council on street cleanliness and local environmental quality and its determination to make a stand against the small minority engaged in anti-social behaviour and waste crime.

## **3. OTHER CONSIDERATIONS**

- 3.1 Bradford Council adopted the Enforcement Concordat in 1998 which states that good enforcement practice should have clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach and deal effectively with complaints about service.
- 3.2 Enforcement Officers must seek to secure compliance with the law. Most of their dealings with those on whom the law places duties, businesses, landlords, occupiers and individuals, are informal - officers offer information, advice and support, both verbally and in writing. They may also use formal enforcement, as set out in law, including fixed penalty notices, enforcement notices where a contravention needs to be remedied, or ultimately prosecution.
- 3.3 Where enforcement is deemed appropriate and is being considered, officers can choose one or more of the following options:
- To take no action;
  - To take informal action;
  - To issue a fixed penalty notice;
  - To issue a statutory notice;
  - To carry out work in default;
  - To use seizure powers;
  - To use formal cautions;



- To prosecute.
- 3.4 Waste crime such as fly tipping, littering and dog fouling offences continue to be a significant problem both locally and nationally. In particular, incidents of fly tipping are increasing nationally and this has been well publicised in national media.
- 3.5 The Strategy aims to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the most prevalent issues affecting the district's environment. In particular, the current priority areas are:
- Fly tipping and illegal dumping of waste on public and private land;
  - Accumulations of rubbish in gardens;
  - Litter on streets, other highways and private land;
  - Ensuring compliance with the Duty of Care with respect to commercial and household waste and
  - Irresponsible dog ownership.
- 3.6 New powers have been introduced to tackle environmental crime and a strategy was required to develop a cohesive approach to tackle this issue.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 Prosecution of offences will continue to require support from officers in Legal Services and will incur legal costs. The Council will aim to recover all legal costs incurred in taking Court action against offenders.
- 4.2 Issuing fixed penalty notices will result in income generation for the Council. In line with government guidance, the Council will re-invest income generated from fixed penalty notices. Payments collected will be used to help offset the costs of the enforcement function by helping fund, for example, surveillance cameras, environmental improvements and relevant educational, operational, and publicity initiatives

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 There are no risk management and governance issues apparent within the context of this report.

#### **6. LEGAL APPRAISAL**

- 6.1 The Council has a responsibility to investigate, clean up and take appropriate enforcement action in relation to fly tips on public land including public roads and highways. The Council will also investigate fly tips on private land and take appropriate enforcement action where evidence is found.

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

There are no equality and diversity implications apparent within the context of the report.

## **7.2 SUSTAINABILITY IMPLICATIONS**

Tackling environmental crime, preventing fly tipping and promoting responsible waste management contributes positively towards the sustainability agenda.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None apparent within the context of the report.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

The illegal dumping of waste (fly tipping) degrades the amenity of an area and often attracts further environmental crimes.

Waste dumped on private land presents particular problems for the state of the local environment. Uncontrolled waste disposal can also present great health and safety risks, attract other anti-social behaviour and contribute to perceptions and fear of crime.

## **7.5 HUMAN RIGHTS ACT**

The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, The Criminal Procedures and Investigations Act 1996, Equality Act 2010 and other relevant legislation and guidance. Covert surveillance will only be used in serious offences, defined as those with a penalty of six months imprisonment or more.

## **7.6 TRADE UNION**

There are no staffing implications arising from this report.

## **7.7 WARD IMPLICATIONS**

Enforcement action will take place across the district and a consistent approach to tackling environmental crime will be applied across all Wards.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

The Environment and Waste Management Overview and Scrutiny Committee is asked to consider the draft Environmental Enforcement Strategy and make any recommendations for amendment or addition.

## **10. RECOMMENDATIONS**

That Environment and Waste Management Overview and Scrutiny Committee

considers the draft Environmental Enforcement Strategy and the overall approach to enforcement.

**11. APPENDICES**

Environmental Enforcement Strategy

**12. BACKGROUND DOCUMENTS**

None

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# ENVIRONMENTAL ENFORCEMENT STRATEGY

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Neighbourhood & Customer Services

Environmental Enforcement Team

December 2017

## **1. Introduction**

- 1.1 Bradford Metropolitan District Council is committed to maintaining a clean and safe environment for the benefit of everyone in the District. This commitment recognises our responsibility to keep the streets and local environment clear of litter, fly tipping and deal with other local environmental quality issues. The presence of dumped waste, litter, dog fouling, graffiti and other environmental crime detracts from the image of the District and can have an adverse impact on inward investment, as well as being a potential health and safety issue and contributing to perceptions and fear of crime.
- 1.2 This document highlights the Council's statutory responsibility to maintain a clean environment for all, but recognises that this cannot be achieved without the citizens of Bradford District taking personal responsibility for their actions.
- 1.3 The Bradford Council Plan 2016-2020 sets out how the Council will work with others to contribute to priorities set out in the Bradford District Plan.
- 1.4 The Council's corporate priorities are:
  - Better skills, more good jobs and a growing economy;
  - Decent homes that people can afford to live in;
  - A great start and good schools for all our children;
  - Better health, better lives;
  - A well run council, using all our resources to deliver our priorities and
  - Safe, clean and active communities.
- 1.5 The District Plan recognises that looking after the environment, helping to keep places where we live and work clean and safe and reducing waste will make Bradford a better place. It is generally acknowledged that a clean and safe environment will promote a positive image and make the District more attractive to businesses, investors and residents.
- 1.6 Staff in Neighbourhood and Customer Services provide the enforcement function as well as an environmental response service to deal with fly tipping, litter and other environmental problems. They work closely with other services such as Waste Management, Highways, Parks and Landscapes and Planning to maintain a high standard of street cleanliness and a fast response to environmental incidents.

## **2. Aim of Strategy**

- 2.1 To support the Council's District Plan, Neighbourhood and Customer Services is committed to making Bradford cleaner and safer for those who live, work and visit the District.

2.2 This Strategy will help us achieve our objective by providing the framework to:

- Raise awareness of effective waste management, litter control and dog control and other local environmental quality issues across the District;
- Educate residents, businesses and visitors about their relevant duties and responsibilities in terms of effective waste management, litter control, dog control, and other local environmental quality issues and what constitutes an offence and
- Undertake any enforcement action as necessary in a reasonable, equitable and proportionate manner.

### **3. Scope of Strategy**

3.1 The scope of this document covers waste and local environmental quality issues experienced across the District on both public and private land.

3.2 All of the issues highlighted in this Strategy are of great importance to maintaining a clean and safe environment. We seek however to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the most prevalent issues affecting Bradford's environment. In particular, the current priority areas are:

- Fly tipping and illegal dumping of waste on public and private land;
- Accumulations of rubbish in gardens
- Litter on streets, other highways and private land;
- Ensuring compliance with the Duty of Care with respect to commercial and household waste and
- Irresponsible dog ownership.

3.3 It is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so. Council Wardens and the Environmental Enforcement Team are responsible for providing help and assistance for this purpose and for taking action against those who do not meet their responsibilities. The purpose of this Strategy is to explain how the Environmental Enforcement Team, Council Wardens and other partner services will fulfil this role.

### **4. Bradford Council's approach to Environmental Enforcement**

4.1 Bradford Council adopted the Enforcement Concordat in 1998 which states that good enforcement practice should have clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach and deal effectively with complaints about service. This approach will ensure that:

- We are fair and equitable in the way we carry out enforcement;
- We assist businesses and others in meeting their legal obligations;

- We focus on prevention rather than cure;
- We take firm action against those that flout the law and
- Our actions are comparable and similar to other local authorities.

4.2 Along with all other local authorities in England, Bradford Council has extended powers to enable enforcement of legislation intended to protect both the individual and the community as a whole. The enforcement function plays a vital role in maintaining a clean and safe environment by providing information and advice to individuals regarding the law, regulations and duties. It also, as a last resort, takes enforcement action to challenge anti-social behaviour and to ensure that those individuals and/or businesses that spoil the environment for others are made accountable for their actions.

4.3 This document sets out how we will use these powers to ensure an effective, consistent and clear approach to tackle environmental issues.

## **5. Levels of Enforcement action**

5.1 In line with the Enforcement Concordat, a process of escalation will be used until compliance is reached, starting at the lowest appropriate level. Exceptions would include, but not be limited to, instances where there is a serious risk to public safety, animals or the environment or the offences have been committed deliberately or negligently, involve deception, are repeat offences or where there is significant economic detriment. Examples of the main types of action that can be considered are shown below:

### **5.2 Informal**

- No action
- Information, advice and guidance
- Verbal warnings
- Written warnings

### **5.3 Formal**

- Fixed Penalty Notices
- Formal Notice
- Caution
- Prosecution

5.4 In assessing what enforcement action is necessary and proportionate, consideration will be given to such relevant considerations as arise in each individual case. These considerations could include, among other things:

- The seriousness of non-compliance/ failure;



- The individual's or business's past performance and its current practice;
- The risks being managed;
- Legal, official or professional guidance and
- Local priorities of the Council.

## **5.6 No Action**

5.7 In certain circumstances, contraventions of the law may not warrant any action. This can be where the breach is of a very minor nature with inconsequential risk, the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, which may include instances where a trader has ceased to trade, or the offender is elderly, frail or seriously ill and formal action would seriously damage their wellbeing. In such cases we will advise the offender of the reasons for taking no action and will always educate and ensure residents and businesses are aware of what measures to take to ensure there is no recurrence of offences.

## **5.8 Informal Action and Advice**

5.9 For minor breaches of the law, verbal or written advice may be given. Any contraventions of the law will be clearly identified and advice given on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

## **5.10 Warning**

5.11 If there has been a minor incident where the law has been broken, it may be decided that the most appropriate course of action is to issue the offender with a verbal and/or written warning. Previous warnings will be taken into account when considering taking formal action.

5.12 A written warning will:

- clearly state the nature of the problem and suggest either specific remedies or a standard to achieve;
- state the actions which may follow if matters do not improve;
- designate a named officer as a point of contact;
- clearly distinguish between legal requirements and desirable standards;
- indicate any follow up action e.g. a revisit in 14 days, offer to work with the person(s) responsible in finding a solution if appropriate and
- be firm, business like, unambiguous, polite and helpful.

### **5.13 Fixed Penalty Notices**

- 5.14 Certain offences are subject to Fixed Penalty Notices (FPN). These will be issued when an authorised officer observes or has evidence that an offence has been committed. The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. An FPN is therefore only issued where there is adequate evidence to support a prosecution if a notice is not paid. There is no obligation for the Council to offer an appeals process to someone that might want to dispute a FPN – a plea of not guilty will be assessed by the court. However, the Council does allow for representation to be made in writing. This is then considered by the Environmental Services & Enforcement Manager and once a decision has been made applicants will be notified in writing of the outcome. If the representation is upheld no further action will be taken. If the representation is rejected, the outstanding penalty amount needs to be paid within seven days of the date of the letter.
- 5.15 The efficient use of FPNs will improve the effectiveness of the enforcement process, resulting in officers being able to focus more detailed attention on more serious cases. The FPN must be paid within 14 working days of it being served. If the FPN is not paid a reminder letter will be issued requesting payment and setting out what action the Council intends to take. If the FPN is still not paid within 28 days, the case will be considered for prosecution in the Magistrates Court.
- 5.16 Bradford Council will retain any funds accrued from the serving of FPNs. Payments collected will be used to help offset the costs of the enforcement function by helping fund, for example, surveillance cameras, environmental improvements and relevant educational, operational, and publicity initiatives.

### **5.17 Formal Notice**

- 5.18 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. All notices issued will include details of any applicable appeals procedures. Non-compliance with a Formal Notice will always be considered for prosecution. Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) any necessary works to satisfy the requirements of the notice may be carried out by the Council. Where the law allows, a charge may be levied against the

person/business served with the notice for any cost in carrying out the work. Works in default will only be carried out where there is a significant risk to public health. In the majority of cases non-compliance with a notice will result in prosecution. In the case of a breach of a Community Protection Notice (CPN), upon successful prosecution the Council will make an application for a Remedial Order which requires the defendant to undertake any necessary work as opposed to the Council doing the work and recharging the defendant. Breach of a Remedial Order can result in a significant fine and/or imprisonment.

### **5.19 Caution**

5.20 A caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction. For a simple caution to be issued a number of criteria must be satisfied:

- sufficient evidence must be available to prove the case;
- the offender must admit the offence;
- it must be in the public interest to use a simple caution and
- the offender must be 18 years or over.

5.21 If the offender commits a further offence, the caution may influence our decision to prosecute. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the caution may be cited in court and this may influence the severity of the sentence that the court imposes.

### **5.22 Prosecution**

Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors. This document details the public interest and evidential considerations when bringing proceedings. Legal advice will be sought where necessary. The Council will have regard to all relevant circumstances in assessing whether prosecution is appropriate and in the public interest.

5.23 All enforcement decisions and actions will be made with due regard to the provisions of:

- The Human Rights Act 1998
- The Crime and Disorder Act 1998
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000
- Equalities Act 2010
- Equal rights and anti-discrimination legislation

- 5.24 If it is in the public interest and appropriate, information concerning non-compliance will be shared with other enforcement agencies. Where this takes place, we will ensure that the Data Protection Act 1998 and Human Rights Act 1998 are observed.
- 5.25 Enforcement actions are taken in line with Bradford Council's Enforcement Policy, which the Council adopted in 1998.
- 5.26 In addition, this Strategy reflects DEFRA guidance on the use of FPNs which highlights the need to ensure that if FPNs are issued they need to be within a framework where offenders will be prosecuted, should they choose not to pay a notice that has been offered to them. This will help to minimise risk and build credibility in the system.

## **6. Who decides what enforcement action is taken?**

- 6.1 Decisions about the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government. Where appropriate, decisions about enforcement will involve consultation between or approval from:
- Investigating Officer(s)
  - Senior managers
  - Council Solicitors
- 6.2 All enforcement-related decisions will only be taken by officers authorised under the Council's Scheme of Delegation.

## **7. Offences by juveniles**

- 7.1 In law, a FPN can be issued to anyone over the age of 10. Bradford Council's duty under the Children Act 2004 requires that we discharge our functions with regard to the need to safeguard and uphold the welfare of children. With this in mind a FPN may be issued to 16 and 17 year olds in the same way as for adults. If 16 and 17 year olds cannot or will not pay the FPN they will be offered an opportunity to attend a litter awareness session.
- 7.2 This session will aim to educate young people of the environmental, social and economic impacts of littering. The session will also involve a restorative justice approach where offenders will experience the impact littering has on representatives from the local community. The session will be led by the Youth Service with assistance from the Restorative Justice Team. The Council does not intend to criminalise young people and will therefore not prosecute young people aged 16 and 17 years of age.

## **8. Environmental Enforcement Priorities – Implementing the Strategy**

8.1 The Environmental Enforcement Team is responsible for exercising some of the powers under the following legislation in Bradford with regard to the general street environment:

- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- Refuse Disposal (Amenity) Act 1978
- Town and Country Planning Act 1990
- Anti-social Behaviour, Crime & Policing Act 2014
- Public Health Act 1936
- The Prevention of Damage by Pests Act 1949
- Police & Criminal Evidence Act 1984

8.2 The Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) saw the introduction of new powers for local authorities to specifically help to tackle local environmental quality issues. The Act introduced effective powers and tools to deal with poor environmental quality and anti-social behaviour, such as litter, graffiti, waste and dog control and created enhanced previous powers to allow enforcement work to extend beyond public land onto adjacent private land when necessary.

8.3 New legislation such as the Anti-social Behaviour, Crime & Policing Act 2014 introduced Community Protection Warnings (CPWs) and Community Protection Notices (CPNs) as a mechanism to deal with a broad range of environmental problems. Since their introduction CPWs and CPNs have been used effectively to deal with problems such as rubbish in gardens and litter from businesses. Non-compliance with a CPN allows the Council to issue a FPN or prosecute and apply for a court order (Remedial Order) to ensure compliance.

8.4 More recently in 2016 the Environmental Protection Act 1990 was amended to introduce £400 FPNs for fly tipping as an alternative to prosecution. These FPNs have also proved to be an effective tool in dealing with small scale fly tipping.

## **9. Fly tipping and illegal dumping of waste on public and private land**

9.1 The illegal dumping of waste (fly tipping) degrades the amenity of an area and often attracts further environmental crimes.

9.2 Waste dumped on private land presents particular problems for the state of the local environment. Uncontrolled waste disposal like this can also present great health and safety risks and attract other anti-social behaviour. The Council is not responsible for clearing up waste on

private land, but will use the relevant legislation to ensure that those dumping waste on private land are prosecuted and any clear up costs recovered from the offender. In some instances this may also apply to the owner of the land who may be liable for prosecution if they have allowed their land to be used for dumping.

## **10. Waste dumped on un-adopted back streets.**

10.1 Some fly tipping hotspots are close to residential areas and sometimes the fly tipping is caused by local residents. It is often difficult to identify and prosecute offenders and community-based solutions are the only option. An example of this is rubbish dumped on un-adopted back streets. The Council is not responsible for cleaning un-adopted back streets and the responsibility for this falls to residents. In such cases occupiers (not owners) of properties adjoining the un-adopted streets are legally responsible for the waste and this is difficult to enforce due to the large number of occupiers of some un-adopted back streets.

## **11. Methods currently used to tackle fly tipping.**

## **12. Community responses – un-adopted streets**

12.1 To deal with fly tipping on un-adopted streets Enforcement Officers work closely with Council Wardens and Ward Officers to undertake days of action to talk to residents to educate them about the services that they can use to responsibly dispose of their waste. People are also encouraged to report fly tipping.

12.2 Back street community clean ups are organised where residents, working alongside Wardens and Ward Officers, collect the rubbish and Street Cleansing teams remove and dispose of the rubbish. In some areas this has worked very well. However, where there has been poor engagement and participation by residents the Environmental Enforcement Team will follow up with formal action involving serving enforcement notices on all occupiers, arranging removal of the rubbish and recovering the costs from all the occupiers. This approach is not always popular as some residents feel that they are being victimised as they were not responsible for dumping the waste. An un-adopted back street procedure has been developed which formalises the approach taken by the Council.

## **13 Surveillance of fly tipping hotspots**

13.1 The Environmental Enforcement Team will proactively undertake surveillance of fly tipping hotspots in order to catch offenders. The Team has access to 2 different types of cameras depending on the location and nature of the fly tipping. These are:

1. CCTV (networked) cameras – these are placed on lampposts and linked wirelessly to the Council's CCTV network and are managed by the CCTV team.
  2. Covert (hidden) cameras – these are designed to be used at locations where there is no CCTV connectivity for example rural locations, laybys, back streets.
- 13.2 The cameras are most effective where vehicles are involved in fly tipping, as the registered keeper of the vehicle can be identified and interviewed in relation to the offence. If waste is dumped from a vehicle the registered keeper can be held legally responsible for the fly tipping. The officers will interview suspects under the Police & Criminal Evidence Act 1984 to secure prosecutions against drivers and/or passengers of vehicles who are involved in the fly tipping.
- 13.3 Not all locations are suitable for the deployment of surveillance cameras and a procedure has been written that allows an assessment to be made as to whether surveillance cameras are suitable and appropriate.

#### **14. Fixed Penalty Notices (FPNs) for fly tipping**

- 14.1 New legislation was introduced in 2016 allowing Councils to issue FPNs for low level fly tipping as an alternative to prosecution. The Council's definition of "low level" fly tipping means where a car boot or less of domestic waste is fly tipped. In Bradford the Council set the fixed penalty fine at £400, payable within 15 days, and reduced to £300 if paid within 10 days. Anyone failing to pay a FPN for fly tipping will be prosecuted.

#### **15. Fly tipping Prosecutions**

- 15.1 Where more than a car boot load of waste is dumped or the waste is commercial or hazardous waste the Enforcement Team will prosecute offenders under the Environmental Protection Act 1990. Fly tipping is a criminal offence and anyone found guilty can be fined an unlimited fine or face up to 5 years imprisonment upon successful prosecution.

#### **16. Seizure of vehicles for suspected waste crime**

- 16.1 The Council has powers to seize a vehicle, trailer or mobile plant and their contents if it's believed it is being, has been or will be used to commit a waste crime such as fly tipping. Vehicles and their contents can be seized under the Control of Pollution (Amendment) Act 1989 or the Environmental Protection Act 1990.

- 16.2 The Council can only seize a vehicle if it suspects it is has:

- been used to illegally dump waste in a way that could cause pollution to the environment or harm to human health;
- been driven by someone not registered as a waste carrier;

- been used at a site that's breaking the rules of an environmental permit;
  - been used to transfer waste to someone not registered as a waste carrier.
- 16.3 Having decided a vehicle must be seized, the Council must inform the Chief Officer of Police. The Council must then ask the Police to stop the vehicle and must make sure the vehicle and its contents are stored securely until it's given back to the owner.
- 16.4 The Council also has power to destroy a vehicle, if it will "pollute the environment or be a risk to people's health". The Council does not need the owner's consent but must record the reason it was destroyed and inform the owner, the DVLA and local Chief Officer of Police.

## **17. Accumulation of rubbish in gardens and on private land**

- 17.1 The Council receives large numbers of complaints about rubbish in gardens. New powers under the Anti-Social Behaviour (Crime & Policing) Act 2014 have allowed the Enforcement Team to serve Community Protection Notices (CPNs) to ensure householders and landowners keep their property clean and tidy and free of rubbish accumulations. Non-compliance with a CPN is a criminal offence and offenders can be issued with £100 FPN or prosecuted. Fines can be up to £5,000 for householders and £20,000 for businesses.
- 17.2 Where CPNs have not been complied with, the Team will prosecute offenders and apply for Remedial Orders (Court Orders) to ensure the notices are complied with and rubbish is cleared from the land or garden.
- 17.3 In addition to CPNs, the Enforcement Team uses a range of other legislation to ensure landowners are held responsible for any accumulations of rubbish on land.

## **18. Litter**

- 18.1 It is illegal to drop litter. The Environmental Protection Act 1990 - Section 87 (as amended) states that an offence is committed if anything is dropped, thrown, left or deposited that causes defacement in any place open to the air that the public has access to with or without payment.
- 18.2 Litter is comprised mainly of synthetic materials often associated with smoking, eating and drinking. The Clean Neighbourhoods and Environment Act 2005 confirmed that cigarette butts and chewing gum are classified as litter.
- 18.3 Littering offences continue to be a significant problem across the Bradford District. Whilst Council Wardens have powers to issue littering fines their role is varied and includes parking enforcement, community



engagement, education and awareness-raising and high visibility patrolling. Due to the diverse nature of their role the enforcement of littering offences cannot always be prioritised, but is generally undertaken during specific days of action.

- 18.4 The Council can authorise “any person” to issue fixed penalty notices for a range of offences and, like many local authorities, Bradford Council has employed the services of a private contractor (known as 3GS) to enforce littering offences. These officers have also been authorised to enforce Dog Control Order offences.
- 18.5 A person found guilty of the litter offence may be fined up to level 4 on the standard scale (currently £2,500) in a Magistrates’ Court. Section 88 of the Environmental Protection Act 1990 allows an authorised officer of a litter authority to issue FPNs as an alternative to prosecution. 3GS has been authorised to issue FPNs of £80 for littering offences on behalf of the Council.

## **19. Litter from Businesses**

- 19.1 Whilst traders cannot have control over their customers, the items they sell to them may often end up as litter. The Council aims to work in partnership with businesses to minimise the impact of litter from restaurants and shops. The Council has the power to issue Community Protection Notices to businesses that contribute on an on-going basis to a litter problem in an area. FPN powers may be used if the conditions of the notice are breached.

## **20. Ensuring compliance with the Duty of Care**

- 20.1 Businesses are under a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. This Duty states that businesses must take all reasonable steps to keep waste secure prior to disposal. Businesses must be sure that their waste is transferred to a company licensed by the Environment Agency to take it and transport, recycle or dispose of it safely.
- 20.2 This transfer of waste must be officially recorded on a Waste Transfer Note. Businesses will receive a Waste Transfer Note from their authorised waste company and this record must be kept and stored by the business for two years.
- 20.3 Where businesses persistently fail to comply with the Duty of Care, the Council will take firm enforcement action by issuing statutory notices, FPNs and prosecuting where necessary.

## **21. Householder Duty of Care**

- 21.1 Householders also have a duty to ensure that only a registered waste carrier removes household, garden or construction waste from their

property. They should also be able to provide documentary evidence (waste transfer note) upon request by an authorised officer. This is known as the householder Duty of Care.

- 21.2 The Council recognises that the public in general may not be aware of this legal duty and as such has publicised this requirement through social media, the press and in messages in Council Tax bills in order to educate the public.
- 21.3 Householders failing to comply with this duty will be prosecuted and if found guilty may be fined up to £5,000. However, the Council will continue to educate the public as part of its strategy to increase awareness about waste crime.
- 21.4 The Council provides a comprehensive waste collection service including recycling materials from residents, non-recyclable waste, commercial waste, bulky goods, green waste and white goods. These services enable residents and businesses to dispose of their waste safely and legally.

## **22. Dog Control**

- 22.1 Bradford Council recognises the importance of creating a usable and enjoyable environment for all residents. Dog-related issues, such as fouling and dogs that are intimidating to users of public places and are uncontrolled, adversely affect the environment and the enjoyment of it. Dog fouling has been cited by residents as a significant environmental issue across parts of the District.
- 22.2 In order to tackle these issues Bradford Council has made the following Dog Control Orders (DCO):
- The Fouling of Land by Dogs Bradford Order 2011
  - The Dogs on Leads (BMDC) Order 2013
  - The Dogs on Leads by Direction (BMDC) Order 2013
  - The Dogs Exclusion (BMDC) Order 2013
- 22.3 Dog Control Orders make each of the following an offence in Bradford:
- Failing to pick up your dog fouling;
  - Failing to put a dog on a lead in a designated area;
  - Allowing your dog to enter an area from which they are excluded and
  - Failing to put your dog on a lead when asked to by an authorised officer.
- 22.4 Authorised officers will enforce the provisions of each DCO and issue £80 fixed penalty notices where they have evidence that an offence is committed. Where FPNs have not been paid, offenders may be

prosecuted and if found guilty can face a maximum fine of £1,000. Along with firm enforcement action, consideration will continue to be given to the variety of ways to increase awareness of the problem and educate dog owners.

### **23. Behaviour change through press and media**

23.1 The Enforcement Team works closely with the Council Press Office to ensure all successful prosecutions for waste offences are publicised through the press and social media in order to maximise awareness of these types of offences and penalties, to hopefully affect behaviour change so that the public become more responsible about their waste and waste crime. The Council will continue to use its website, social media platforms and the press to raise awareness and encourage responsible behaviour in relation to the environment.

### **24. Awareness-raising and education**

24.1 Awareness-raising and education are fundamental to the operation of any enforcement work. It is important that the community are listened to and provided with clear information on their responsibilities to enable them to comply with the law. We aim to carry out this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities through face-to-face operations, leaflets, Bradford Council's website, local press, specific campaigning and work alongside our partners and stakeholders.

24.2 Over and above the targeted awareness-raising and education work carried out by officers and partners, specific focused campaigns will be developed to highlight certain local environmental quality problems to a specific group or within a certain area. The Strategy will also support national and regional environmental quality campaigns.

24.3 Neighbourhood and Customer Services already undertake engagement with communities. Ward Officers are able to connect with various agencies, voluntary and statutory. Some fly tipping hotspots are close to residential areas and often the fly tipping is caused by local residents and businesses. Council Wardens continue to be deployed to undertake door knocking/days of action in these areas to talk to residents and businesses to educate them about the services that they can use to responsibly dispose of their waste. People are also encouraged to report fly tipping.

### **25 Partnership working**

25.1 The success of this Strategy will depend upon effective partnership working. Key partners, outside of Neighbourhood and Customer Services, will include:

- Teams within Planning services, Highways and Parks and Leisure Services.
  - Town Centre Management
  - West Yorkshire Police
  - West Yorkshire Fire Service
  - Local businesses
  - Anti-Social Behaviour Team
  - Schools and colleges
  - District Councillors
  - Town and Parish Councils
  - Residents and community organisations
  - Housing services and registered social landlords
  - Environment Agency
  - Keep Britain Tidy (ENCAMS)
- 25.2 The partners involved in this Strategy will help raise awareness through consistent information and advice, to assist in the education of the community regarding their responsibility to help keep Bradford clean and safe.

## **26 Complaints**

- 26.1 We aim to be open about the work we do and will be available to provide general advice, deal with specific cases and investigate complaints. We view formal enforcement as a last resort and prefer to work with our clients to achieve compliance. If enforcement is undertaken Officers will act as case officers and be a consistent point of contact during any formal enforcement action. We will provide translation and interpretation if English is not spoken or written by anyone we deal with.
- 26.2 Anyone who is dissatisfied with enforcement actions should follow the Council's complaints procedure. This specifies that a customer may make a complaint if they are dissatisfied with the Council's action, or lack of action, or about the standard of service - whether the action was taken by the Council itself, or by a person acting on behalf of the Council.

## **27. Evaluation and review**

- 27.1 The Neighbourhood and Customer Service will regularly review progress and evaluate enforcement action against the above priority areas and their effectiveness in reducing the impact on local

environmental quality and the success of any third party agreement for the issue and management of FPNs. Reviews will also seek to introduce, where necessary, any new powers granted to local authorities in managing local environmental quality.

## **28 Conclusion**

- 28.1 Supporting the Council's objectives to transform its services, reduce costs and demand for services and make the District safer and cleaner, this Strategy introduces a firm but fair approach, using education and enforcement to deter and penalise offenders through greater use of fixed penalty notices, the issuing of notices and prosecutions and behaviour change.
- 28.2 In addition, a shift from the Council undertaking works in default and placing the emphasis on environmental responsibility through Remedial Orders back on householders and landowners also sends a clear message to offenders. This demonstrates the importance placed by the Council on street cleanliness and local environmental quality and its determination to make a stand against the small minority engaged in anti-social behaviour and waste crime.

## **29. Glossary**

**CPN** – Community Protection Notice

**CPW** – Community Protection Warning

**CNEA** – Clean Neighbourhoods & Environment Act 2005

**DCO** – Dog Control Order

**EET** – Environmental Enforcement Team

**Enforcement Officers** – Officers employed by the Environmental Enforcement Team

**Flytipping** – the unauthorised deposit of controlled waste on land that does not have an environmental permit.

**FPN** – Fixed Penalty Notice

**Remedial Order** – A Court Order issued by the Magistrates Court

**Ward Officers** – Officers that work from Area Coordinators Offices whose role is to coordinate and deliver improvements across a range of issues affecting neighbourhoods.



## **Report of the Director of Place to the meeting of the Environment and Waste Overview and Scrutiny Committee to be held on 19th December 2017**

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**Subject:**

Review of the Council Warden Service

**Summary statement:**

This report provides information about the Council Warden Service and highlights new areas of work and advances in technology that support and increase the effectiveness of Council Wardens.

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**Overview and Scrutiny Area:**  
**Environment and Waste Management**

## 1.0 SUMMARY

- 1.1 This report provides information about the Council Warden Service and highlights new areas of work and advances in technology that support and increase the effectiveness of Council Wardens.

## 2.0 BACKGROUND

- 2.1 At a meeting of the Regeneration and Economy Overview and Scrutiny Committee on 30 November 2016, members requested that the Environment and Waste Overview and Scrutiny Committee be requested to consider undertaking a review of the role of Council Wardens.
- 2.2 The Council Warden Service was devolved to Area Committees, along with other functions, in 2012. The purpose of this was to increase local accountability and to increase the effectiveness of service delivery through increased synergy between services at the local level.

There are 73 Council Wardens (including 9 Team Leaders). These are allocated to areas as shown below:

Area Team	Number of posts
City Centre Team	22
Bradford East	12
Bradford South	10
Bradford West	12
Keighley	9
Shipley	8

The Council Wardens in the City Centre Team work on a shift system 7 days a week, covering early mornings, evenings and Saturdays and Sundays across the district as well as the city centre. The Council Wardens in the area teams work Monday – Friday, office hours.

- 2.3 Within Neighbourhood and Customer Services, Area Co-ordinators are responsible for a range of officers and devolved services, in addition to Council Wardens, that promote the cleaner, greener, safer and active communities agenda and make contributions to other outcomes.

These include the following:

- Ward Officers
- Street Cleansing Operatives
- Youth Workers
- Environmental Enforcement Officers

These area-based functions allow a more joined up and flexible approach to tackling issues at a ward- and neighbourhood-level. Essentially, ward-based teams are created and staff undertake different work as part of the delivery of a project or a piece of work.



- 2.4 Council Wardens have a proactive and reactive role in respect of a range of functions which can broadly be summarised as follows:
- Parking enforcement;
  - Environmental education, engagement and enforcement;
  - Community engagement, promoting the 'People Can' agenda and
  - Reassurance, including through high visibility patrols.

- 2.5 The key underpinning element of all the work that Council Wardens carry out is the promotion of personal and collective responsibility with everyone they work with, on an individual and group basis. This means that they are responsible for raising awareness with the public of their responsibilities; encouraging, cajoling, supporting and sometimes taking enforcement action so that residents and businesses change their behaviour and take action themselves and this often starts as a result of contact on a very specific issue.

In addition, Council Wardens are key to the delivery of projects in the Ward Plans and most of their proactive work is linked to Ward Plans. They work closely with Ward Officers and a range of internal and external partners to respond to issues identified through the ward planning process, often using innovative and transformational approaches.

As part of their reactive role, Council Wardens receive requests from the Council's Contact Centre and other services to deal with issues such as rubbish in gardens, fly tipping, highway obstructions and fly posting.

- 2.6 A review of the Council Warden Service has been undertaken over the last year and has considered the following issues:
- **Council's Bin Policy** – assessment of the anticipated impact of the Policy in terms of environmental issues, particularly fly tipping and the Council Warden role in ensuring compliance;
  - **Work with the Environmental Enforcement Team** – how effectively do Council Wardens work with the Environmental Enforcement Team and what more can be done to maximise the impact of the area-based approach on tackling environmental issues?;
  - **Littering** – with budget reductions in street cleansing, what more can Council Wardens/the Council do to reduce littering?;
  - **Developments in technology** – exploring new technology that would enable Council Wardens to work in a more effective and efficient manner;
  - **Ward Plans, transformational way of working with other service areas** – with budget reductions elsewhere in the Council how can the Council Wardens work differently to support or create new transformational ways of working with other service areas?
  - **Work with schools and community organisations** – review of new approaches.

## 2.7 Council's Bin Policy

Following the introduction of alternate weekly collections, areas have been identified where there has been less adherence to the policy. Council Wardens have worked closely with colleagues in Waste Management and have visited

properties and spoken to residents to explain the new policy and promote recycling. It is anticipated that this role will be required to be undertaken by Council Wardens for a significant length of time to ensure district-wide compliance and to educate new arrivals as they come into the area.

## 2.8 **Working with the Environmental Enforcement Team (EET)**

**Council Wardens issuing Community Protection Warnings (CPWs)** - The Anti-Social Behaviour Crime and Policing Act 2014 allows the use of CPWs to address environmental problems affecting neighbourhoods. The EET have used this to great effect and a pilot is being developed in one area to authorise Council Wardens to issue CPWs to occupants of properties where environmental problems exist, such as overgrown gardens and rubbish in gardens. The current procedure for dealing with such issues involves the Council Wardens visiting the property up to 3 times to try to work with the tenant and/or owner to get the rubbish removed. If this isn't achieved, the case is passed to the Environmental Enforcement Team to be dealt with and the officer usually issues a CPW. The new approach that is being piloted will require Council Wardens to be trained and authorised to issue the CPW as their first action. This will increase efficiency by cutting out 2 of the 3 visits and not involving the Enforcement Officer. If this new approach is effective it will be adopted and scaled up to cover the district.

2.8.1 **Unadopted back streets** – some fly tipping hotspots are close to residential areas and sometimes the fly tipping is caused by local residents. It is often difficult to identify and prosecute offenders and community-based solutions are the only option. An example of this is rubbish dumped on unadopted back streets. The Council is not responsible for cleaning unadopted back streets and the responsibility for this falls to residents. In such cases occupiers (not owners) of properties adjoining the unadopted streets are legally responsible for the waste and this is difficult to enforce due to the large number of occupiers of some unadopted back streets.

Following an increase in such instances of fly tipping, a procedure has been developed that requires Enforcement Officers to work closely with Council Wardens and Ward Officers to undertake days of action to talk to residents who live on unadopted back streets to educate them about the services that they can use to responsibly dispose of their waste. People are also encouraged to report fly tipping. Back street community clean ups are organised where residents work alongside Wardens to collect the rubbish and Street Clean Teams remove and dispose of the rubbish. In the rare cases where there is poor engagement and participation by residents the Environmental Enforcement Team will follow up with formal action by serving enforcement notices on all occupiers, arranging removal of the rubbish and recovering the costs from all the occupiers.

2.8.2 **Business Waste** – A new approach is being developed to reduce issues associated with business waste by increasing the number of Council officers who can help to tackle this. An Environmental Enforcement Team officer is training Council Wardens in Bradford West on the law regarding the storage of business waste and the responsibility that businesses have with regard to the litter their customers generate. This will enable Council Wardens to visit businesses to undertake duty of care checks and increase compliance with the management of

waste and minimise litter. If the work is successful in the Bradford West area, it will be rolled out to other areas.

## 2.9 Littering

Littering continues to be a significant district-wide problem, but Council Wardens have such a multi-functional role that they are not always able to focus on littering offences. It was decided therefore, like many local authorities, to procure the services of a company, 3GS, to enforce littering and dog control offences. From 17<sup>th</sup> July, 8 Enforcement Officers have been issuing Fixed Penalty Notices (FPNs) to people who drop litter, urinate, spit and for Dog Control Order offences. They are working 6 days a week on a shift system, predominantly in Bradford City Centre but they are also covering other urban centres. The Enforcement Officers also spend significant time informing and educating offenders about their behaviour and the impact it has. They provide a total solution from the issue of the FPN to receiving and chasing payment, including the preparation of the prosecution file. The payment for a FPN will be £80 as the early payment option has been removed.

The contract is cost neutral to the Council. The company does not offer incentives for the issuing of FPNs and the Enforcement Officers dedicate 2 hours every month to work on community-based projects and this is paid for by 3GS.

Council Wardens also continue to be authorised to issue FPNs for littering offences. In particular, Council Wardens are working closely with, and pairing up with, Enforcement Officers from 3GS in urban centres outside of the city centre to enforce littering and dog control offences, thus increasing the enforcement footprint.

## 2.10 Review of technology

- 2.10.1 Council Wardens currently have to return to the office to use computers to update their work. This reduces the amount of time they spend on the streets patrolling and dealing with issues. We are currently working to develop software that can be put onto Smart phones to allow them to update cases whilst on patrol, by entering actions taken and uploading photographs. Longer-term, it is proposed to allow Council Wardens to issue CPWs using wireless printers whilst out in the field. In addition, this software will allow cases, issues raised by the public to the Contact Centre, to be allocated from the Contact Centre to Wardens whilst they are on patrol.
- 2.10.2 Smart phone technology to issue Penalty Charge Notices (PCNs) started in July 2017 - the Wardens have an application on their Smart phones to issue PCNs. The new software also provides real time data so that any PCNs issued are immediately recognised on the system so the customer can pay or appeal immediately. The new technology enables the Wardens to issue PCNs more easily and quickly and reduces the amount of equipment they need to carry. The new technology also results in fewer errors, as the Warden scans the car registration rather than manually inputting it.
- 2.10.3 Lone worker app – there is poor radio coverage in a few areas in the district. The use of the lone worker app on Council Wardens' phones is being considered. This tracks where they are going, but can also pinpoint their location in the event of an

emergency.

2.10.4 Body cameras - the Police, other agencies and other Councils are increasingly recognising the deterrent effect of body cameras in relation to issues of violence and aggression. Body cameras also provide reassurance to staff and the public. In addition, evidence of fly tipping captured on body cameras has been used for prosecution. Body cameras have been purchased for all Council Wardens and they are expected to wear these all the time when they are on duty.

## 2.11 **Ward Plans – transformational ways of working with other services**

2.11.1 **Work with Adult Services** – Wardens are working with Social Workers and undertaking an audit of what's available for older people in neighbourhoods, including less obvious opportunities, such as cafes offering lunches for older people. This is being used to help reshape how social work is delivered with a community approach.

2.11.2 **Dementia friendly work** – This involves raising Wardens' awareness of dementia and what to do if they meet up with anyone who is lost. Wardens will help people with dementia to get home safely. Wardens can pass on information on how communities can be more Dementia Friendly, for example through increasing awareness of making clearer signs in shops.

2.11.3 **Information for new migrant communities** – Council Wardens are involved in working with new migrant communities in many different ways. On a day to day basis they use the Google translate app to communicate messages about responsibilities and some basic messages are included in recently-developed leaflets on waste management and they undertake doorstep work and work with groups. Wardens are also involved in delivering a drop in session in Great Horton where they are able to help some of the new migrant communities to solve issues they face. These can range from not knowing how to make a Council Tax payment to informing people what to do to avoid the threat of eviction.

2.11.4 **Neighbourhood Watch** – Council Wardens work with colleagues in the police to sustain Neighbourhood Watches and will also promote the setting up of new Watches with residents they meet through other work.

2.11.5 **Business Watch** – As with Neighbourhood Watch, Wardens can help sustain Business Watches by keeping in touch with businesses and encouraging them to keep a record of incidents.

2.11.6 **Walking Group** – People are offered the opportunity to go for a walk with Warden whilst patrolling the Ward. This is useful for people who want to take exercise but lack confidence. This helps support the health agendas promoted by Public Health.

2.11.7 **Litter picking** – There are many litter picking groups supported by Council Wardens, particularly involving young people. Some of these groups litter pick on a regular basis and others seek advice and/or assistance as a result of a specific issue. Where these groups don't exist we work with residents on a street by street or neighbourhood basis to facilitate litter picks and other clean ups through days of action and weeks of action.

## 2.12 **Ward Plans, work with schools:**

2.12.1 **School parking projects involving school children** – Council Wardens involve children in raising awareness of the risks children face as a result of inconsiderate parking outside schools. This has included providing school children with police outfits to carry out work with parents outside schools.

**Eco Schools** – Following recent training, it has been decided to focus environmental work with schools on Eco Schools Awards as this is a nationally-recognised scheme run through Keep Britain Tidy. The scheme has developed a range of materials to support learning in and out of the classroom that links to the curriculum. Council Wardens are promoting this Award with schools and agreeing what initiatives and projects they will help pupils to deliver to work towards the Bronze, Silver and Green Flag Awards. Some schools in the district are already working on the Eco Schools Awards. The work the Council Wardens facilitate is extremely wide ranging and includes visual audits, litter picks, recycling arts activities, poster competitions and much more.

**Work with parents and carers** – Council Wardens continue to seek out opportunities to work with parents and carers through schools by attending parents' evenings and other events to promote Council Services and to encourage people to become involved in other activities and initiatives.

2.12.2 **Work with community organisations** – Following recent Council Wardens' training there was an interest in supporting more neighbourhood- and ward-based garden competitions as a way of developing residents' pride in their neighbourhoods. As part of the Beautiful BD5 garden competition, Council Wardens work with community development workers and community groups to promote this and to encourage people to enter the competition. Events and activities are held with local groups to give them ideas for planting even in small areas such as yards. The competition culminates in an awards ceremony at Cedar Court, sponsored by the hotel and Trident Community Council.

## 3.0 **OTHER CONSIDERATIONS**

### 3.1 **Considerations when deploying Council Wardens**

There are a number of factors to take into account when considering how to deploy Council Wardens. For example, the Council policy on parking enforcement (as set out in Bradford Council's application to Central Government when taking on responsibility for the function) is based on national statutory guidance. The policy expects a consistent, fair and transparent approach within the district to parking enforcement. As such, Council Wardens are expected to deal with all cars parked in contravention in accordance with the district policy. This means that Council Wardens need to have a regular presence in parking hotspots and deal with any cars they find parked in contravention. Statutory guidance clearly states that discretion is a back-office function and it is therefore not the decision of a Council Warden as to whether they deal with a car parked in contravention. The Council Warden has to issue a PCN and this can be appealed by the customer.

In terms of the deployment of Council Wardens, the range of functions the Warden has to carry out has to be considered and the risks associated with not balancing these. For example, if Council Wardens are not deployed to parking hotspot areas there is a likelihood of increased contraventions, safety and congestion implications, complaints and reduced income. Similarly, if Council Wardens do not deal with environmental issues it will affect the visual amenity and increase the likelihood of complaints and anti-social behaviour.

#### **4.0 FINANCIAL AND RESOURCE APPRAISAL**

4.1 Council Wardens are funded from the Council's base budget and the different ways of working and new areas of work highlighted in this report will not impact on this budget.

#### **5.0 RISK MANAGEMENT AND GOVERNANCE ISSUES**

5.1 No specific issues.

#### **6.0 LEGAL APPRAISAL**

6.1 No specific issues.

#### **7.0 OTHER IMPLICATIONS**

##### **7.1 EQUALITY AND DIVERSITY**

7.1.1 Council Wardens work across the district with people from a diverse range of communities and vulnerable people. They take an active role in setting up and supporting neighbourhood-based services for new arrivals, they help residents to run groups and activities for people with dementia and they undertake work which brings people from different faiths together.

##### **7.2 SUSTAINABILITY IMPLICATIONS**

7.2.1 The focus of the Council Wardens' roles is to create more sustainable and cohesive neighbourhoods through education, engagement and enforcement, by encouraging residents, businesses and groups to adopt the 'People Can' approach and changing their behaviour to take more individual and collective responsibility.

##### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

7.3.1 No specific issues.

##### **7.4 COMMUNITY SAFETY IMPLICATIONS**

7.4.1 The Council Wardens play a key role in helping to create safer neighbourhoods by providing a visible and reassuring presence, dealing with low level anti-social behaviour and supporting residents and businesses to become involved in initiatives and projects that help to create cleaner and greener neighbourhoods thus reducing the fear of crime.

**7.5 HUMAN RIGHTS ACT**

7.5.1 There are no Human Rights Act implications arising from this report.

**7.6 TRADE UNION IMPLICATIONS**

7.6.1 No specific issues.

**7.7 WARD IMPLICATIONS**

7.7.1 The information in this report is relevant to all Wards in the Bradford District.

**8.0 NOT FOR PUBLICATION DOCUMENTS**

8.1 There are no not for publication documents.

**9.0 OPTIONS**

9.1 The Council Warden Service is a 'devolved' service and annual reports are presented to each Area Committee on the work of the Wardens within that constituency.

9.2 Should Scrutiny wish to make any recommendations of change in focus or approach these could be referred to the Area Committees for further consideration.

**10.0 RECOMMENDATIONS**

10.1 The Environment & Waste Management Overview and Scrutiny Committee considers the work of the Council Warden Service and makes any suggestions for change to be considered by relevant Area Committees.

**11.0 APPENDICES**

11.1 None

**12.0 BACKGROUND DOCUMENTS**

12.1 None

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## **Report of the Place to the meeting of the Environment and Waste Overview and Scrutiny Committee to be held on 19<sup>th</sup> December 2017.**

**V**

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### **Subject:**

**Bradford Forster Square Redevelopment Consultation**

### **Summary statement:**

The redevelopment of Bradford Forster Square Train Station is one of the key schemes of the £1bn West Yorkshire Plus Transport Fund (WY+TF). With services procured from Arup officers have overseen the production of an Outline Business Case (OBC) for the redevelopment proposals. The OBC produced outline designs about which officers are now consulting with key stakeholders. Consultation includes a two day public engagement taking place at Forster Square Station on the 12<sup>th</sup> and 13<sup>th</sup> of December. This consultation will allow the closure of the outline design stage and progression to the next stage, that of Full Business Case (FBC) development. This report offers members the opportunity to be party to this consultation process.

This work to procure services to develop the FBC will commence in early 2018. Officers commit to return to the committee at the appropriate time to brief members on the emerging procurement approach.

---

Steve Hartley  
Strategic Director for Place

**Portfolio:**  
**Regeneration, Planning and Transport**

Report Contact: Tom Jones, Senior  
Transport Planner  
Phone: (01274) 434983  
E-mail: [tom.jones@bradford.gov.uk](mailto:tom.jones@bradford.gov.uk)

**Overview & Scrutiny Area:**  
**Environment and Waste Management**

## 1. SUMMARY

The key features of the improved station outline design are:

- A much larger building with a modern airy design, a glass front and a 'green' roof
- Two new lifts (as opposed to the current single lift) to provide access to Cheapside/Manor Row
- Incorporation of the arches behind the station and the lifts into the building
- 'Pods' inserted into the arches to provide extra station facilities that will include secure cycle storage, a retail unit and a heated waiting room
- Provision of a cash machine, café, toilets and ticket facilities in a smaller building within the building
- Improved layout and access arrangements on the Valley Road side
- Clear up of the overgrown area behind the station and provision of a green space or 'pocket park'

There will not be any major changes to the railway tracks or the layout of the platforms.

The public consultation will be held on the 12<sup>th</sup> and 13<sup>th</sup> of December at Forster Square station. The consultation will ask members of the public for their view on the design, the importance to them of the various planned facilities, ideas regarding the use of the 'pocket park' and for their views on whether arch features should be gothic or roman style.

Key consultation materials are attached as Appendix A, B, C and D (members should note that only Appendix A had been produced in final draft form at the time of report completion).

With this consultation completed, the results analysed and design changes considered, the outline design stage will be complete.

Permission to undertake work to develop the FBC was approved at a meeting of the West Yorkshire Combined Authority Board on June 29<sup>th</sup> 2017. Officers have begun to consider the procurement process for the development of the FBC. Whilst the costs in this development stage will be determined via this procurement exercise they are likely to be in excess of £2m. As such officers will return to Overview and Scrutiny to present the suggested procurement approach in due course. This is expected to be in Spring 2018.

## 2. BACKGROUND

- The Bradford Forster Square scheme is one of the 'Station Gateway' projects of the WY+TF
- Development phases undertaken up to point have included the completion of an initial masterplan and the production and approval of the OBC.
- The anticipated scheme cost at OBC was estimated at approximately £17m
- FBC development monies have been released for a spend of up to £3.6m. Final costs for the FBC stage are yet to be determined.
- The FBC stage is anticipated for completion by the end of the 2018/19 financial year

### **3. OTHER CONSIDERATIONS**

None at this time

### **4. FINANCIAL & RESOURCE APPRAISAL**

- There are no financial matters for discussion at this stage

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

A live risk register is kept for the Bradford Forster Square project. Whilst there are a range of live risks in relation to the longer term programme most are not current or related to the consultation exercise subject of this report.

The key risk associated with the consultation is that stakeholders and / or members of the public may not approve of the outline designs. Officers are however confident that the approach taken and multiple stakeholder discussions taken up to point have delivered a robust and justified design approach

### **6. LEGAL APPRAISAL**

- There are no legal matters for discussion at this stage

### **7. OTHER IMPLICATIONS**

#### **7.1 EQUALITY & DIVERSITY**

There are no equality and diversity implications for discussion at this stage

#### **7.2 SUSTAINABILITY IMPLICATIONS**

- The station improvement will deliver a positive sustainability impact in terms of boosting the attraction of public transport usage

#### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

- The station improvement will deliver a positive greenhouse gases impact in terms of boosting the attraction of public transport usage

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

- There are no community safety matters for discussion at this stage

#### **7.5 HUMAN RIGHTS ACT**

- There are no human rights implications

## **7.6 TRADE UNION**

- There are no Trade Union implications

## **7.7 WARD IMPLICATIONS**

- There are no ward implications for discussion at this stage

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

- There are no area committee implications for discussion at this stage

## **8. NOT FOR PUBLICATION DOCUMENTS**

- none

## **9. OPTIONS**

This report is the key opportunity for members to contribute in the final stakeholder Outline Design engagement of the Forster Square project. Members are invited to comment on the station design and those features they would regard as important to deliver a quality gateway to the city.

## **10. RECOMMENDATIONS**

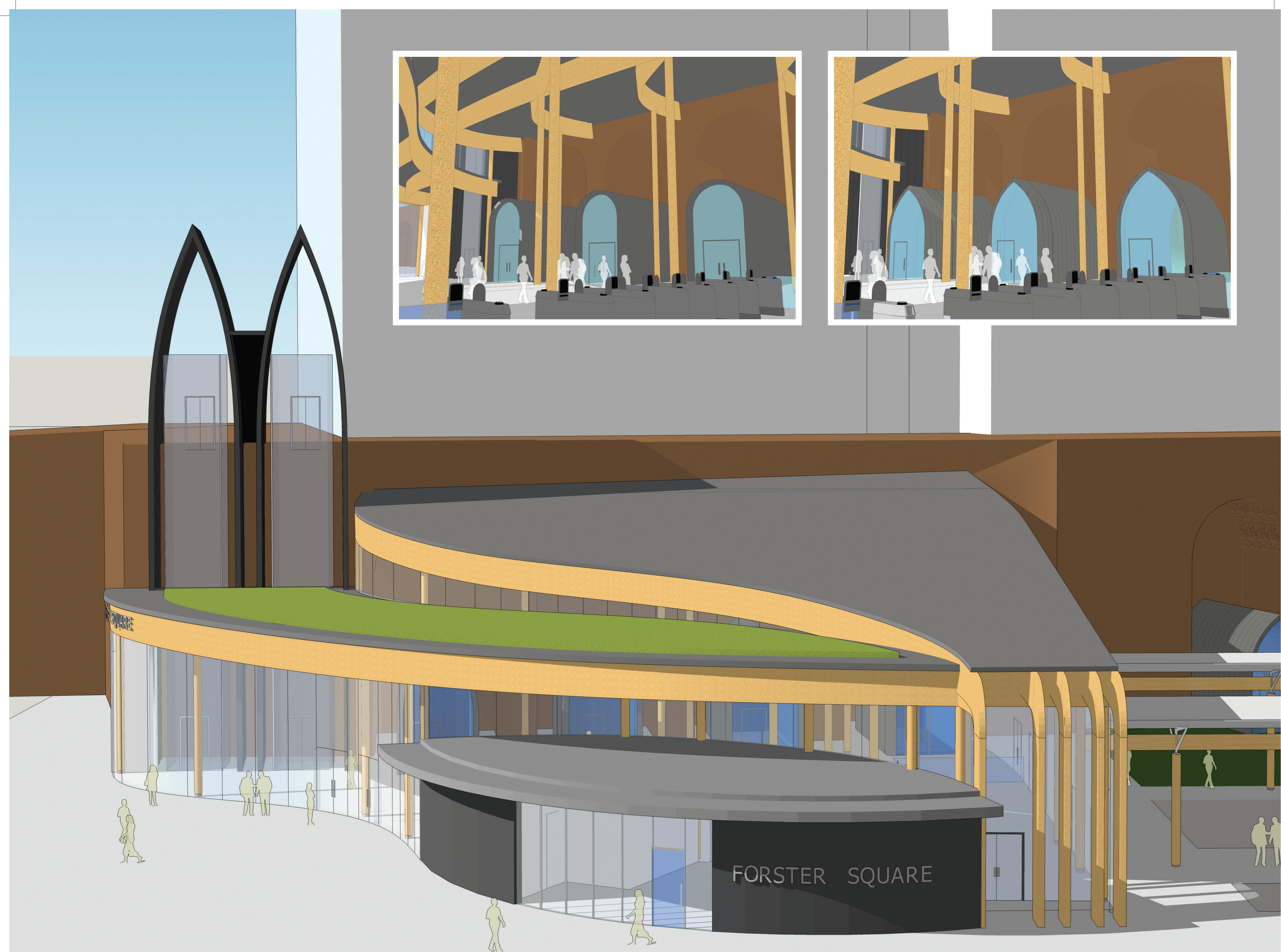
The views and comments of members are sought in relation to the station design and features.

## **11. APPENDICES**

- Appendix A – Consultation Poster
- Appendix B – Consultation Card
- Appendix C – Consultation Leaflet
- Appendix D – Consultation Roller Banner

## **12. BACKGROUND DOCUMENTS**

None



# We're planning changes to Forster Square Station

We want to make a dramatic improvement to the station and we want to know what you think.

We will be at Forster Square on the 12th and 13th of December 2017

Further information is available on our website [www.bradford.gov.uk/forstersquare](http://www.bradford.gov.uk/forstersquare)

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## **We're Planning Changes to Forster Square Station**

**We want to make a dramatic improvement to the station and we want to know what you think.**

Page 66

Online survey:

[www.bradford.gov.uk/transport-and-travel/forstersquare](http://www.bradford.gov.uk/transport-and-travel/forstersquare)

Email:

[forstersquare@bradford.gov.uk](mailto:forstersquare@bradford.gov.uk)

**We'll be at the station on Tuesday 12th and  
Wednesday 13th December**

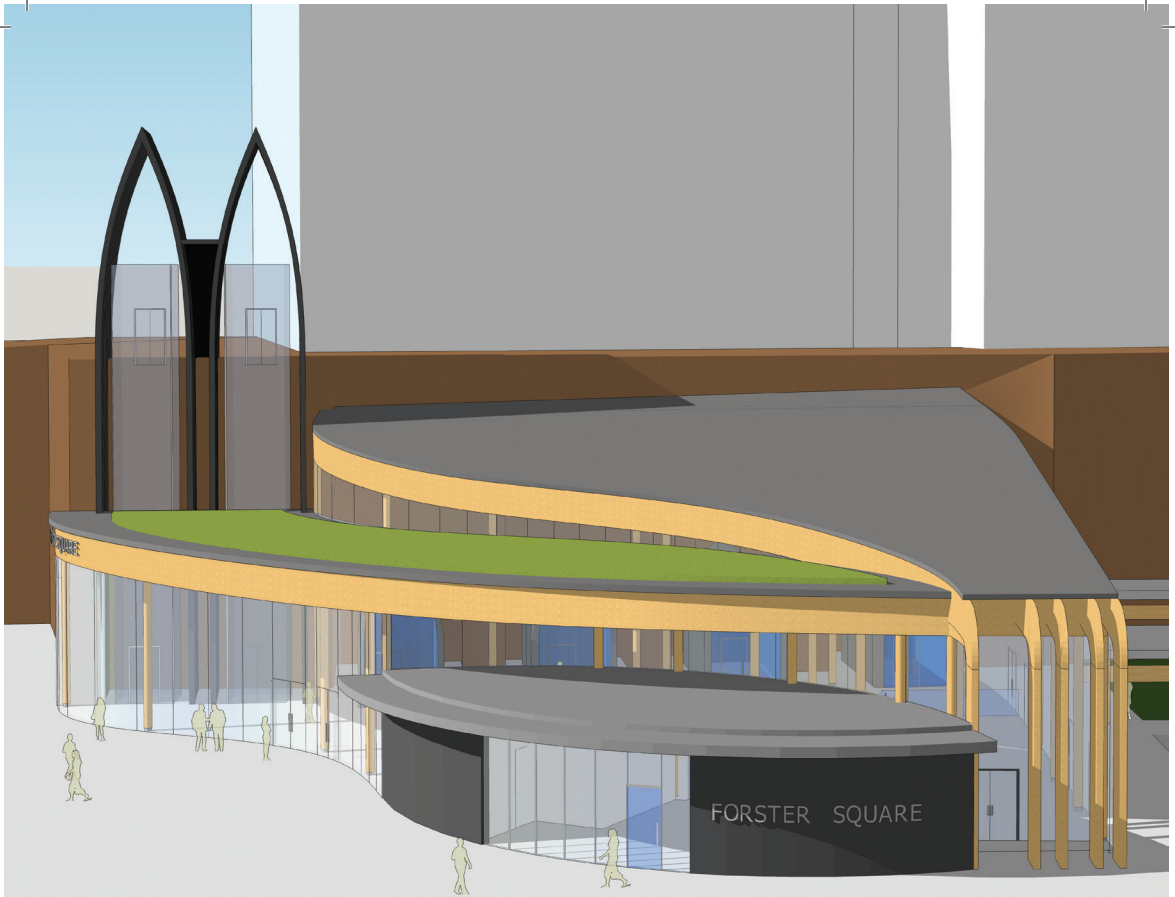
Please complete the survey by 20th December 2017



Growth Fund Logo







# We're Planning Changes to Forster Square Station

**We want to make a dramatic improvement to the station and we want to know what you think.**

Bradford Council and the West Yorkshire Combined Authority (WYCA) together with Network Rail and Northern are planning a major redevelopment of Bradford Forster Square Station.

We want your views on the design and the facilities that the station needs to become a great gateway to Bradford City Centre.



We're planning to replace the existing station as well as the lift and staircase tower.

**We want to:**

- Create a much larger building with a modern airy design, a glass front and a 'green' roof
- Install two new lifts to provide access to Cheapside/Manor Row
- Incorporate the arches behind the station and the lifts into the building
- Put 'pods' into the arches to provide extra station facilities
- Provide a café, toilets and ticket facilities in a smaller building within the building
- Improve the layout and access arrangements on the Valley Road side
- Clear up the overgrown area behind the station and provide a green space or 'pocket park'
- Note that we won't be making any changes to the railway tracks or the layout of the platforms.

**Survey**

What do you think of the proposals for Forster Square. Please rate from 1 to 5, with 1 being strongly disapprove and 5 being strongly approve.

(Please tick ✓)

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

Please rate how important to you each of the following facilities would be, with 1 being not at all and 5 being very useful. (Please tick ✓)

**Cash Machine**

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Heated Waiting Rooms**

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Heated Waiting Rooms**

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Toilets**

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Cafe**

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Two lifts as opposed to one**

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Retail / Newsagents / Similar**

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Indoor Cycle Parking** (Simple "U" tube)

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Indoor Secure Cycle Parking** (Locked enclosure)

1
  2
  3
  4
  5
  6
  7
  8
  9
  10

**Both the lift shafts and the roofs of the pods could be topped with either pointed or rounded arches. See image on opposite page.**

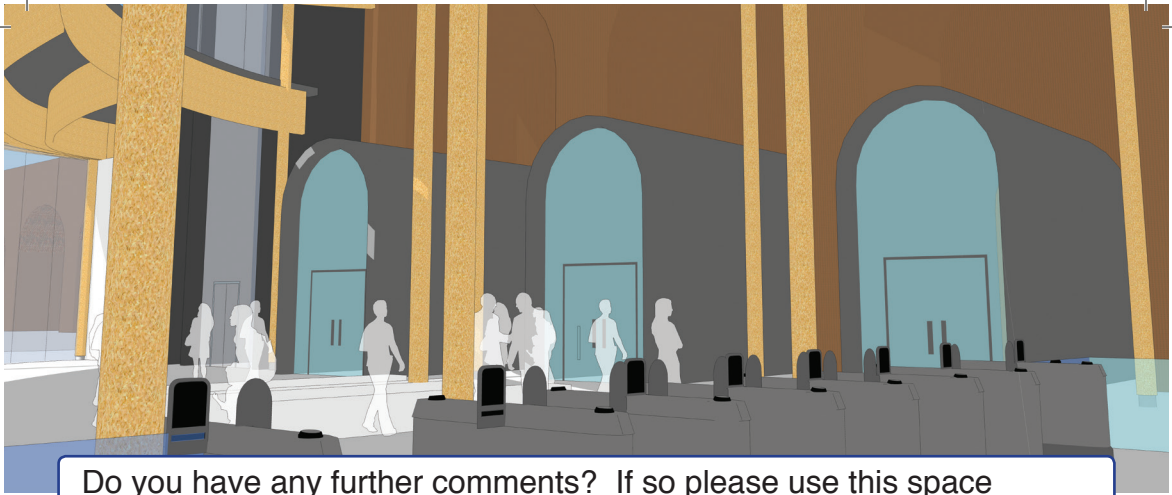
**Which would you prefer to see** (please select one with a tick below)

Pointed
  Rounded
  Not Bothered

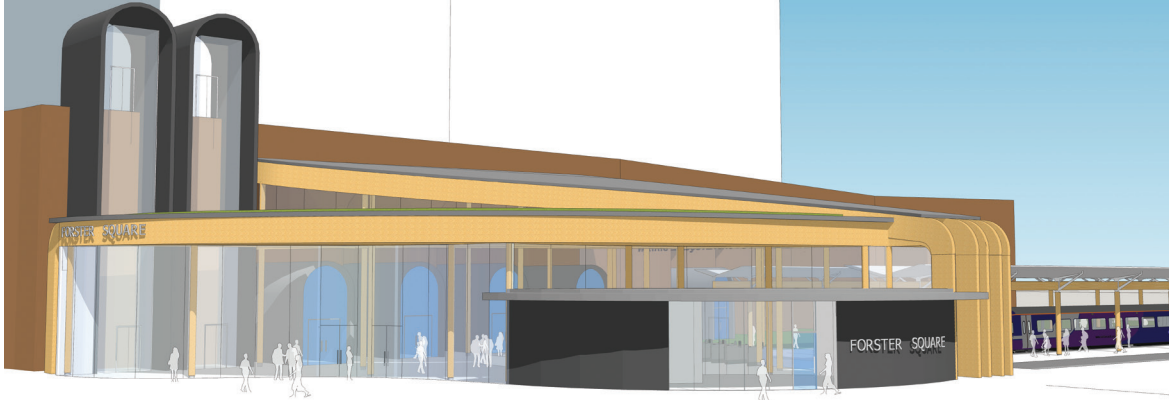
**We're looking for similar ideas about how to use the overgrown area behind platform 3 and in front of the arches. Do you have any ideas? We'd be particularly interested if you know of any organisation that would like to be involved in developing this space.**

Please give details below or leave blank.

**There is an opportunity to leave general comments in the space on the back of this leaflet.**



Do you have any further comments? If so please use this space



To complete this survey online go to [www.XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX](http://www.XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX)

(Note deadline of 20th December) or put this survey leaflet in the box at Forster Square Station on the 12th or 13th of December.

If you have any further comments or would like to get in touch with the team about the scheme you can email us at:

[Forstersquare@bradford.gov.uk](mailto:Forstersquare@bradford.gov.uk)



Growth Fund Logo  
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## **Report of the Chair of the Environment and Waste Management Overview and Scrutiny Committee to be held on Tuesday 19 December 2017.**

**W**

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### **Subject:**

**Environment and Waste Management Overview and Scrutiny Committee – Work Programme 2017/18.**

### **Summary statement:**

**This report presents the Committee’s Work Programme 2017-18.**

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Cllr Kevin Warnes  
Chair – Environment and Waste Management  
Overview and Scrutiny Committee

### **Portfolio:**

**Environment.  
Transport.**

Report Contact: Mustansir Butt  
Overview and Scrutiny Lead  
Phone: (01274) 432574  
Email: [mustansir.butt@bradford.gov.uk](mailto:mustansir.butt@bradford.gov.uk)

### **Overview & Scrutiny Area:**

**Environment & Waste Management.**

## **1. SUMMARY**

- 1.1 This report presents the Environment and Waste Management Overview and Scrutiny Committees work programme for 2017/18.

## **2. BACKGROUND**

- 2.1 Each Overview and Scrutiny Committee is required by the Constitution of the Council to prepare a work programme (Part 3E – Overview and Scrutiny Procedure Rules, Para 1.1).

## **3. OTHER CONSIDERATIONS**

- 3.1 The Environment and Waste Management Overview and Scrutiny Committee has responsibility for “the strategies, plans, policies, functions and services directly relevant to the corporate priority about improving waste management and the environment.” (Council Constitution, Part 2, 6.2.1).
- 3.2 The remit of this Committee also includes the strategies, plans, functions and services directly relevant to the corporate priorities about reducing carbon emissions, transport and highways, creating a greener and more sustainable environment and positively affecting climate change.
- 3.3 Best practice published by the Centre for Public Scrutiny suggests that “work programming should be a continuous process”. It is important to review work programmes, so that important or urgent issues that arise during the year are able to be scrutinised. Furthermore, at a time of limited resources, it should also be possible to remove areas of work which have become less relevant or timely. For this reason, it is proposed that the Committee’s work programme be regularly reviewed by members of the committee throughout the municipal year.
- 3.4 The work programme as agreed by the Committee will form the basis for the Committee’s work during the year, but will be amended as issues arise during the year.

## **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 None.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 None.

## **6. LEGAL APPRAISAL**

- 6.1 None.



## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

Community Cohesion and Equalities related issues are part of the work remit for this Committee.

### **7.2 SUSTAINABILITY IMPLICATIONS**

This is a key work area for the Committee.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

This is a key work area for the Committee.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

A key area of work for the Committee will be to consider the area of those killed or seriously injured on roads.

### **7.5 HUMAN RIGHTS ACT**

None.

### **7.6 TRADE UNION**

None.

### **7.7 WARD IMPLICATIONS**

Work of this Overview and Scrutiny Committee has ward implications, but this depends on that nature of the topic.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. OPTIONS**

9.1 The Committee may choose to add to or amend the proposed items to be included in the 2016-17 work programme for the committee.

9.2 Members may wish to consider any detailed scrutiny reviews that it may wish to conduct.

## **10. RECOMMENDATIONS**

10.1 That members consider and comment on the areas of work included in the 2017-18 Work Programme for the Committee.

- 10.2 That members consider any detailed scrutiny reviews that they may wish to conduct.
- 10.3 That the work programme 2017-18 continues to be reviewed regularly during the year.

## **11. APPENDICES**

Appendix One – 2017-18 Work Programme for the Environment and Waste Management Overview and Scrutiny Committee.

Appendix Two – List of unscheduled topics.

## **12. BACKGROUND DOCUMENTS**

Council Constitution.

# Democratic Services - Overview and Scrutiny

## Environment & Waste Management O&S Committee

Scrutiny Lead: Mustansir Butt tel - 43 2574

### Work Programme

Agenda	Description	Report	Comments
<b>Tuesday, 4th July 2017 at City Hall, Bradford.</b> Report deadline 21/06/2017.			
1) Appointment of Co-opted Members.		Mustansir Butt.	
2) Water Management Scrutiny Review.	Key findings and review recommendations.	Mustansir Butt.	Re-convened.
3) Renewables Future for Bradford Council.		Neil Morrison.	Re-convened.
<b>Tuesday, 25th July 2017 at City Hall, Bradford.</b> Chair's briefing 10/07/2017. Report deadline 12/07/2017.			
1) City Connect to Canal Road Cycleway.		Chris Bedford	£2m Procurement Contract.
2) Call-In, in relation to Bradford Canal Road Corridor Cycleway Scheme.		Chris Bedford.	Called-In from a decision made by the Bradford East Area Committee on Tuesday 11 July 2017.
3) Bulky Waste Refuse Collections.		Steve Hartley/Richard Longcake.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 28 February 2017.
4) Ilkley Moor Management Plan.	The final draft of the Ilkley Moor Management Plan to be presented to the Committee prior to its submission to Natural England for consent.	Danny Jackson.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 28 March 2017.
5) DRAFT Work Programme 2017-18.	Discussion and agreement over the areas of work to focus on in this Muncipal Year.	Mustansir Butt.	
<b>Tuesday, 26th September 2017 at City Hall, Bradford.</b> Chair's briefing 08/09/2017. Report deadline 13/09/2017.			
1) Bradford Environment Forum Annual Report.		Julia Pearson.	
2) Environment Agency Annual Report.		Nicola Hoggart.	

# Environment & Waste Management O&S Committee

Scrutiny Lead: Mustansir Butt tel - 43 2574

## Work Programme

Agenda	Description	Report	Comments
<b>Tuesday, 26th September 2017 at City Hall, Bradford.</b>			
Chair's briefing 08/09/2017. Report deadline 13/09/2017.			
3) Air Quality/Fraction of mortality attributable to particulate air pollution.	Progress Update.	Ralph Saunders/Sarah Possingham/James Brass.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 20 December 2016.
4) Utilisation of outdoor spaces for health reasons.		Sarah Possingham/James Brass.	Environment & Waste Management Overview and Scrutiny Committee recommendation.
5) Work Planning.	There is a need to regularly review the work programme, in order to prioritise and manage resources.	Mustansir Butt.	
<b>Tuesday, 31st October 2017 at City Hall, Bradford.</b>			
Chair's briefing 13/10/2017. Report deadline 18/10/2017.			
1) Biodiversity - Scene Setting Presentation.	Scrutiny Review.	Danny Jackson.	Member request from the Environment & Waste Management Overview and Scrutiny Committee on Tuesday 25 July 2017.
2) The Procurement of the new waste treatment contract for the treatment of kerbside residual waste.		Steve Hartley/Richard Longcake.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 28 February 2017.
3) Management of Waste and Recycling Activities.		Steve Hartley/Susan Spink.	Environment & Waste Management Overview and Tuesday 25 October 2016.
4) Fuel Poverty Framework for Action and Leeds City Region Green Deal Contract.	Update on progress.	Pete Betts.	Environment & Waste Management Overview and Scrutiny Committee recommendation for Tuesday 26 July 2016.
5) Work Planning.	There is a need to regularly review the work programme, in order to prioritise and manage resources.	Mustansir Butt.	

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# Environment & Waste Management O&S Committee

Scrutiny Lead: Mustansir Butt tel - 43 2574

## Work Programme

Agenda	Description	Report	Comments
<b>Tuesday, 21st November 2017 at City Hall, Bradford.</b>			
Chair's briefing 03/11/2017. Report deadline 08/11/2017.			
1) Performance Outturn for Transport and Highways.		Julian Jackson/Richard Gelder.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 29 November 2016.
2) Performance Outturn for Waste Management.		Steve Hartley/Richard Longcake/John Major.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 20 September 2016.
3) Update on Flytipping across the District.		Richard Longcake/John Major.	Environment and Waste Management Overview and Scrutiny Committee recommendation from Tuesday 25 July 2017.
4) Draft Terms of Reference for the Biodiversity Scrutiny Review.	Sets out the key lines of enquiry for the Scrutiny Review.	Mustansir Butt.	
5) Work Planning.	There is a need to regularly review the work programme, in order to prioritise and manage resources.	Mustansir Butt.	
<b>Tuesday, 19th December 2017 at City Hall, Bradford.</b>			
Chair's briefing 01/12/2017. Report deadline 06/12/2017.			
1) Role of Council Wardens - Scene Setting.	To establish whether there is a need to undertake a review of the role of Council Wardens.	Mustansir Butt.	Referral from the Regeneration & Economy Overview and Scrutiny Committee from 30 November 2016.
2) Environment Enforcement Strategy.		Ian Day.	Environment & Waste Management Overview Committee recommendation.
3) Bradford Forster Square Re-Development.		Tom Jones.	£2m plus procurement contract.
4) Rights of Way.		Danny Jackson.	Request from a member of the public.
5) Work Planning.	There is a need to regularly review the work programme, in order to prioritise and manage resources.	Mustansir Butt.	

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# Environment & Waste Management O&S Committee

Scrutiny Lead: Mustansir Butt tel - 43 2574

## Work Programme

Agenda	Description	Report	Comments
<b>Tuesday, 23rd January 2018 at City Hall, Bradford.</b>			
Chair's briefing 05/01/2018. Report deadline 10/01/2018.			
1) Budget setting for Environment and Waste Management.		Steve Hartley/Julian Jackson.	
2) Long Term Strategy for the District in relation to greenhouse gas emissions management.		Neil Morrison.	Arose form discussions in the Joint O&S meeting in relation to the West Yorkshire Combined Authority, on Tuesday 10 October 2017.
3) Resolution Tracking.	To monitor the progress made against the recommendations made by the Committee.	Mustansir Butt.	
4) Work Planning.	There is a need to regularly review the work programme, in order to prioritise and manage resources.	Mustansir Butt.	
<b>Tuesday, 20th February 2018 at City Hall, Bradford.</b>			
Chair's briefing 02/02/2018. Report deadline 07/02/2018.			
1) West Yorkshire LTP3 Implementation Plan.		Julian Jackson/Richard Gelder.	Environment & Waste Management Overview and scrutiny Committee recommendation from Tuesday 29 November 2016.
2) Bradford Civic Heat Quarter District Heat Network.	Progress report.	Neil Morrison.	Environment & Waste Management Ovevriew and Scrutiny Committee recommendation from Tuesday 28 February 2017.
3) White Rose Energy.		Neil Morrison	
4) Carbon Strategy for the District 2020 to 2050.		Neil Morrison.	
5) Work Planning.	There is a need to regularly review the work programme, in order to prioritise and manage resources.	Mustansir Butt.	

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# Environment & Waste Management O&S Committee

Scrutiny Lead: Mustansir Butt tel - 43 2574

## Work Programme

Agenda	Description	Report	Comments
<b>Tuesday, 27th March 2018 at City Hall, Bradford.</b>			
Chair's briefing 09/03/2018. Report deadline 14/03/2018.			
1) Flushables Project.			Request From Councillor Jeanette Sunderland.
2) Progress against the Safer Roads element of the Single Transport Plan.	To also include casualty performance and a financial update.	Simon D'Vali.	Environment & Waste Management Overview and Scrutiny Committee recommendaion form Tuesday 28 March 2017.
3) Energy efficiency of Private Sector Rented Housing and legislative impacts.		Julie Rhodes/Pete Betts.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 18 April 2017.
4) Work Planning.	There is a need to regularaly review the work programme, in order to prioritise and manage resources.	Mustansir Butt.	
<b>Tuesday, 17th April 2018 at City Hall, Bradford.</b>			
Chair's briefing 23/03/2018. Report deadline 04/04/2018.			
1) Bradford Beck Pilot Study Rivers Trust.	Progress Uodate.	Chris Eaton/Edward Norfolk/Barney Lerner.	Environment & Waste Management Overview Scruitny Committee recommendation from Tuesday 28 March 2017.
2) Bradford Distict Cycling Strategy.	To also include progress against key performance indicators and Action Plan presented in 12 months.	Tom Jones.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 28 March 2017.
3) Council Owned Land.	That the Strategic Director Regeneration be requested to make  available a register of areas of Council owned neglected land across the District on a ward basis and	Ben Middleton.	Environment & Waste Management Overview and Scrutiny Committee recommendation.

# Environment & Waste Management O&S Committee

Scrutiny Lead: Mustansir Butt tel - 43 2574

## Work Programme

<b>Agenda</b>	<b>Description</b>	<b>Report</b>	<b>Comments</b>
<b>Tuesday, 17th April 2018 at City Hall, Bradford.</b> Chair's briefing 23/03/2018. Report deadline 04/04/2018. 4) Rail Strategy Update.		Neil Moore.	Environment & Waste Management Overview and Scrutiny Committee recommendation from Tuesday 28 March 2017.
5) Resolution Tracking.	To monitor progress the progress made against the recommendations made by the Committee.	Mustansir Butt.	



# Democratic Services - Overview and Scrutiny

## Scrutiny Committees Forward Plan

### Unscheduled Items

#### Environment & Waste Management O&S Committee

Agenda item	Item description	Author	Management
1 West Yorkshire Combined Authority.		Transport, Air Quality, Omissions, elements. Julian Jackson/Jamie Saunders.	
2 Alternate weekly bin collection trial across the District. Wkye.	John Major.		To receive regular updates as alternate refuse collection is implemented
3 Air Quality.	Scrutiny Review to look into specifically the impact on Children's Health in schools - with a view to working with Children's and Health and Social Care O&S. Also to look at the buses used in the District.	Mustansir Butt.	
4 Bradford Environment Forum Annual Report.	Pearson.	Report relating to the work undertaken and key outcomes.	Julia
5 Environment Agency Annual Report.		Progress report to be considered in 12 months.	Nicola Hoggart.
6 Air Quality/Fraction of mortality attributable to particulate air pollution.	12 month progress report. Issues around the continued and severe pollution created by the operation of diesel vehicles and bus fleets in Bradford. Increasing public awareness and what residents can do to improve air quality and to review the options for declared Air Quality Management areas across the District.	Ralph Saunders.	
7 Utilisation of outdoor spaces for health reasons.	Further progress update in 12 months. Concern about the continuing socio-economic inequality of access to green spaces in Bradford.	Sarah Possingham.	
8 Trade Waste Update.	Progress of service improvements, particularly the ability for the domestic refuse service to undertake certain trade waste and recycling collections during 2017. Also improvements to round re-organisation. To be considered in July 2018.	Steve Hartley/Richard Longcake.	

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