

Report of the Director of Place to the meeting of Environmental Scrutiny Committee to be held on 21st November 2017.

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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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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 25th 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 of 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 1st January 2016 to date

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

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

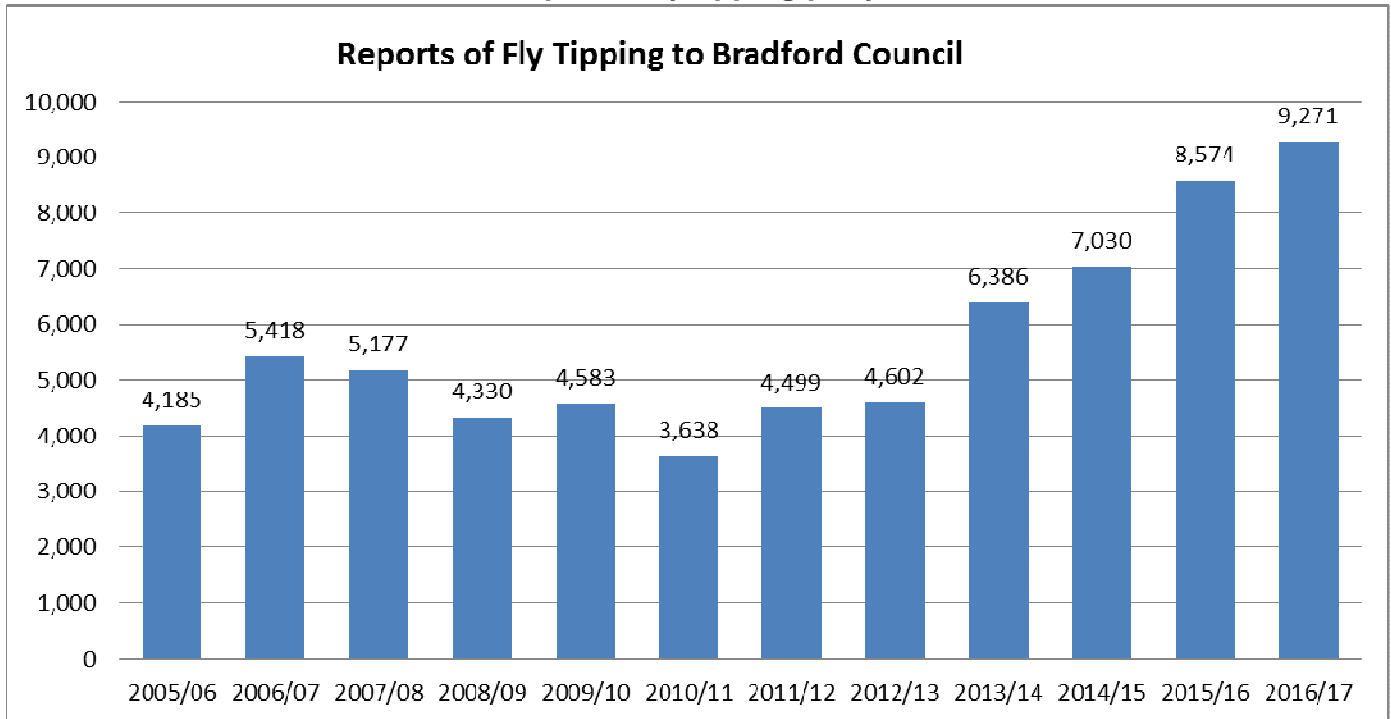
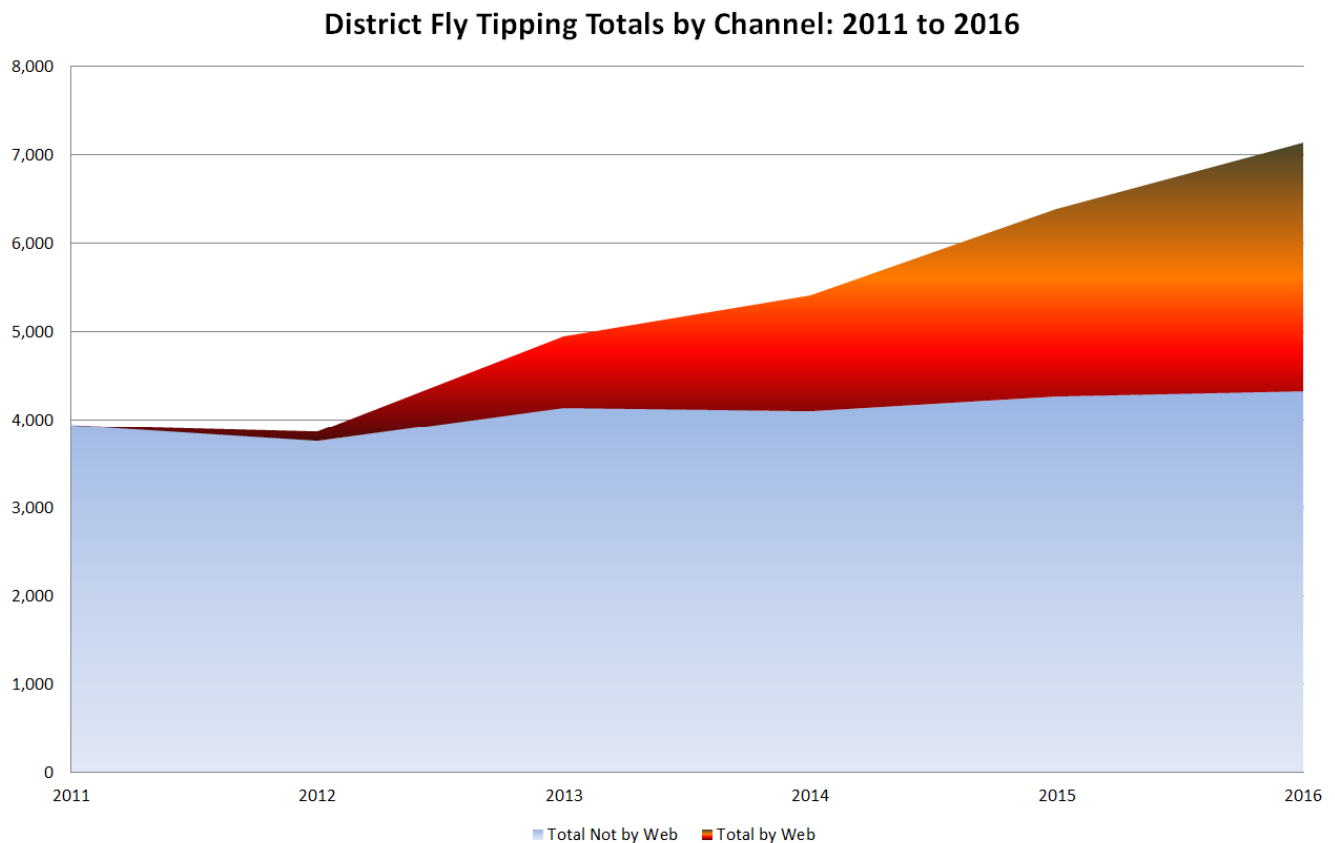


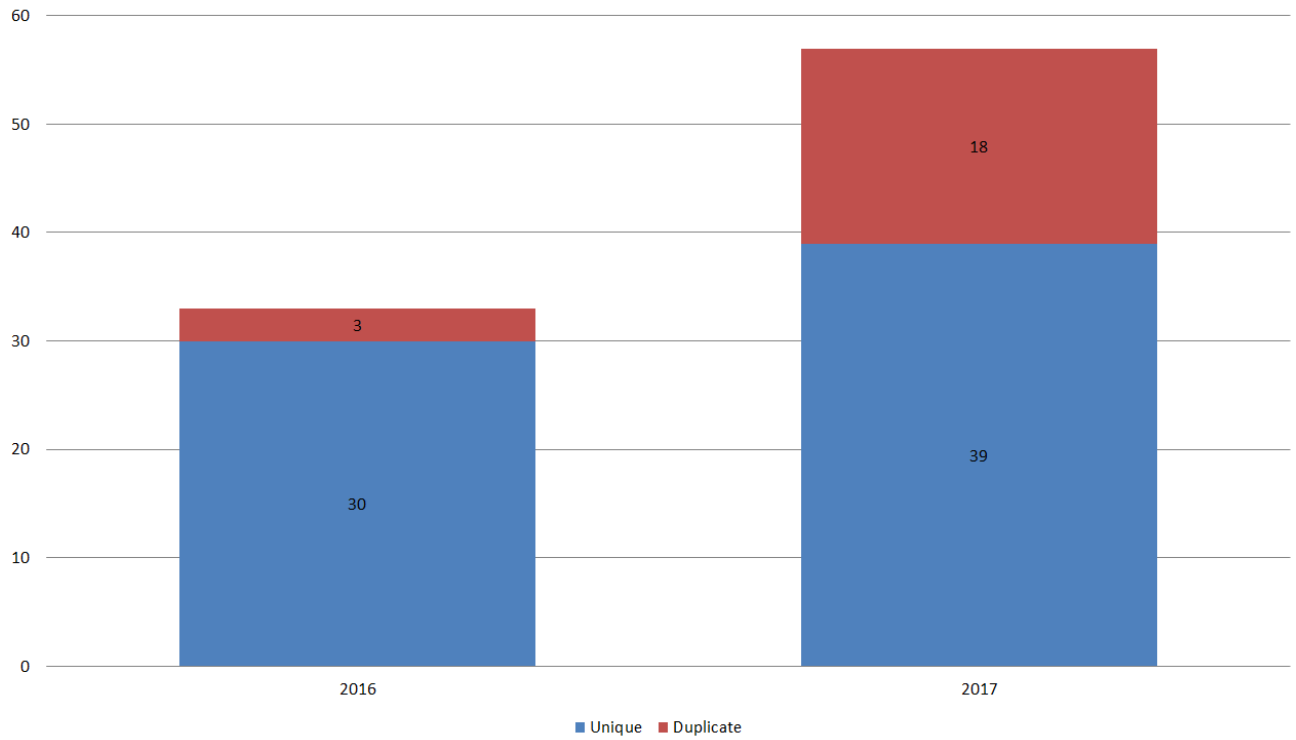
Table B – Significance of channel-shift and duplications in the reporting of fly tips



APPENDIX 2

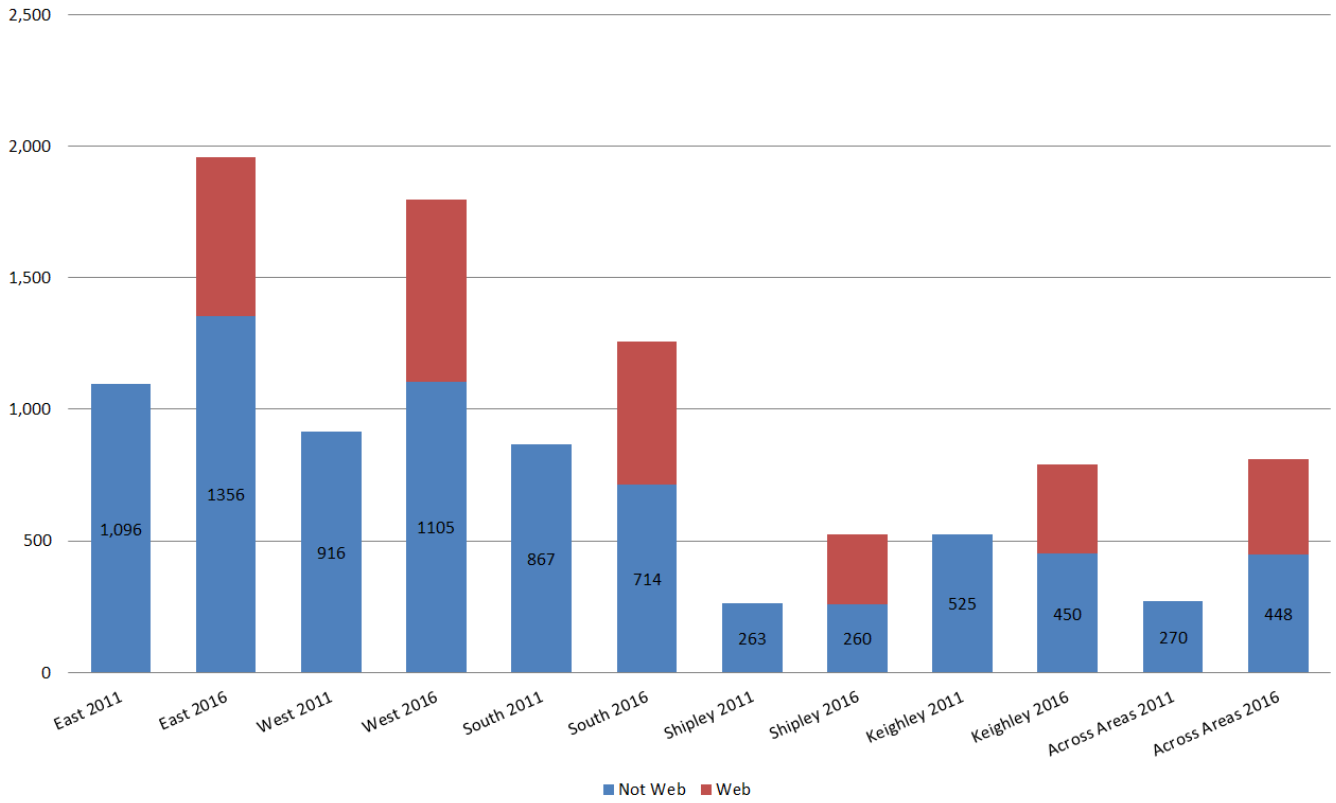
ANALYSIS OF INCREASE IN FLY TIPPING REPORTS WITHIN QUEENSBURY WARD

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

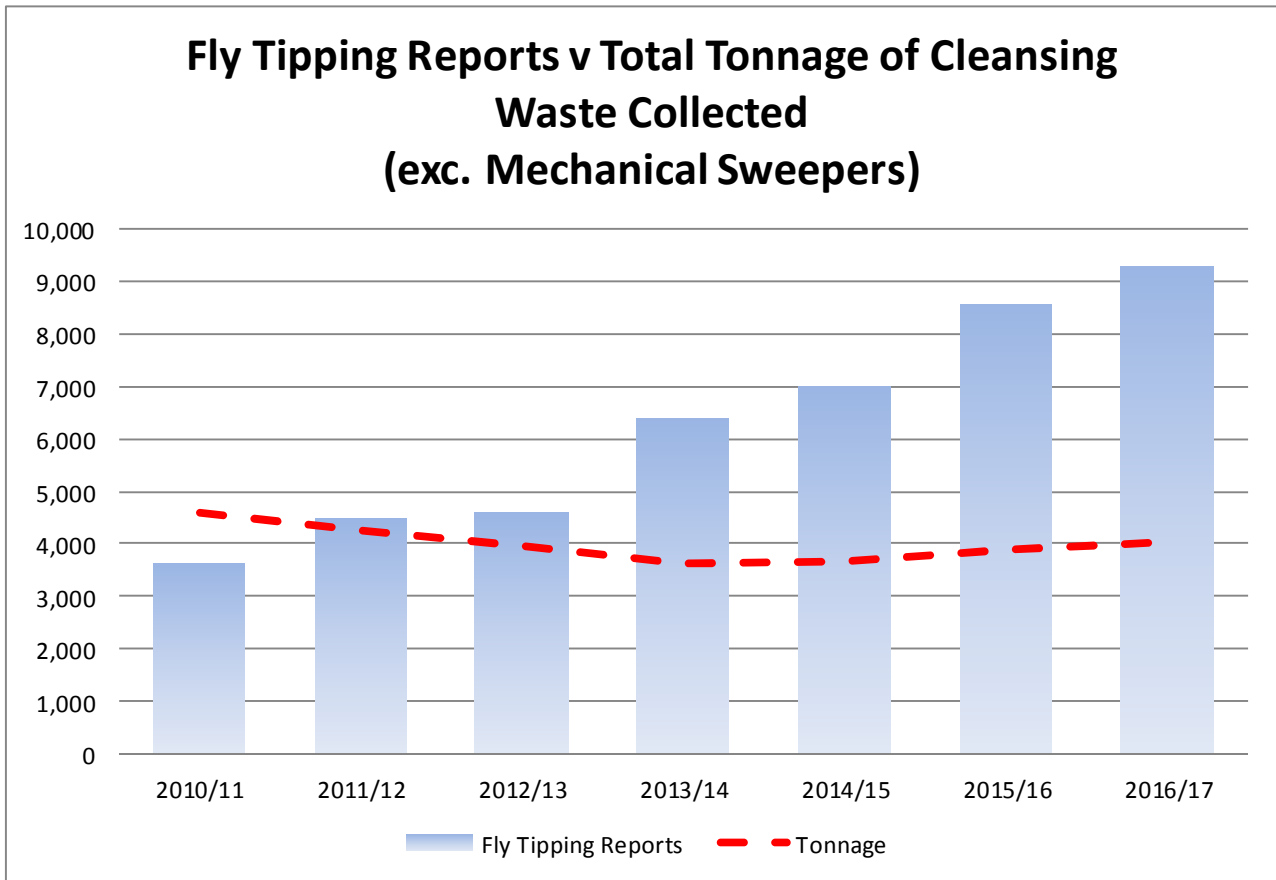


CHANNEL SHIFT BY CONSTITUENCY

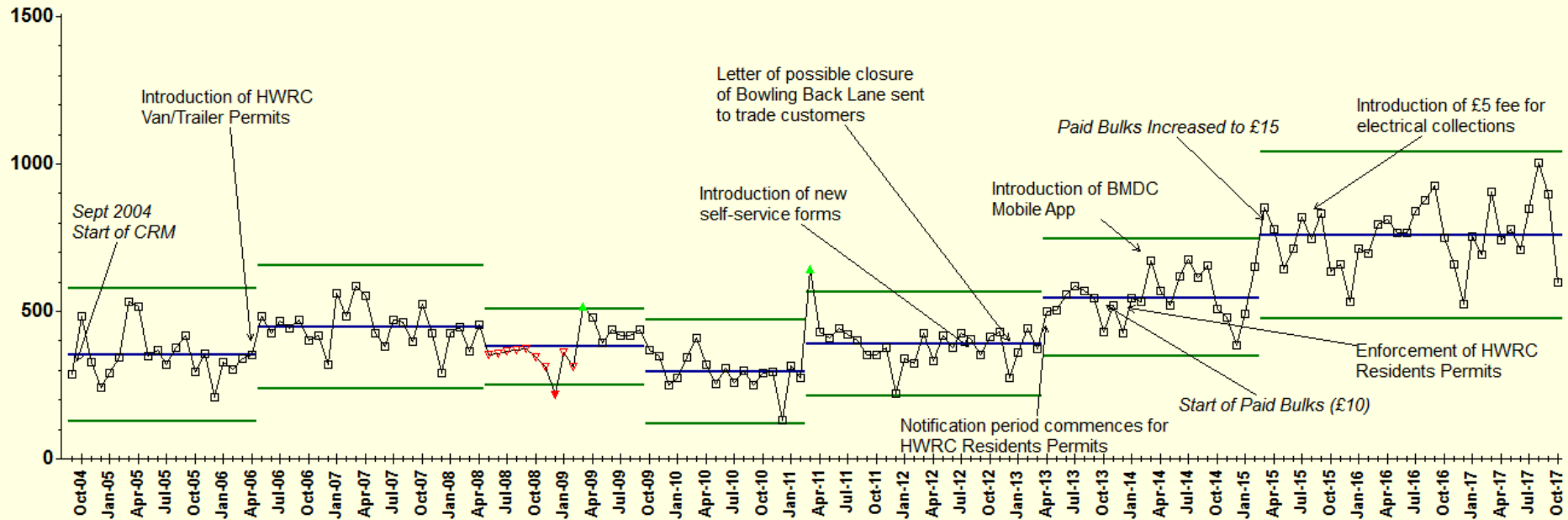
Fly Tipping Cases by Channel and by Area: 2011 v2016



REPORTS OF FLY TIPPING AND THE TONNAGES COLLECTED



Impacts of Council Policy Changes on Fly Tipping Reports



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