

# Report of the Strategic Director of Place to the meeting of the Regeneration and Environment Overview and Scrutiny Committee to be held on 18<sup>th</sup> September 2018

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## Subject:

Fly Tipping in the Bradford District.

## Summary statement:

This report reviews of all the available data around fly tipping within the Bradford district providing comparisons with other key comparator authorities as well as national trends. In addition the report provides an update from the Environmental Enforcement team with regards fly tipping and waste.

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## Portfolio:

**Healthy People and Places**

## Overview & Scrutiny Area:

**Environment, Sport & Culture**

## **1. SUMMARY**

- 1.1 This report reviews of all the available data around fly tipping within the Bradford district providing comparisons with other key comparator authorities as well as national trends. In addition the report provides an update from the Environmental Enforcement team with regards flytipping and waste.

## **2. BACKGROUND**

### **2.1 Reports to the Council**

- 2.2 Appendix 1 shows that reports of fly tipping made to the Council have seen an upward trend for the past seven years since 2010/11. The table also shows the breakdown by Area Constituency. The growth has been across all the areas, however reports in Bradford West have fallen slightly in each of the past 2 years.
- 2.3 Appendix 2 shows the same data but broken down by Ward. Whilst many wards have remained at a similar level between the last 2 years, there are several wards that have experienced significant spikes in the reporting. Reports to the Council need to be treated with some caution. There is a significant element of duplication occurring in the reporting of fly tipping to the Council caused by the significant use of online self service options to report cases. Approximately 15% of all cases across 1,518 cases sampled recently were duplicate. In addition 65% of cases that were deemed to be duplicates were created online. In addition only 46% of all fly tipping cases are created online indicating that the rate of duplication is far higher when people report online.
- 2.4 The data supports the theory that this is just one of several factors contributing to the general increase in reported cases. A more accurate assessment of changes can be made when comparing reporting against the amount of weight collected.

### **Tonnage collected**

- 2.5 The increased number of reported cases is also not reflected in the amount of tonnage collected by the clean teams. Appendix 3 shows that despite this increase in reports being logged, the tonnage of waste collected has remained fairly consistent and any increase in fly tipping actually being collected would be reflected within the tonnages being recorded. All reported fly tipping to the Council is generally visited within 2 working days and cleared (relevant land 90+% of cases) or referred to Environmental Enforcement (private land). This suggests that majority of these cases are being cleared and yet there is not a significant increase in tonnage to match. One possibility could be that there is a general reduction in the average weight of individual fly tips despite the increase in numbers which would then not show on the waste being collected overall.

The number of vehicles operating on the frontline has remained consistent for some time, so the capacity to handle fly tipped materials has not been restricted during this period.

## Prevalence of Fly Tipping

- 2.6 The service has recently adopted a new methodology of monitoring relevant land for litter and other environmental factors. The methodology is called the Land Audit Management Survey (LAMS) and has been developed by multiple authorities participating in the Association for Public Service Excellence (APSE) family. Bradford is one of the pilot authorities for a new app that allows officers to conduct multiple surveys with greater ease and accuracy using a nationally agreed standard of measuring.
- 2.7 LAMS includes an indicator on the visible presence of fly tipping on the survey transect at that moment in time. The early data collected so far in 2018/19 shows that the prevalence of fly tipping on randomly selected sites is around 11%; that is to say that 11% of streets showed some minor evidence of fly tipping but only 1% was deemed to have significant volumes.

Samples	Grade Awarded For Fly Tipping				% Streets with any evidence of Fly Tipping
	A	B	C	D	
276	246	28	2	0	10.87%

The table below breaks this down by Constituency showing evidence of fly tipping in Bradford East, Bradford West and Bradford South to be higher than the average.

### Area Performance Qtr 1 Data

Area	Samples	Grade Awarded For Fly Tipping				% Streets with any evidence of Fly Tipping
		A	B	C	D	
Bradford East	61	49	12	0	0	19.67%
Bradford West	45	38	6	1	0	15.56%
Bradford South	67	59	8	0	0	11.94%
Keighley	58	56	1	1	0	3.45%
Shipley	45	44	1	0	0	2.22%

### Grades

- A = completely free of fly tipping (PASS)
- B = minor evidence of fly tipping (PASS)
- C = significant evidence of fly tipping (FAIL)
- D = extensive evidence of fly tipping (FAIL)

## **National Fly Tipping Data**

- 2.8 There is a statutory requirement for each local authority to record data on fly tipping and submit it periodically to DEFRA, this data is collated in to annual report and published by DEFRA in October each year. Traditionally this data has been referred to as Fly Capture data..
- 2.9 Whilst the data is not audited and can be of limited value at a low level, it has proved useful when looking at comparative performance in the absence of any other useful way of benchmarking around fly tipping..
- 2.10 Appendix 4 looks at the fly tipping data for the 20 largest authorities (population) and allows comparison by expressing the total number of reports of fly tipping as a ratio per 1000 head of population and is presented in order of most deprived to least deprived. Deprivation has been set as the percentage of people deemed within the 30% most deprived in the country. There is a general correlation between the most deprived cities and those with the highest levels of fly tipping. The London boroughs of Ealing and Croyden appear to have a distinct issue; possibly related to high multiple occupancy and non-owner households.
- 2.11 Appendix 5 is a comparison with the 21 Yorkshire & Humber authorities. Again there appears to be some correlation between deprivation and levels of fly tipping. A key point is that the rate of fly tipping is very similar between the biggest city authorities of Bradford, Sheffield and Leeds; ranging between 20-23 per 1000 head of population.
- 2.12 In summary there has been growth in the number of fly tipping cases being reported to the Council, even after discounting population growth and duplication of some cases. There has also been growth in the total number of cases being reported to DEFRA by Bradford MDC. However these two areas or growth have not seen any significant growth in the tonnage of waste collected from the streets by the service. This indicates that there are likely to be some other issues that cannot be understood at this point in time. The growth in reporting is not a local phenomenon and is reflected with our comparators both national and regionally.

## **3.0 OTHER CONSIDERATIONS**

### **Environmental Enforcement**

#### **3.1 Fly Tipping Enforcement**

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 11 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.

Enforcement staff have been deployed to area teams as follows:

Bradford East = 3 officers  
Bradford West = 2 officers  
Bradford South = 2 officers  
Keighley = 2 officers  
Shipley = 2 officers

The 2 Senior Enforcement Officers also provide additional cover as required across all areas.

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.

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.

The team covers the following work areas:

### **3.2 Fly tipping**

Fly tipping is a criminal offence that carries an unlimited fine or up to 5 years imprisonment upon successful prosecution. Nationally there have been year on year increases in fly tipping. In 2017/18 - 7,852 incidents of fly tipping were recorded by the Contact Centre in Bradford and 3,747 tonnes of fly tipped waste and litter was collected the Council.

The Environmental Enforcement Team actively investigates fly tipping incidents to identify and prosecute offenders. In 2017/18 the team investigated 2,494 reports of fly tipping. However, prosecution of offenders is difficult as fly tipping is usually done covertly to avoid being caught. Nevertheless the team has had some successes outlined further in this report. The team carries out a range of work to tackle fly tipping:

### **3.3 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 fly tipping incidents involving vehicles. The team uses 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 fly tipping. 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.

In addition the team has invested in a further 15 standalone covert cameras. These are designed to be located 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.

The team is currently working on a project in partnership with Vodafone and Council ICT to trial a new generation surveillance camera that operates using solar panels and sends images and alerts over the mobile phone network. The benefit of this new camera is that it can be placed covertly at locations that do not require electricity supply therefore giving even greater flexibility for deployment. In addition all captured images are recorded remotely on a "Cloud" storage facility and the images can be accessed remotely. Also the camera alerts the team via text message whenever images are captured and these images can be streamed and viewed in real time. A location has been found to test the camera and if the trial is successful a business case will be submitted to purchase additional cameras or roll out at other locations.

#### **3.4 Fixed Penalty Notices (FPNs) for fly tipping-**

New legislation was introduced in 2016 allowing Councils to issue fixed penalty fines for low level fly tipping as an alternative to prosecution. The 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 which is reduced to £300 if paid within 10 days. The Enforcement Team started issuing FPNs in October 2016 and to date has issued 52 with the vast majority being paid. This has generated approx. £15,000 of income which the team has reinvested into maintaining existing cameras and purchasing additional surveillance equipment.

#### **3.5 Work with land owners**

Officers continue to 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.

#### **3.6 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.

### **3.7 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.

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.

### **3.8 Seizure of vehicles**

New legislation allowing Councils to seize vehicles involved in fly tipping came into effect in 2016. The Council has now seized and crushed 3 vehicles that were involved in multiple fly tipping incidents across the district. This has resulted in the prosecution of one offender and a further 2 prosecutions are pending.

### **3.9 Partnership working with the Police –**

The Enforcement Team is currently working within the Neighbourhood hub based at Sir Henry Mitchell House working alongside the Police and the Anti-Social behaviour, Safer and Stronger Teams. An information sharing agreement has been set up which allows for all the teams in the hub to share intelligence. This is proving to be particularly effective for the Enforcement Team as we now have access to police analysts and intelligence which greatly assists the team to investigate environmental crime.

The Environmental Enforcement Team recently undertook a joint initiative to deal with an organised crime group (OCG) that was linked to fly tipping as well as other serious crimes. For the first time the Environmental Enforcement Team applied for and were granted a warrant by Bradford Magistrates Court to enter the premises in question to search for evidence. Police officers accompanied the Environmental Enforcement officers and were able to investigate and seize evidence in relation to other organised crime. The operation went well and was successful as it caused considerable disruption to the OCG.

### **3.10 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 prosecution in 2017 for non-compliance with a CPN resulted in a statutory maximum £20,000 fine.

### **3.11 Behaviour Change**

The Enforcement Team works closely with the Marketing and Communications 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. The local media has been particularly supportive and has helped raise awareness.

### **3.12 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.

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.

### **3.13 Performance figures**

As mentioned above the Enforcement Team receives requests for service (complaints) from a number of sources e.g. direct from the public, Council Wardens and other Council Officers. The Enforcement Officers work closely with Wardens and a large number of complaints are initially referred to wardens to investigate in the first instance. These are typically complaints about rubbish in gardens. Wardens will visit problem properties and request owners and occupiers to tidy up their gardens. Any non-compliance with Wardens requests are referred back to the Enforcement Team for formal action.



### 3.14 Service Requests

The following table shows numbers of service requests received by the Enforcement Team and numbers dealt with by Wardens for 2016/17 and 2017/18.

	2016/17	2017/18
<b>Total Complaints Received</b>	6651	7377
<b>Dealt with by Enforcement</b>	4520	4621
<b>Dealt with by Wardens</b>	2131	2756
<b>Referred back to Enforcement by Wardens</b>	476	559

### 3.15 Enforcement Actions 2017/18

The table below highlights some of the actions taken by the Environmental Enforcement Team in relation to waste offences:

<b>Enforcement Action Taken</b>	<b>Total</b>
Community Protection Warning issued (CPW)	809
Community Protection Notice Issued (CPN)	254
Other Statutory Notice issued	131
Fly tipping Fixed penalty Notice issued	18
Other Fixed Penalty Notice issued	53
Prosecutions and Cautions	29

### 3.16 Publicity and Marketing

Neighbourhood Services are currently in partnership with Keep Britain Tidy Group regards hard hitting and sustained anti- fly tipping, litter and dog fouling campaigns.. The programme of campaigns throughout 2017/2018 has continued to focus on different themes eg chewing gum litter.



- 3.20 This was followed by the ‘We’re Watching You Signs’ 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.



- 3.21 The Marketing and Communications unit is 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 a briefing on levels of fly tipping, enforcement and campaign initiatives 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.

### **7.8 IMPLICATIONS FOR CORPORATE PARENTING**

There are no specific implications for corporate parenting arising from this report.

### **7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

There are no specific issues arising from this report.

### **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 considered.

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

### **11. APPENDICES**

Appendix 1 Fly tipping reports on CRM (Customer Relationship Management) - District and Area totals

Appendix 2 Fly tipping reports on CRM by Ward

Appendix 3 Vehicle Tonnage Relating to Fly Tipping & Litter

Appendix 4 Fly Capture Data – 20 Largest Local Authorities

Appendix 5 Fly Capture Data – Yorkshire and Humber Comparison

## 12. BACKGROUND DOCUMENTS

- 12.1 Report of the The Strategic Director, Place to the meeting of Environment and Waste Management and Scrutiny Committee 19<sup>th</sup> December 2017(**Document “P”**)  
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.