

Report of the Director of Place to the meeting of the Regeneration and Environment Overview and Scrutiny Committee to be held on 29th September 2020

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Subject:

Fly Tipping in the Bradford District.

Summary statement:

The report provides an update on Environmental Enforcement and provides information on the number of fly tips reported to the council and an analysis of relevant waste data.

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Overview & Scrutiny Area:

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1. SUMMARY

- 1.1 The report provides an update on Environmental Enforcement and provides information on the number of flytips reported to the council and an analysis of relevant waste data.

2. BACKGROUND

Environmental Enforcement

- 2.1 The Environmental Enforcement Team is responsible for enforcing legislation relating to waste and the visible environment.
- 2.2 Environmental Enforcement Officers respond to complaints generated through the Council's Contact Centre and from referrals by Wardens and other Neighbourhoods staff. Typically these referrals (known as service requests) can range from fly tipping, rubbish in gardens, waste from commercial premises, burning of waste and rodent infestations. Last year the Environmental Enforcement Team dealt with 12,119 service requests of which 3688 (approx. a third) were in relation to complaints about fly tipping.
- 2.3 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 2019/20 – 15,174 incidents of fly tipping were recorded by the Contact Centre in Bradford and 3,878 tonnes of fly tipped waste and litter was collected by the Council.
- 2.4 The Environmental Enforcement Team actively investigates fly tipping incidents to identify and prosecute offenders. 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.

Update on the New Restructured Service

- 2.5 In April 2019 the Neighbourhood Service was restructured in order to further align services and to bring about improvements in service delivery. Due to the synergies between Neighbourhood Wardens and Environmental Enforcement Officers the 2 services were brought together under a single management structure working from each of the 5 Area Co-ordinators' Offices.
- 2.6 Training of new managers and recruitment and training of new staff was undertaken during 2019. The new structure has "bedded in" well and strong working relationships between Enforcement Officers and Wardens have been established.
- 2.7 The new working relationships have allowed Enforcement Officers to allocate work to Wardens who are able to do door knocking to speak to residents and promote responsible waste management practices such as raising awareness about recycling and using the household waste recycling centres. This allows the service to educate and change behaviour rather than relying on enforcement action to bring

about change. It also allows Enforcement Officers to focus their work on more serious cases or where Wardens interventions are not having the desired effect.

- 2.8. In January 2020 the work of the team received regional recognition and was given an award by the Yorkshire Environmental Enforcement Group (YEEG) for actions taken to improve the environment of Bradford.

Enforcement Actions 2019/20

- 2.9 In 2019/20 the Enforcement Team dealt with 12,119 service requests. Of these 3688 complaints of flytipping were referred to the Enforcement Team for investigation. The table below highlights some of the actions by the Enforcement Team in relation to waste offences:

Enforcement Action Taken	Total
Community Protection Warnings issued (CPWs)	1620
Community Protection Notices issued (CPNs)	323
Other Statutory Notices issued	513
Fly tipping Fixed Penalty Notices issued (FPNs)	15
Other Fixed Penalty Notices issued	38
Prosecutions & cautions	24
Litter from Vehicle FPNs	163
Litter from persons FPNs (mostly issued by Wardens)	97

Surveillance of fly tipping hotspots

- 2.10 The team continues to use CCTV technology to attempt to capture fly tippers in the act. A range of cameras are used to suit different circumstances allowing flexibility on where and how the cameras are sited e.g. rural locations, lay-bys, residential areas.
- 2.11 During 2019 the Council went through a procurement process to appoint a CCTV contractor. As such there was a period of approx. 6 months where the Enforcement Team were unable to install new fixed cameras at emerging fly tipping locations. However, the team continued to deploy mobile cameras as and when appropriate.
- 2.12 A contractor has now been appointed and the team is currently working with the contractor to deploy cameras at new and emerging locations.

Tackling fly tipped domestic waste

- 2.13 Earlier this year a pilot project was undertaken to deal with fly tipped bags of domestic waste. A warden was trained by Enforcement Officers and asked to patrol a small number of streets where regular flytipping of black bags was occurring. The Warden was tasked to search through bags of waste to find any evidence of where the waste had come from. If details of an address were found the Warden then visited the property to identify the person who was responsible. The person was interviewed under caution on site by the Warden using a body camera to record the interview. If the person admitted the offence they were issued with a £100 Fixed Penalty Notice.

- 2.14 The In total 8 FPNs were issued and the numbers of fly tipped bags of waste on the streets reduced dramatically. We believe that due the word of mouth residents were becoming aware of much tougher sanctions for leaving waste on streets and therefore began to stop doing this. The pilot has not been concluded and a full review of the effectiveness of this approach needs to be done. However, initial findings seem to indicate that this approach is proving to be successful and as such may be rolled out across other areas.

Crime Scene Tape

- 2.15 Usually when flytipping on highways and streets is reported to the Street Cleansing Service the waste is removed within 24 hours. Whilst this provides an efficient service to the public, research undertaken by Keep Britain Tidy suggests that this may also encourage fly tipping as the waste is removed quickly and nobody notices it is there as often the waste is removed first thing in the morning.
- 2.16 Over the last year when Wardens have come across flytipping they have been placing “crime scene tape” around the waste. They also place a sign on the waste stating that a crime has been committed and evidence has been removed and that the matter has been reported. The waste is then left for several days before being removed to ensure as many people as possible see the message – namely that fly tipping is a crime and that there may be potential consequences if anybody is caught dumping rubbish.
- 2.17 The use of crime scene tape has helped raise awareness of the fly tipping problem as wardens are often asked why the tape is being used and Wardens have received some positive feedback from the public.

Partnership Work – Operation Steerside

- 2.18 Operation Steerside is a Police-led initiative aimed at tackling vehicle crime. As part of this operation the Police hold multi-agency static “Stop & Search” events where agencies from a number of organisations e.g. Police, DVLA, VOSA, HM Customs & Excise, Trading Standards stop and check vehicles to ensure they are complaint with the law.
- 2.19 Over the last year the Environmental Enforcement Team has worked in partnership with the Police on Operation Steerside to identify vehicles that are carrying waste illegally. This has resulted in a number of illegal waste carriers being stopped and issued with notices to produce waste carriers licences and waste transfer notes.
- 2.20 Over the last year 29 producers have been issued resulting in most drivers obtaining waste carriers licences..

Householder Duty of Care – Fixed Penalty Notice

- 2.21 Nationally there has been a year on year increase in fly tipping offences. Over a third of the waste involved in illegal fly-tipping is from households, resulting in waste crime costing the UK economy around £600 million every year, according to The Environment Agency.

- 2.22 The householders duty of care under section 34(2A) of the Environmental Protection Act 1990 requires occupiers of a domestic property to take all reasonable measures available to them to ensure that they only transfer household waste to an authorised person.
- 2.23 If an unauthorised waste carrier is found to be carrying waste and/or the waste is subsequently fly tipped and can be directly linked back to the householder, the householder has committed an offence under the householder duty of care if the householder cannot demonstrate that they took the above mentioned reasonable measures.
- 2.24 Changes in the law mean that householders are being held more accountable for their household waste and where it ends up. If householders are found to have disposed of waste with someone who is going to illegally dispose of it, they can be prosecuted or now be offered a fixed penalty notice (FPN).
- 2.25 On 7th January 2019 the Environmental Protection (Misc. Amendments)(E&W) Regs 2018 came into effect allowing for a Fixed Penalty Notice (FPN) to be issued for Householder Duty of Care (HHDcC) Offences as an alternative to prosecution.
- 2.26 In April 2019 the Council Executive approved the introduction and use of a fixed penalty notice. The level of the fine was set at £250 reduced to £200 for early payment. To date 8 Householder Duty of Care fixed penalty notices have been issued.

Litter from vehicles – new Penalty Charge Notice

- 2.27 Under the Environmental Protection Act 1990 section 87, the Council currently issues fixed penalty fines for the offence of leaving litter where litter is dropped from a vehicle, but only where the person dropping litter can be identified.
- 2.28 The Environmental Enforcement Team regularly receives complaints of litter from vehicles. This includes reports from members of the public. Where a report is received about a litter from vehicle offence a DVLA check is undertaken and the registered keeper is identified. A letter is sent to the keeper asking them to provide details of the offender. Where the offender is identified a Fixed Penalty Notice (FPN) is issued. Last year 163 litter from vehicle fixed penalty notices were issued.
- 2.29 Under the new Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 regulations, the registered keeper of the vehicle can be held responsible for the litter from vehicle offence and a Penalty Charge Notice (PCN) can be issued to the registered keeper of the vehicle.
- 2.30 In June 2019 the Council Executive approved the introduction and use of the new litter from vehicles Penalty Charge Notice. Officers from Environmental Enforcement and Parking Services have been working with the Council's IT services and the Parking Services software provider to configure systems to allow the processing of litter from vehicles offences. The new process became operational in mid July 2020 and to date 29 Penalty Charge Notices in relation to litter from vehicles have been issued.

Marketing and communications

- 2.31 The Environmental Enforcement Team have been working closely with the Council's Corporate Marketing and Communications Service to deliver district-wide campaigns, neighbourhood projects and to share key messages that encourage behaviour change, supports people to take positive social action, increase reporting and raise awareness. This has involved a mix of using social media including Facebook, What's App groups, neighbourhood networks, local media and new publications of leaflets and posters.
- 2.32 In recent months we have refreshed no dog fouling, no fly-tipping and no bird feeding signage promoting new fines and how to report offenders. The online reporting form has been updated and simplified to make it easier for members of the public who witness people fly-tipping. In addition, a campaign 'Don't be a tosser' has been developed raising awareness of the impact and consequences of littering & fly tipping and how to report information which is to be launched officially in September 2020. An anti-dog fouling campaign 'Don't be a mutt' has also been developed promoting problems caused by dog fouling, that dog owners can be fined and how to report culprits. A householder duty of care campaign is also being finalised which informs householders of their responsibilities and raises awareness of using licensed and authorised waste removal contractors.

Covid-19 Pandemic

- 2.33 As a result of the lockdown restrictions imposed during the Covid Pandemic there has been a significant effect on the work on the Environmental Enforcement Team. During the early stages of the lockdown all Wardens and Enforcement staff were deployed to the 5 Covid hubs to assist setting up the systems and resources for the delivery of food parcels, food shopping and undertaking welfare visits to vulnerable members of the public.
- 2.34 The lack of Wardens and Enforcement staff meant that nearly all environmental enforcement work was suspended unless complaints were in relation to waste/rodents that posed a significant risk to public health. Any remaining service requests/ enforcement work was dealt with by managers.
- 2.35 The risks of infection meant that the team could no longer deploy mobile CCTV cameras at residential or business locations and therefore all cameras were recalled.
- 2.36 Reports from wardens suggested that the closure of the household waste sites led to an increase of fly tipped bags of household waste. However, staff were unable to search through bags of rubbish to look for evidence due to the risk of infection.
- 2.37 All formal Police and Criminal Evidence Act (PACE) interviews were cancelled due to the pandemic which severely impacted on the team's ability to investigate offences.
- 2.38 The issuing of litter fines by staff was also suspended due to the risks of Covid transmission.

- 2.39 In addition the team was advised by Legal Services that due to the closure of the Magistrates Courts and the subsequent back log of cases that would need to be dealt with once the Courts opened again, that environmental enforcement prosecutions should only be prepared for the most serious of cases. As a result only one prosecution case has been sent to Legal Services since the pandemic started.
- 2.40 With the easing of lockdown restrictions and the introduction of work related risk assessments the majority of the enforcement work is slowly returning to normal. In August 2020 a vehicle that was involved in multiple fly tips was seized and the offender will be prosecuted.
- 2.41 However, many Wardens are still assisting with the Council's Covid response and are supporting other Council services e.g. Environmental Health & Public Health to ensure the public and businesses comply with Covid guidance and the Health Protection (Covid) Regulations and this will continue to impact on the team's ability to deal with environmental crime.

Future Trends

- 2.42 It is not possible to predict future trends and public behaviours will be heavily influenced by both the continuing efforts to minimise the transmission of Covid-19 and the and weaker economic forecast that is expected.

Waste profiles are intrinsically related to public and commercial consumption; if there is a scenario of widespread reduced spending by people who are feeling the financial strain of the pandemic, then there may well be a reduced volume of waste passing through Council services.

- 2.43 There is also a risk that financial pressures can lead more people to look for ways to avoid charges. For example, some businesses may try to avoid trade waste contracts and more illegal waste traders may be drawn to the business of cash-in-hand removals or collections.
- 2.44 There are often discussion about how charging for certain household collections, or restrictions on trade waste using HWRC's may be causing increases in fly tipping, however all such discussions need to consider that the vast majority are following the rules – a change in policy would impact the wider group and risk the council incurring substantial costs which far outweigh the current costs of clearing and investigating fly tipping across the district.

Summary

- 2.45 Almost all fly tipping is cleared upon attendance and where evidence is available, some form of enforcement activity will be undertaken. The number of enforcement actions that have successful outcomes is heavily dependent on more information from the wider public to enable cases to be brought to more significant conclusions such as prosecution.

- 2.46 Officers continue to research best-practise within other local authorities by using networking organisations such as Keep Britain Tidy, APSE and regional groups to improve working methods.
- 2.47 As part of the search for solutions there are two pilot-projects working with external partners that were put on hold due to lock-down and social distancing. As soon as the opportunity is suitable these projects will be re-initiated, and any findings will be shared in future reports.

Fly Tipping Data

- 2.48 There continues to be a rising trend in the number of fly tips recorded within the district.
- 2.49 The last available national data shows an increase of 8% in fly tipping incidents recorded between 2017/18 and 2018/19.

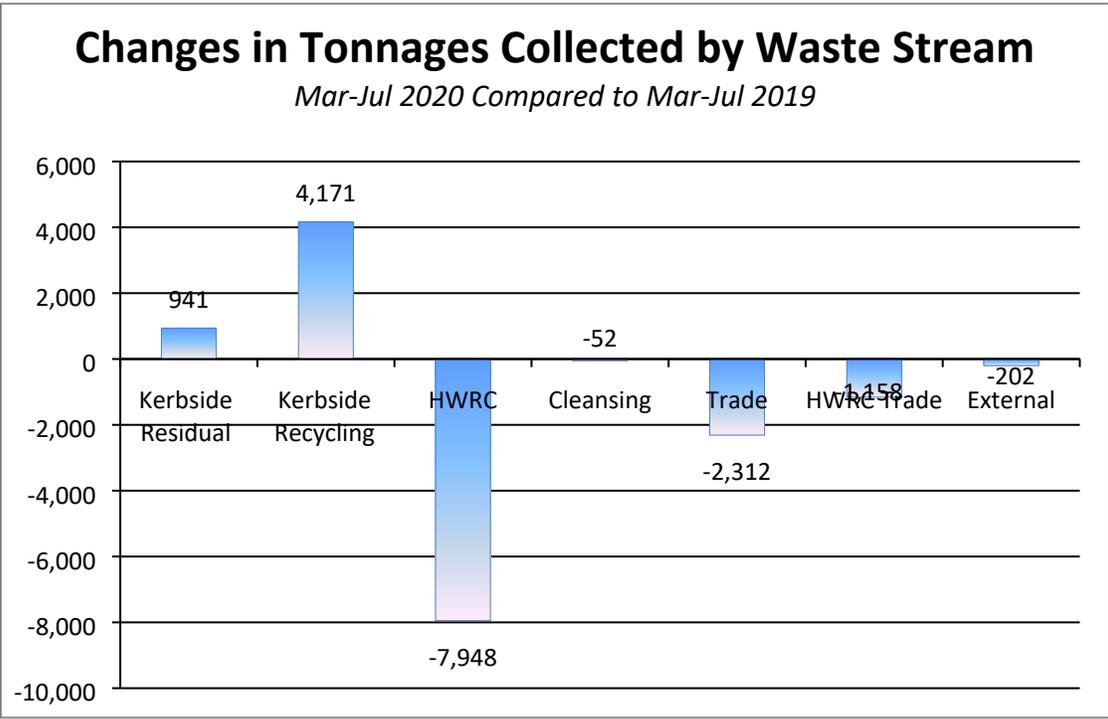
Tonnage of Waste Collected by The Authority

- 2.50 Whilst this report focusses on Fly Tipping, the current Covid pandemic means that questions are being asked about the potential relationship and impacts of enforced waste policy decisions. As a result of this, the following section looks at the changes in tonnes collected for different waste streams to allow perspective.

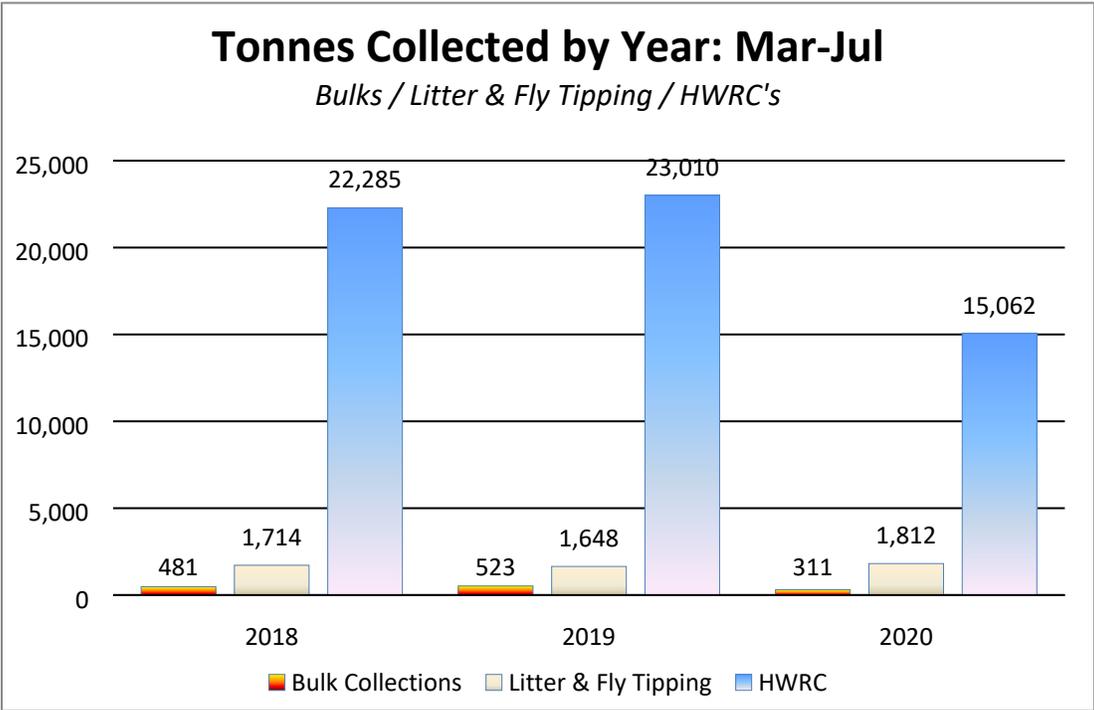
The chart below shows the change in tonnes handled by each of the major waste collection streams. Considering the changes made to meet the demands of the pandemic it is therefore not surprising to see an increase in waste handled by the kerbside collection services, whilst seeing a reduction in waste handled across all the other services.

It is positive to see that the majority of the increase at kerbside went through the recycling service, and the reductions in commercial waste are to be expected with many businesses either closing or operating at reduced levels over the past few months. The fall in tonnage at HWRC's may concern many as the assumption is that waste always has to go somewhere, however in assuming that just over 5,000 tonnes have been gained at the kerbside that only leaves an unknown outcome for approximately 1,900 tonnes.

There are many variables that can lead to this disappearance e.g. people disposing of trade waste under the guise of commercial waste, people stockpiling some items for later disposal (e.g. textiles), more home composting, people not generating as much waste if shielding and unable to carry out their full range of activities, annual fluctuations in tonnages, reduced incomes in some households that mean they are buying and disposing of less items etc

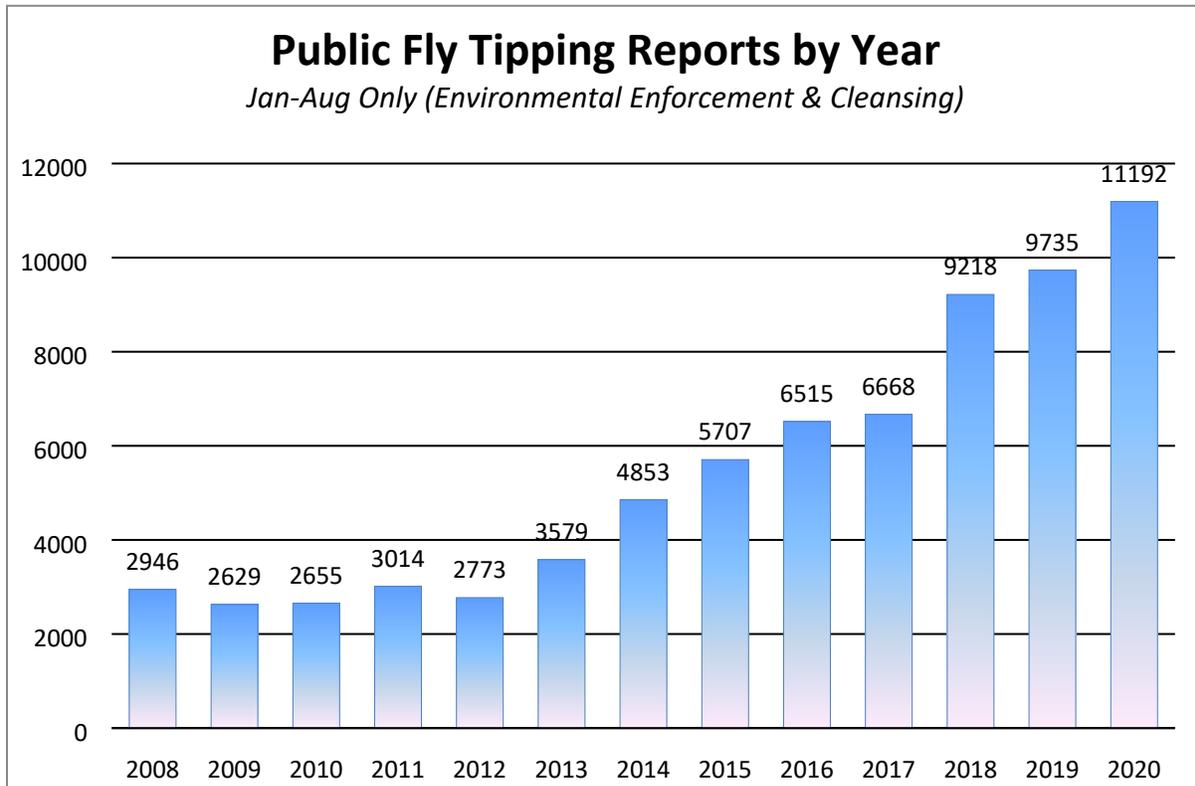


2.51 To add some perspective on how the tonnage handled by the Bulk Collection service and the HWRC's compares with the residual waste collected by street cleansing, the table below shows all residual waste collected by street cleansing transits which includes litter and fly tipping. It is clear that there isn't any significant transfer of waste from one service to the other, which indicates that the vast majority of residents are managing their waste effectively either by minimisation, re-use, recycling or disposing through other means e.g. kerbside



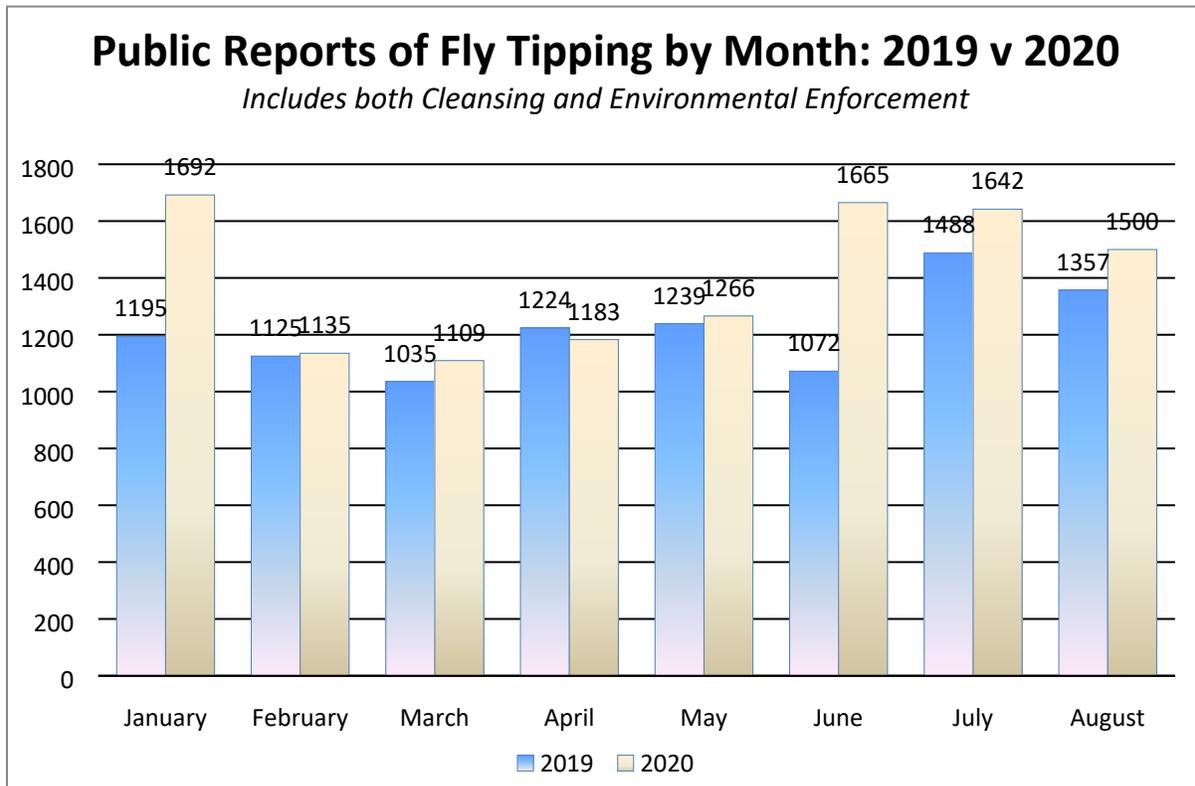
Public Reported Fly Tipping & Attended Cases of Fly Tipping

2.52 There has been a steady increase in the number of fly-tipping cases reported by the public for many years now, the table below shows data for the same comparative Jan-Aug period for each calendar year since 2008; there is a jump up from the figure recorded in 2019 which is explored below



2.53 The next table shows the same data but broken down by month, and shows that the increase hasn't been uniform across all months. A significant spike occurred in January 2020, whilst February to May saw very similar levels of fly tipping reported as the equivalent months in the previous year. Then as the district started to emerge from the full lockdown in June a sharp increase in reported levels occurred; this increase was followed by further higher than expected totals in July and August.

There does however seem to be the start of a trend in slightly decreasing month-on-month totals, which could possibly suggest this is a reaction related to the lockdown period. There hasn't been any information that supports any other theory as to why these changes are happening; if the trend continues in to the months ahead, then this theory will become more likely to be the correct one.



Fly Capture

- 2.54 Fly Capture is the term used to describe the legally required process of recording data about Fly Tipping and submitting it to DEFRA. Each fly tip attended has a Fly Capture form completed on site recording some key facts that are then aggregated up and reported quarterly to DEFRA. The Fly Capture data is usually slightly higher than the number of public reports as it includes fly tips that have been found by staff whilst out and about on their normal schedules.
- 2.55 The data from Fly Capture does show some changes in the composition of fly tipping between April-July 2020 and the same period in 2019. There has been a numeric increase for all bar 3 of the 15 categories, however 76% of the increase can be attributed to the 'Other Household Waste' category which constitutes household waste that is not bagged i.e. furniture and non-electrical goods. A further 15% of the increase is comprised of the two categories that relate to green and construction waste.

These categories do support the wider anecdotal evidence that during the lockdown period many householders have been taking the opportunity to carry out DIY work on homes and gardens. This may have been exacerbated somewhat by the enforced disruption to the Bulk Collection Service and Household Waste Recycling Centres.

Predominant Waste Type Category	Numeric Change on Previous Yr.	% Of Overall increase
Animal Carcass	-1	-0.1%
Green/Garden Waste	146	8.5%
Vehicle Parts	25	1.4%
White Goods	54	3.1%
Other Electrical	34	2.0%
Tyres	22	1.3%
Asbestos	25	1.4%
Clinical	4	0.2%
Construction/Demolition/Excavation	118	6.8%
Black Bags - Commercial	41	2.4%
Chemical Drums - Oil/Fuel	1	0.1%
Other Household Waste	1324	76.8%
Other Commercial Waste	-108	-6.3%
Other - Unidentified	-11	-0.6%
Black Bags - Household	51	3.0%
Total	1725	100.0%

2.56 The above changes did alter the overall proportion of fly tipping by waste type, though the two main categories still remain as 'Black Bags – Household' and 'Other Household Waste'

Predominant Waste Type Category	Apr-Jul 2019	Apr-Jul 2020
Animal Carcass	0.1%	0.1%
Green/Garden Waste	3.4%	4.6%
Vehicle Parts	0.8%	1.0%
White Goods	8.6%	7.3%
Other Electrical	0.6%	0.9%
Tyres	1.5%	1.5%
Asbestos	0.2%	0.5%
Clinical	0.0%	0.1%
Construction/Demolition/Excavation	6.1%	6.3%
Black Bags - Commercial	0.5%	1.0%
Chemical Drums - Oil/Fuel	0.1%	0.1%
Other Household Waste	36.8%	46.6%
Other Commercial Waste	13.1%	8.3%
Other - Unidentified	2.7%	1.9%
Black Bags - Household	25.4%	19.9%
Total	100.0%	100.0%

2.57 The table below shows the changes in proportion of fly tipping by estimated size, the last two columns showing that there has been a very small increase in the proportion of commercial-vehicle sized fly tipping.

Estimated Size of Fly Tip	Apr-Jul 2019	Apr-Jul 2020	Apr-Jul 2019	Apr-Jul 2020
1 Black Bag Count	1.8%	1.8%	51.0%	50.3%
Single Item	21.0%	17.7%		
Car Boot Load Or Less	28.1%	30.8%		
Small Van Load	38.5%	36.3%	49.0%	49.7%
Transit Van Load	8.7%	10.6%		
Tipper Lorry Load	1.1%	1.7%		
Significant/Multiple Loads	0.8%	1.1%		
Total No Fly Tips	100.0%	100.0%	100.0%	100.0%

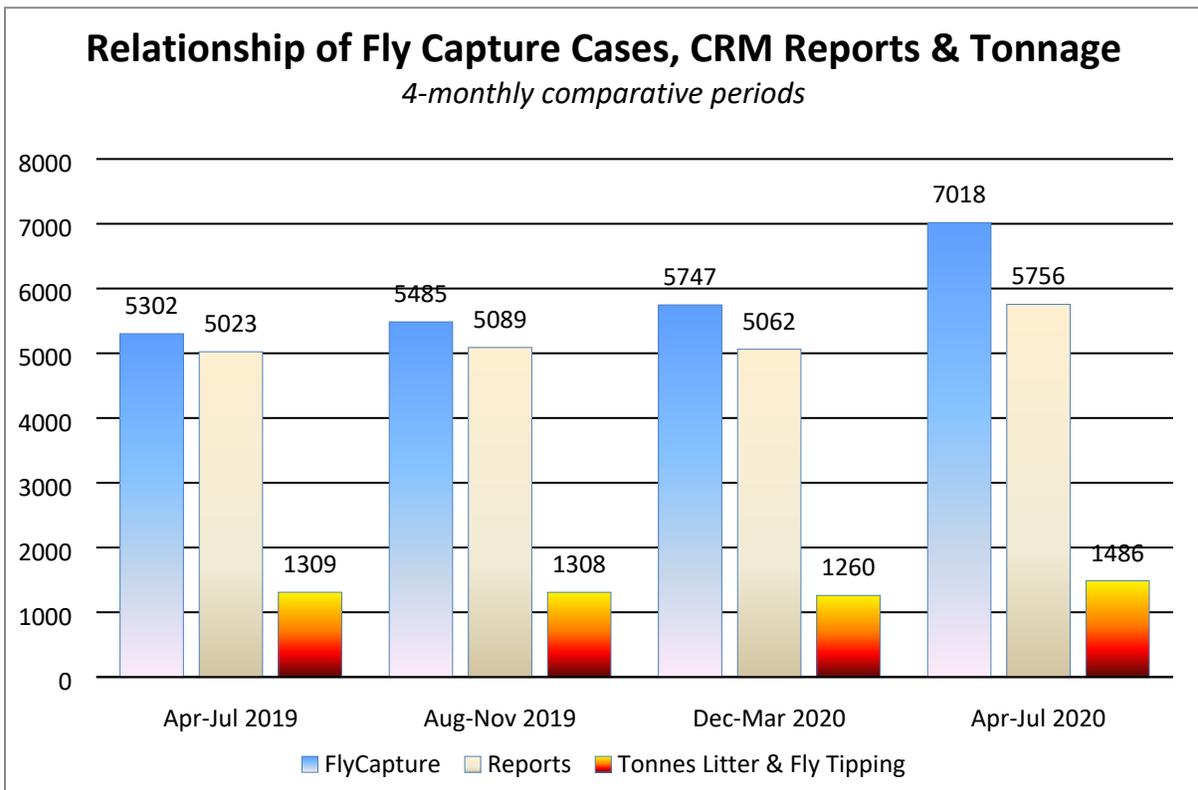
2.58 Over 90% of fly tips attended are removed by Street Cleansing, a small percentage are referred to other organisations, and a small percentage are deemed not to be fly tipping e.g. builders bags on verges, bulk collections etc.

Combining the Data

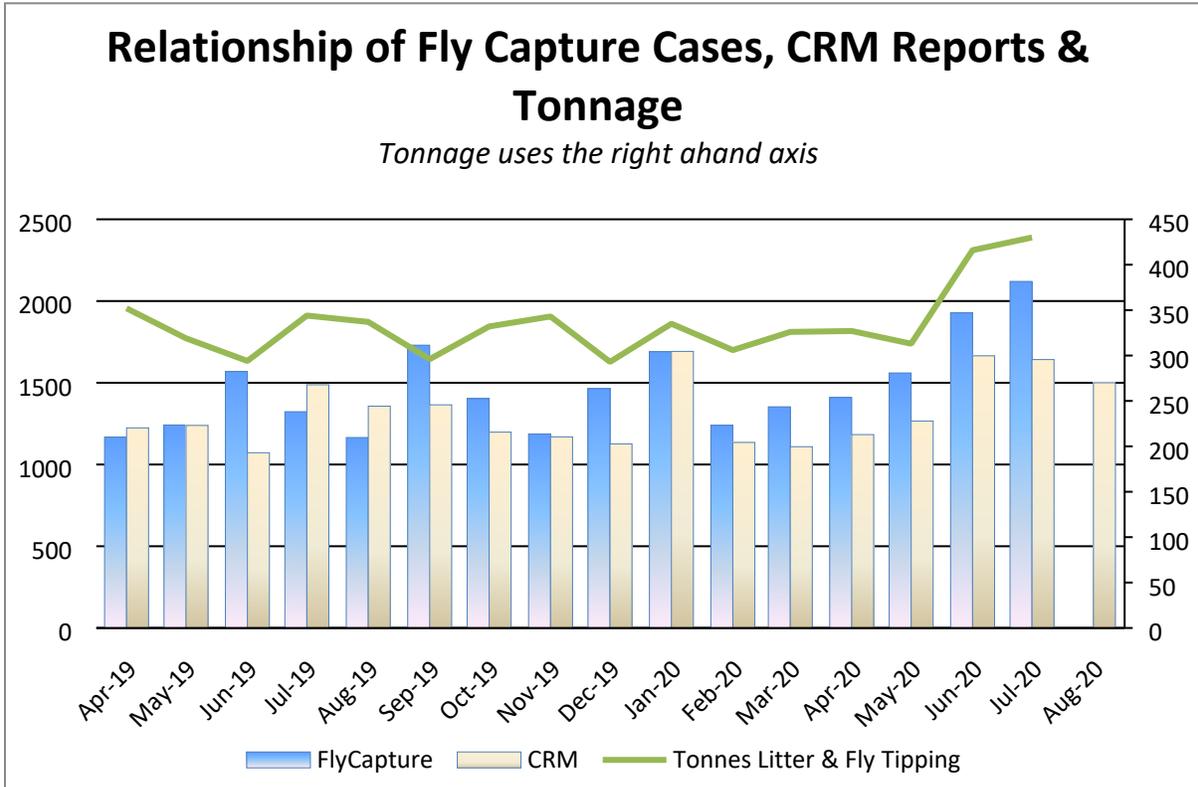
2.59 The final two charts try to bring together the different data regarding fly tipping to show the relationship between public reports, attended fly tips and the total tonnage of cleansing waste collected.

Broadly there is a correlation between the number of reports and the total number of fly tips attended leading to a Fly Capture form being completed. The difference between the two figures are cases found by crews as they travel around the district on their cleansing schedules.

As more than 90% of fly tips attended are cleared by crews, and only a small percentage being referred to other parties, we know that almost all fly tipping waste is collected and therefore will be accurately reflected in the tonnage figures in the graph below.



2.60 This second chart below shows the same data as in the first chart above, but broken down by month to show how the emergence from lockdown has been more problematic for the service than the previous months.



3. OTHER CONSIDERATIONS

None.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 This report is a briefing on levels of fly tipping and enforcement within the district at the present time. This work is funded within mainstream revenue budgets.

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 The Council has four key equality objectives relating to community relations, employment and skills, organisational equalities, culture and equality data. In relation to this report, fly tipping is a serious blight on the environment and can increase community divisions and antisocial behaviour. Proactive action against fly tipping and environmental crime provides a positive response in seeking to reduce antisocial behaviour and stronger relationships within the community.

7.2 Sustainability Implications

- 7.2.1 Where waste is disposed of correctly there is an increased likelihood of improved levels of recycling occurring. The majority of householders are using the correct channels. Waste recovered from fly tipping within the district comprises of an estimated 0.5% to 1% of all waste handled by the authority.

7.3 Greenhouse Gas Emissions Impacts

- 7.3.1 Fly tipping does increase the use of vehicles on the road making unnecessary trips to collect this waste that has been disposed of illegally.
- 7.3.2 There maybe some marginal impact on emissions around the final disposal method, however these are mitigated by Street Cleansing using the same disposal channels that are used by residual waste collection services which see waste go through a treatment plant to recover some of the waste for recycling.

7.4 Community Safety Implications

- 7.4.1 Fly tipping is illegal and has been classified as one of several types of ASB under the Anti Social behaviour Act.

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

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

7.9 Issues Arising From Privacy Impact Assessment

7.9.1 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 Committee continue to receive an annual update on fly tipping and enforcement actions for consideration.

10.2 The the 2021/22 update be scheduled for January 2022 and every year thereafter to allow future briefings to include benchmarking data and trend analysis drawn from DEFRA's annual release which normally occurs in Oct/Nov of each year.

11. Appendices

11.1 None.

12. Background Documents

12.1 Report of the Strategic Director, Place to the meeting of Environment and Waste Management and Scrutiny Committee on 19 December 2017 (Document P) 'Update on fly tipping in the District'.

12.2 Report of the Strategic Director of Place to the meeting of the Regeneration and Environment Overview and Scrutiny Committee on 19 September 2019 (Document J) 'Fly Tipping in the Bradford District'.