

Cabinet – 9 February 2022

Fly-tipping and Littering Enforcement

Portfolio: Councillor Garry Perry – Deputy Leader and Resilient Communities

Related portfolio: Councillor Oliver Butler – Clean and Green

Service: Resilient Communities

Wards: All

Key decision: No

Forward plan: Yes

1. Aim

- 1.1 To further progress the Council's response to fly-tipping and littering as the borough looks to continue to reduce the incidence of fly-tipping and littering and to further reduce its acceptability in Walsall.

2. Summary

- 2.1 This report sets out the progress made over recent years in tackling fly-tipping and littering within Walsall. It looks at the history of the Fly-tipping team, its successes and challenges, including through the COVID-19 pandemic, looks at the future opportunities to further embed Walsall as a cleaner and greener Borough. It is the ambition to provide a best practice and joined-up service to residents across Clean and Green and the Resilient Communities enforcement teams.
- 2.2 The report recognises the benefits of the Resilient Communities approach and working with and listening to communities, but also recognises the role of public sector organisations in enforcement activity, to ensure people guilty of fly-tipping are found and dealt with appropriately.
- 2.3 The recommendations within this report are fully aligned to the Council's priority of, Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion. They are also aligned to the Marmot objective of creating and developing healthy and sustainable communities.

3. Recommendations

- 3.1 That Cabinet acknowledges the considerable efforts through joint working, between the Clean and Green and Resilient Communities teams undertaken to

tackle the issue of fly-tipping, littering and the management of waste in the Borough.

- 3.2 That the work against those that deliberately seek to damage our borough and our environment by fly-tipping and littering, continues to be a high priority for this Council and every effort will be made to find and punish perpetrators.

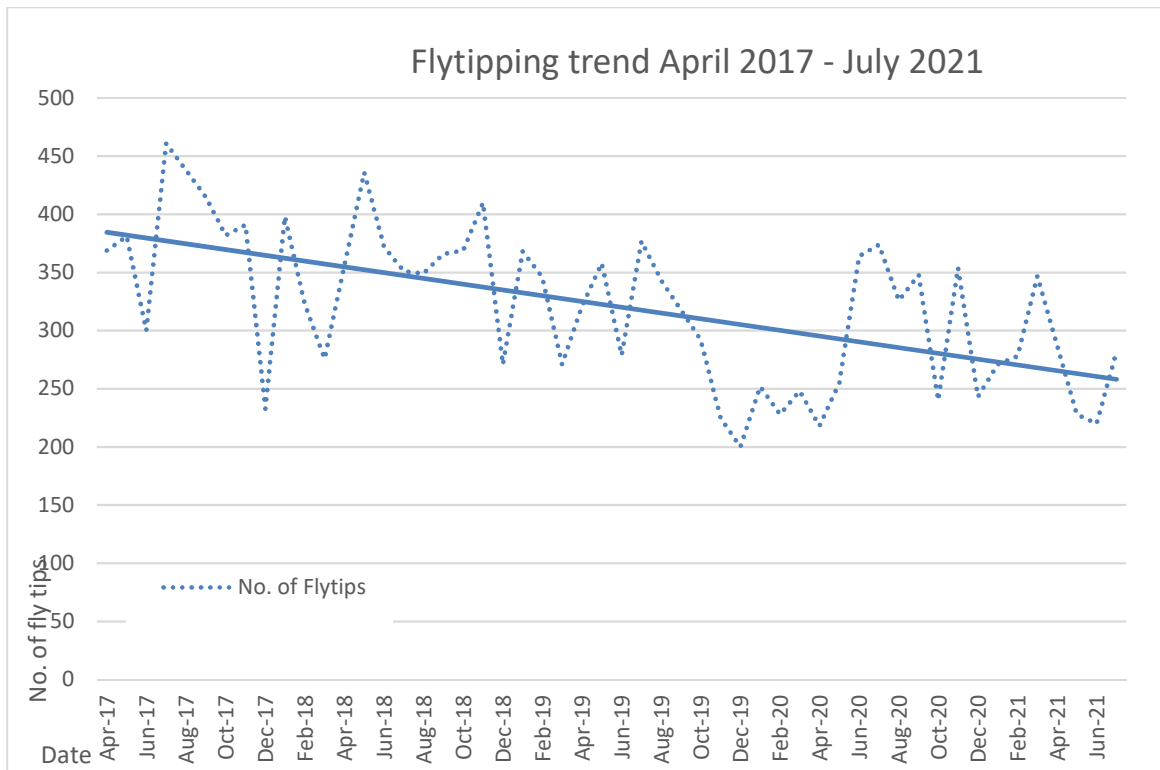
4. Report detail – know

Context

- 4.1 The cost of clearing up fly-tipping in the Borough is in excess of £500,000 per year and has a negative visual impact on the Borough. Cabinet has and will continue to focus on the issue, and will find and punish perpetrators.
- 4.2 The Resilient Communities model approved by Cabinet has continued to provide effective solutions to resident's issues. The model has a focus on personal responsibility and community activity but also includes integrated services and integrated enforcement.



- 4.3 If the balance of our Resilient Communities approach is correct, then effective change can be achieved. In relation to fly-tipping, we know that the vast majority of residents recognise it as unacceptable and many play their part working to keep Walsall a cleaner, greener and safer place. This report recognises the work of individuals and communities, but also recognises the need for strong and visible enforcement.
- 4.4 Overall, the trend for fly-tips on Council land is downwards. The graph below identifies this trend and is reflective of the work carried out, not just on fly-tipping in relation to enforcement, but the great work undertaken by our communities. In particular, mention should be made of the many litter picking groups and individuals who play a key role in making littering unacceptable in Walsall. This work is led effectively through dedicated resource in the Clean and Green team.



4.5 The work of Walsall residents in relation to litter, has been recognised by our communities. Walsall is a cleaner place. The following quotations are from residents of Walsall:-

“Walsall used to be considered the dustbin of the West Midlands but not anymore. The work of the Council’s Fly-tipping teams and the focus on community driven initiatives has changed Walsall. It is a cleaner, greener and better place because of the work of the Council and Walsall residents who are committed to keeping it that way”

“People in Walsall are lucky to have such a clean and green environment. I come from another part of the UK and the streets and parks are far cleaner”

“It’s a shame that the minority, and it is a minority of people feel they can ruin our environment by fly-tipping and littering, I want the Council to do more”

Innovative approaches have been led by Clean and Green and have created a network of litter-picking groups across the Borough, the Walsall Wombles, which at the moment consists of 18 groups. In the year 2021 Walsall Council won the Keep Britain Tidy award for Community Engagement and were also finalists at the LGC awards for the environmental services category.

4.6 Since the introduction of The Resilient Communities model approved by Cabinet has continued to provide effective solutions to resident’s issues. The model has a focus on personal responsibility and community activity, but also includes integrated services and integrated enforcement. If the balance is right then we effective change can be achieved. In relation to fly-tipping, we know that the vast majority of residents recognise it as unacceptable, and many play their part working to keep Walsall a cleaner, greener and safer place. This report recognises

the work of individuals and communities, but also recognises the need for strong and visible enforcement.

- 4.7 When the Community Protection Service was established in April 2016, fly-tipping investigations were mainly allocated to a single officer. The Officer was supported by the CCTV team who provided evidence where requested of footage showing the vehicle being used in the commission of an offence. The officer worked hard to progress the work, and with the support of Clean and Green developed the use of covert cameras to target the largely rural type locations that suffered this type of offence. It was clear that whilst the officer was committed, the scale of the problem within Walsall was large and the additional resources were allocated initially, on a part time basis to create a Fly-tipping team.
- 4.8 The team standardised the work and the resources developed and standardised the processes, the information held and shared about the cases. Work was also undertaken to further develop the work and the tools available to the team to tackle this high profile issue. This work included development of Walsall's Most Wanted, such that the images of offenders could be made public when specific criteria were met. The team also trialled visiting addresses with Police officers who have powers to force an identified suspect to provide their details. This proved successful and led to a prosecution in court, but is hard to replicate and unrealistic to pursue in most instances due to limited police resources. The team seized its first vehicle in April 2019.
- 4.9 The Fly-tipping Operations Group was formed in 2019, and funding was agreed for six re-deployable overt cameras to be deployed specifically to fly-tip hot spots. The cameras continue to be deployed, based on intelligence through the Operations Group and are currently the source of evidence for much of the team's work. Work was also undertaken to improve communication. Five fly-tipping prosecutions were also achieved during this time, and in November 2017, the team issued its first £400 Fixed Penalty Notice (FPN) for Fly-tipping.
- 4.10 Although with three officers spending up to 50% of their time on fly-tipping cases, progress had been made, there was an understandable desire to further progress this work, to increase the outputs and outcomes and to have a greater impact on this high profile issue, that is a significant drain on the borough's resources and a blight on the visual appearance of Walsall. Recognising that although progress made, there was a real desire to achieve more, the dedicated Fly-tipping team was formed in September 2019, and resulted in three full-time officers concentrating solely on this work.
- 4.11 Since the inception of the team, considerable progress has been made. Most notably this is evident in the number of FPNs issued for fly-tipping and littering offences. From April 2020 to March 2021, 32 FPNs were issued (this included a period of reduced activity due to Covid-19), and from April 2021 year to date the number issued is 47. The team also now spend time chasing non-payments, which has significantly improved the numbers paid and overall a payment rate in excess of 75% has been achieved.
- 4.12 The team also trialled the successful use of Section 108 Notices, a power given by the Environment Act 1995, in Walsall and, in January 2020 obtained a successful prosecution against a defendant who had failed to comply with an

investigation, and who had been issued with and then breached a Section 108 Notice. The court fined the individual (including costs and Victim Surcharge) a total of £4,632. This was an individual who had failed to comply with requests for interview and who otherwise may not have been held to account for the offence. The use of the Section 108 notice requires certified evidence of a vehicle keeper from the DVLA, and this proved to be significantly more difficult to obtain during the pandemic. Access to this information has now improved through the use of the NAFN (National Anti-Fraud Network) overnight service and this work will now have renewed focus.

- 4.13 The use of the NAFN overnight service to quickly obtain certified keeper details, has also been used in a successful trial to issue fly-tipping FPNs straight to registered keepers, without interview, or further investigation in certain limited circumstances. The trial was focused on removing the need for interview in straightforward offences, and to move more swiftly to the issue of a FPN. This approach has allowed for a speedier process, the issue of more tickets and the creation of a stronger deterrent effect. It is also the forerunner of FPNs being issued by CCTV officers for straight forward offences. Of the 10 that were issued as part of the trial, 6 were paid, 1 was withdrawn as permission to deposit was proved and 3 remain unpaid and should be considered for prosecution as the next stage of the trial. Although based on a small sample size, this is quite a high success rate and the fly-tipping team now has adopted this approach as part of its routine operation and work processes/instructions have been developed to support this.
- 4.14 The success of the above trial is being used as the basis for work that will increase the number of FPNs issued directly by the CCTV team to pick-up and accelerate some of this work. It is entirely appropriate that the officers who view the footage, are able to follow a relatively simple process and issue FPNs in straightforward cases that meet certain specific criteria. This is more efficient and should speed up the process, freeing up more experienced officers to conduct more detailed and complex investigations. This approach has now been extended to the issue of FPNs for littering, where certain criteria are met. This way of working has also been adopted by the Fly-tipping team in advance of the shift to CCTV taking place. This will allow swifter and more robust action against environmental crime, which will make Walsall a cleaner and greener borough.
- 4.15 In August 2020, the Council's Household Waste Recycling Centres (HWRC) at Fryers Road and Merchants Way were re-opened, with an enhanced service opening seven days per week. These extended hours, seasonally adjusted, are designed to deliver a flexible service to residents and ensure there is no excuse to fly-tip in the Borough. To assist residents there is a live web-cam available through the Council's website, which allows live monitoring of access to the centres. Opening the HWRC sites for seven days per week saw a marginal decrease in the occurrence of fly-tipping, coupled with an increase in tonnages through the HWRC sites, which is considered a positive result.
- 4.16 The Fly-tipping Team since inception, have seized five further vehicles. The most significant instances being in February 2021, when 3 vehicles that had been involved in numerous tips at Rayboulds Bridge were seized with the support of bailiffs. All three vehicles were connected with a specific retail premise in the centre of Walsall. Although, despite extensive investigation the offenders could

not be identified, the vehicles were unclaimed and were disposed of by the authority. Two were sold at auction and one was crushed. This action demonstrated the Council's commitment and the robust approach to the problem of fly-tipping and littering in Walsall. The team have developed excellent working relationships with the bailiffs that supported this work. These connections were also used to implement the seizure of two further vehicles that were involved in fly-tipping, but which were also identified as being untaxed.

- 4.17 Walsall Most Wanted has also been used successfully by the team in a small number of cases. Its use led to the identification of two offenders who otherwise remained unknown to the team. There will be an increased use of Walsall Most Wanted as a key tool in seeking the public's support. This scheme is to be relaunched alongside a further reporting scheme that will allow the public to play its part in the fight against fly-tipping.
- 4.18 In addition to higher level consideration, it is useful and appropriate to highlight specific successes that support our communities. A good example of this is activity to target littering in the Ashtree Road area of Pelsall. The Fly-tipping team has investigated a number of offences that have taken place at the location. This has resulted in the issue of 8 FPNs for littering, 7 of which have to date been paid, with the final one expected to be paid in the near future. Local Authority Support Officers were also tasked with undertaking litter patrols at the location, and a further littering FPN was issued by them. Finally, CCTV evidence from a member of the public led to the issue of a FPN to a resident who deposited bagged waste next to a waste bin on the common. This is a positive response to concerns raised directly by residents, and signage to evidence the work that has been undertaken at this site, and to act as a visible deterrent is now being considered.
- 4.19 The use of evidence provided by the community is an area the team are keen to progress, where appropriate to do so. Recent examples include a case in Birchills, where a FPN was issued and subsequently paid, based on residents' CCTV footage of an individual dragging waste on to a near-by green space.
- 4.20 Other examples of success include an investigation in Caldmore, following a report of an unknown business fly-tipping on a local car park. The investigation resulted in one business owner being interviewed and issued with a warning (the member of staff responsible had left the country), and visits to other local businesses who were advised of the potential penalty for fly-tipping and how to correctly dispose of waste. The fly-tipping at the location has now stopped. An officer from the team also attended an abandoned site in Brownhills, where thousands of tyres had been left after a business had closed down. Information was received that the site was being cleared. Officers attended and were able to work with the owner to ensure that the tyres were being correctly disposed of and were not to end up fly tipped elsewhere in the borough.
- 4.21 Through the Operations Group and the broader work of the group, the team has developed excellent working relationships with internal and external partners. Internally, the team, despite some historic frustrations around communication and perceived lack of activity, now work very closely with colleagues in Clean and Green and CCTV. Externally, the team work with WHG, the Canal and Rivers Trust, the Environment Agency and the Police.

- 4.22 In June 2021, the contract for Local Authority Support Officers transferred from Clean and Green to Community Protection and, continue to conduct litter patrols across the borough. From 6 April 2021 to the end of December 2021, they issued 989 FPNs for litter. Further work is being done to focus this team's efforts on a broad range of activity and locations within the Borough. Their work will involve project work associated with the Safer Streets Programme, approved by Cabinet in October 2021, and there will be a key focus on seeking out those that dump rubbish in bags throughout the Borough.
- 4.23 Although considerable work has been undertaken to deal with fly-tipping and other environmental crimes across the borough, more work needs to be done to tackle this issue, increase the deterrent effect of enforcement activity and to support our communities. This includes further work to allow CCTV operatives to issue FPNs for clear-cut offences, and in doing so, freeing-up more experienced officers to undertake more complex investigations and other work. This work should also include, the greater use of Walsall Most Wanted, the seizure of vehicles as is appropriate and consideration of the civil process for the issue of FPNs to vehicle keepers for littering offences.
- 4.24 The Council has reviewed best practice from around the country. Of particular interest was the work by Newham Council in partnership with Keep Britain Tidy. This work saw a reduction in Fly Tipping of 42% and involved a range of activities including the following:
- a) Crime scene tape – placement of high-visibility tape and stickers on fly tips and leaving these for three days before removal, plus local communications about responsible ways to deal with waste.
 - b) Social impact stencils – stencilling the spots where fly tipping had been cleared, with messages about the fact resources are drawn away from the community when spent on clearing fly tipping, and to show that fly tips haven't just 'disappeared'.
 - c) No waste on streets – installation of specially designed units to 'containerise' and remove from view waste that is put out for collection at a specified time on a busy high street where it tended to attract fly tipping and litter.
 - d) Empowering schools – educating young people in four schools about fly tipping and its impacts.
 - e) Love your ward weekends – pop-up community events including an on-the day collection of bulky waste, as well as educational activities and beautification of the area through resident created murals and planters.

This type of innovative activity will be built into our approach and indeed a project using crime scene tape is already being planned with partners.

- 4.25 Work also needs to be done now to improve and streamline the prosecution process, and increase the number of successful prosecutions. The Fly-tipping team have, in addition to the issue of FPNs and other work, secured 4 prosecutions but this is an area where further work and greater numbers are required.
- 4.26 The work of the Fly-tipping team has been highlighted on several TV programmes and more work will be done on its social media profile. A particular focus of this

work will be the contribution the Council through clean and green and the Fly-tipping team make to creating a best practice model of managing waste within the borough.

- 4.27 The Council has approved the transformation of a new HWRC at Middlemore Lane. This innovative investment will improve the residents experience, will be greener and will create further opportunities for re-cycling.
- 4.28 The Council is obliged under Section 45 of the Environmental Protection Act 1990 (EPA 1990) to collect household waste. Under the Controlled Waste Regulations 2012, the Council can apply a reasonable charge for collecting items that are either in excess of 25kgs, or of an irregular shape or size, which cannot be contained in the standard residual waste bin. Unlike charging for garden waste, the ability to charge for bulky waste is not expected to be changed by the Environment Act 2021. Residents can also transport to the nearest HWRC. In the report to Cabinet in December 2021 regarding Bulky and Garden Waste, it was agreed that “Cabinet approve a trial to determine if there is a demand for a premium bulky waste collection service for any residents who are unhappy with current waiting times for collections”.
- 4.29 Further activities planned include the following:
- a) A relaunch of the public reporting scheme which rewards residents for information that leads to a prosecution.
 - b) Appropriate focus on environmental work through the Safer Streets initiative approved by cabinet in October 2021. The early indications are a desire for more CCTV cameras and enforcement for tackling crime and for identifying fly-tippers and littering.
 - c) Speedier and quicker issuing of Fixed Penalty Notices directly from CCTV footage.
 - d) Increased focus and campaigns in problem areas and greater links with Community groups focusing on environmental initiatives.
 - e) Increased communication through Social Media channels.
 - f) Increased focus on behavioural change as a tool to fight fly-tipping.
 - g) Further work with partners to develop a multi-agency approach to fly-tipping including a fly-tipping summit.
 - h) Continual drive to develop best practice and the use of the work of keep Britain Tidy and the Association of Public service Excellence.

The overall message is that, if you are minded to fly tip and litter in Walsall we will find you and we will fine you, it is unacceptable practice.

Council Corporate Plan priorities

- 4.30 This report focused on the priority, Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion. The Resilient Communities approach works with local residents to understand their priorities, and delivers strength based approaches

where appropriate and efficient and effective integrated services and integrated enforcement as part of the internal focus priority.

- 4.31 Residents will welcome further investment in tackling fly-tipping and littering. They can play a key role in continuing to let the Council know where they have evidence of fly-tipping and littering. This will be re-enforced by the effective partnership working to tackle issues of fly-tipping and littering.

Risk management

- 4.32 The key risk around not tackling fly-tipping effectively is the loss of community support to tackle the issue. Walsall is a cleaner Borough because of the work of Clean and Green teams and community litter pickers. Loss of community support will negatively impact the look of the Borough, and therefore, trust needs to be maintained with our communities and the Council will need to play its part in enforcement.

Financial implications

- 4.33 There is a capital implication to purchase CCTV cameras of £135,000. There is also revenue costs of £79,278 for two new resources to undertake further work to reduce fly-tipping in the area, £2,000 for secure devices to download and transfer footage and there will be ongoing maintenance costs associated with the new CCTV equipment which amount to £4,450 - this element will be found within current budgets.

Revenue costs of £81,278 are to be managed within the draft budget for 2022/23 as part of an investment of £512k earmarked for street cleansing, parks and fly-tipping enforcement. The capital costs are to be funded via the capital investment pipeline fund, following submission of a business case to SIB on 7 February 2022.

Legal implications

- 4.34 The Statutory Powers within this report are correct and should legitimately form a response to the activity of fly-tipping and littering. The Legal team have and will continue to work with the service area to ensure that the interpretation and implementation of these powers are correctly applied.

Procurement implications/social value

- 4.35 There are no procurement implications arising from this report.

Property implications

- 4.36 There are no procurement implications arising from this report.

Health and wellbeing implications

- 4.37 The work of the Fly-tipping team and the recommendations in this report are aligned to the Marmot Objective, create and develop healthy and sustainable communities. The issue of fly-tipping and fly-tipping enforcement is consistent in conversations with communities. The blight of a fly-tip on green space, and in the community, has a negative impact on the creation of a healthy and sustainable community. It makes it less likely that green space will be used and creates a

negative view of the Town and a negative impact on health and wellbeing implications.

Staffing implications

- 4.38 There are no HR implications arising from this report.

Reducing Inequalities

- 4.39 An EQIA will be kept in relation to work around fly-tipping and in particular the further work going forward including behavioural change.

Knowledge and consideration of local demographics are key in identifying any possible correlation between fly-tipping and a particular group or people. Language may be a barrier to understanding communications for some people, including those whose first language is not English. Any communications, products and services designed will be inclusive and accessible.

Some key considerations are:

Age - Evidence suggests that younger people may litter more and are more willing to admit to littering. However, it is also likely that they are more concerned about fly-tipping and could experience a greater benefit from a reduction in litter and fly-tipping.

Sex - Evidence also suggests that women have stronger anti-littering attitudes than men, and that men drop slightly more litter than women do. However, this does not mean that there is any potential impact for this protected characteristic.

Disability - There is a link between disability and poverty and, it is possible that disabled people may live in more deprived areas. If fly-tipping is reported in these areas, it may be a potential consideration.

5. Decide

- 5.1 The Council could do nothing further in relation to furthering the campaign against fly-tipping and littering however this would only lead to increased clear up costs and decreased community confidence. The commitment from the Council to further reduce fly-tipping and littering will increase public confidence that the Council are tackling the issue. It is expected that this will further energise our communities to support a resilient communities approach to the issue.

6 Respond

- 6.1 An updated action plan will be prepared to support the further implementation of the Council's fly-tipping response. The work will be monitored through the Fly-tipping Operational Group.

7. Review

- 7.1 A further update report will be prepared for Cabinet in six months.

Background papers

None.

Author

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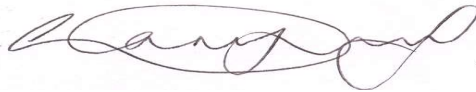
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Signatures



Simon Neilson
Executive Director

1 February 2022



Councillor Perry
Portfolio holder

1 February 2022