

**27 February 2024**

**Fly Tipping Enforcement and Activity report**

**Ward(s): All**

**Portfolios: Resilient Communities**

**1. Aim**

Walsall Council has statutory responsibilities under the Environmental Protection Act 1990 to ensure that the appropriate collection and disposal of waste generated or deposited in its area is undertaken. The illegal depositing of waste on land or 'fly tipping' as it is more commonly known, is dealt with primarily by the place and environment operations team who collect and dispose of the waste and the community protection team, who take enforcement action against those carrying out the illegal depositing or storage of waste. The Environment Agency also have certain responsibilities around large-scale fly tips, illegal waste treatment or storage centres and tackling organised crime groups involved in the waste industry. Dealing with fly tipping is a priority for the administration and they have given their full support to tackling the issue moving forward.

**2. Recommendations**

2.1 That the Economy & Environment Overview and Scrutiny Committee note the action being taken by the council and its partners to tackling fly tipping and other waste related issues in the borough.

**3. Report detail – know**

3.1 Fly tipping is an offence regardless of whose land it is deposited on and therefore close cooperation between council services and partners is needed to ensure.

- Fly tipping on council land is cleared quickly and efficiently, preserving evidence of who has tipped it wherever possible.
- Council assets such as CCTV are deployed in the most efficient way and in the highest priority areas.
- Fly tipping on private land is referred quickly and efficiently to enforcement officers who will then notify the landowner that clearance is needed. Where landowners delay or refuse to remove the waste the enforcement staff take appropriate enforcement action to require its removal. They also attempt wherever possible to preserve evidence of who may have tipped to try and secure a conviction.

3.2 Whilst each service has its specific role to play in dealing with incidents of fly tipping, the majority of reports tend to be filtered through the contact centre to ensure the complaints are sent to the correct team in a timely fashion.

3.3 Community protection receive details of waste accumulations on all land within the borough, assess the size, severity and risk posed by the fly tipped materials and liaise or enforce against landowners and those responsible for tipping the waste to ensure as far as reasonably practical the waste is removed. The staff create letters, fixed penalty notices, statutory enforcement notices and prosecution files and liaise with legal services to ensure cases are brought before the court successfully. Waste enforcement accounts for around 30% of community protections workload.

3.4 The operations team aim to remove fly tipping within five working days of receiving the report. The report can be made via an online form at the following link <https://myaccount.walsall.gov.uk/flytip/> or by contacting the council at [flytipping@walsall.gov.uk](mailto:flytipping@walsall.gov.uk) or via the 01922 653355 phone number.

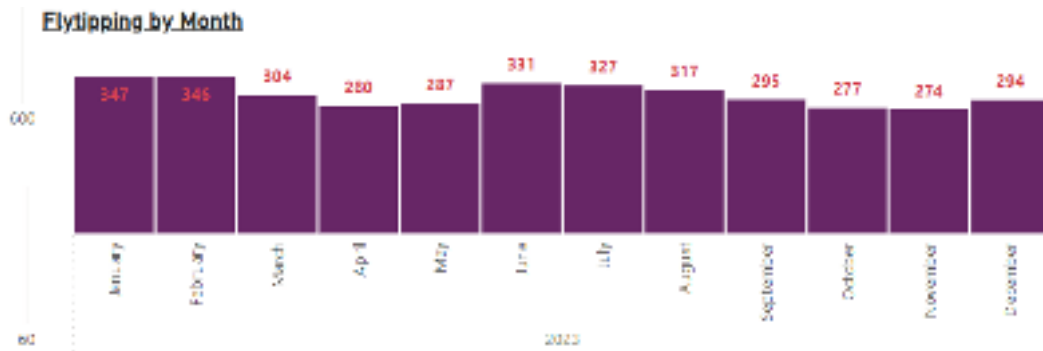
3.5 The community safety team contribute through:

- the locality tasking officer who helps bring partners together to tackle issues which are having a detrimental effect on communities. There have been several occasions where this officer has helped coordinate fly tipping in hot spot fly tipping locations such as Dalkeith Street, Miner Street and current targets including Bradford Lane and Stafford Street.
- the CCTV team who plays a significant role in identifying fly tips and providing footage of vehicles and individuals involved in incidents. The service primarily uses overt lighting column mounted cameras however there are smaller more discreet covert cameras available which can be deployed for example in laybys. The deployment of these is a little harder as they need to be fitted at unsocial hours and 'camouflaged' as many have been stolen and damaged.

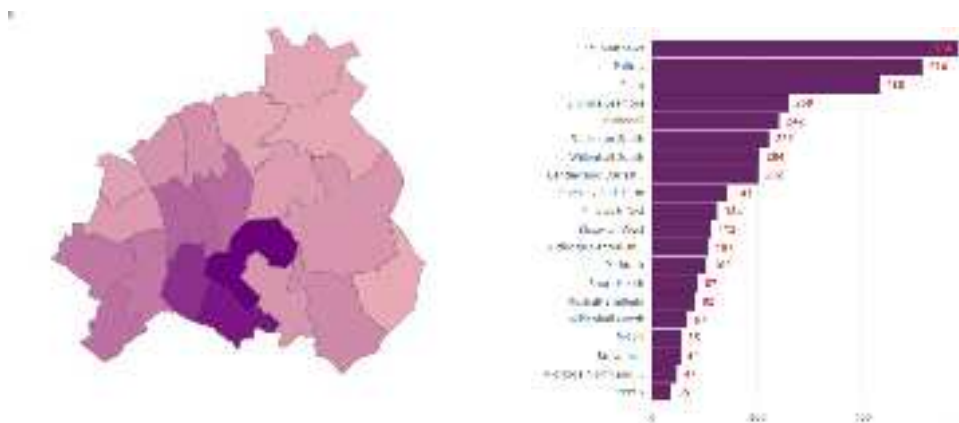
3.6 The graph below shows overall a reduction in the number of reports received by community protection over a four-year period. Waste complaints relate to waste accumulated in the curtilage of domestic or commercial properties. The emphasis in this scenario is on removal of health hazards and civil recovery of debt if the council carries out work in default of a statutory notice.



3.7 The operations team have significantly more reports directed to them regarding fly tipping, side waste and other accumulations on council property. Their figures from 2023 show that the new year period and summer period see peaks in demand but overall, the levels are consistent for most of the year.



3.8 A heat map of the borough shows where the greatest issues exist with regard to fly tipping in terms of frequency of tips. This may be attributable to much of the high density 'old fashioned' terraced streets of the south and southwest where there are also high levels of deprivation, perhaps a lack of local pride in some instances and lack of capacity to deal with the amount of waste generated by properties with high occupation. Initiatives carried out in some of these areas showed a dependency on the council to clear waste and that changing this attitude can be very difficult.



**Environmental crime scene initiative**

3.9 The environmental crime scene Initiative is a significant piece of work which started in Palfrey where short-term funding was received to kick start the project but has had good success and therefore been rolled out to other local areas. When an incident of fly tipping is reported, the operations team visit the site, secure the waste with 'crime scene' tape, place anti-fly tipping posts and pavement stencils around the accumulation. This highlights to local persons that fly tipping is a crime and not to be tolerated. It has been particularly satisfying when fly tips have been removed by the perpetrator negating the need for the council to remove and dispose of the waste. Walsall Housing Group have also started taking this approach with the fly tip showing a unified approach. A good description of the work can be found at this [link](#).

3.10 This initiative also made a major contribution to a piece of locality tasking work carried out in June 2023, when staff from community protection, community

safety, operations, West Midlands Police, housing standards, Accord Housing, NASHDOM and Walsall Connected collaborated on a multi-agency day on Dalkeith Street and Miner Street. The aims of the day were to connect with residents, provide education on disposing of waste safely, share information on legal housing standards and support residents to become digitally connected.



- 3.11 The community were happy to support the initiative in order to keep their streets clean and locate the offenders. On the day fourteen warnings were issued by the community protection team, with only four requiring follow up action. Thirteen environmental crime scenes were set up by the clean and green team, 90% of which were removed by the offenders. Also, four households applied for bigger bins due to having larger families and being unaware of this option previously.
- 3.12 Community protection staff also seized a vehicle from Dalkeith Street which had been involved in fly tipping locally. The owners came forward to claim the vehicle and were issued with fixed penalty notices the press coverage is at the link below.  
<https://go.walsall.gov.uk/newsroom/walsall-council-officials-seize-another-fly-tipping-vehicle>
- 3.13 All professionals agreed that letters issued to residents and landlords in the weeks leading up to the day, meant that both streets were already in an improved state. The removal of clothing banks which attracted fly-tipping and boarding of the area on Dalkeith Street also contributed to the outcomes. Dalkeith has since maintained a good level of cleanliness with Miner Street requiring more ongoing work.

#### ***Side waste and contamination***

- 3.14 In Walsall Borough residents are currently allocated three bins. Each household is issued: A 140ltr grey general waste, 240ltr green recycling bin and a 240ltr brown garden waste bin.
- 3.15 The environmental crime scene team work closely with community protection in identifying those households where contaminated waste bins may be causing an excess to the waste being presented for collection. Where households have an excess waste issue the residents will put their black bags/waste next to the household bin, therefore causing side waste issue.

- 3.16 The teams work together by speaking with residents and explaining to them the use of the bins and how to manage their waste more effectively to ensure that there is not an excess for collection. In some cases, the team will assist the householder to apply for a larger bin capacity which they are eligible for but may not have realised this. Please see the link for details around eligibility for residents requiring a larger waste capacity.

<https://myaccount.walsall.gov.uk/bigger-bin/>.

### **Enforcement**

- 3.17 The leader, portfolio holders, and cabinet wish to see a strong line taken against those who fly tip and cost taxpayers and the council significant amounts of money which could be better spent elsewhere. To this end they pledged to invest in five new staff within community protection to be used to patrol hot spot locations around the borough and target environmental crime and anti-social behaviour.
- 3.18 Whilst enforcement on its own cannot solve the problem of fly tipping it is a significant tool to show residents and businesses that there are real consequences for fly tipping.

Since January 2023 the following enforcement actions have taken place:

- 1 car seized for fly tipping offences (Dalkeith Street – owners fined)
- 2 commercial vehicles previously seized were not claimed and were therefore crushed as an example of zero tolerance to fly tipping. The link to the press coverage is here.
- £500 reward offered to anyone who could locate and identify a vehicle used for large scale tipping in Willenhall.
- 73 legal notices served on property owners requiring them to remove waste from their land. The rate of compliance with works required in notices is around 70%
- 22 fixed penalty notices (£400) served on individuals for fly tipping waste in the borough following images being captured on CCTV. The payment rate for FPNs is 95%.
- 609 litter fixed penalty notices (£150) served on individuals by the CCTV team. The payment rate for FPNs is 68%.
- 12 litter prosecutions have been brought before the court, seven have been successfully concluded and 5 are awaiting a court hearing. The seven successful cases resulted in fines of £6357.78 which is around £900 per offender.
- 5 fly tipping prosecutions concluded:
  - 22 February 2023 Mr Michael Evans was prosecuted for fly-tipping and was issued with fines and costs of £455.80 and was made subject to a conditional discharge for 6 months.
  - 7 June 2023 James Lashley was prosecuted for fly-tipping and was issued with fines and costs of £1097.30.
  - 9 August 2023 Saifullah Khan of West Bromwich was prosecuted for fly-tipping and was issued with fines and costs of £2821.63.
  - 25 October 2023, Mohammed Khan was prosecuted for fly-tipping and was issued with fines and costs of £928.

- 14 February 2024 Robert Andruskiewicz was prosecuted for fly tipping a fridge in Darlaston and received a Community Order for 12 months:
  - 100 hours of unpaid work
  - Disqualified from driving for a period of 6 months
  - Fine of £100
  - VSC £95
  - COSTS £899 to Walsall Council

3.19 Some of the challenges that staff have encountered and can hamper or delay enforcement activity include:

- No witness to the fly tipping, no evidence at the scene and no CCTV nearby.
- Vehicles on false plates.
- Vehicles with no registered keeper.
- Incidents where the alleged offender did not live at the address given.
- Incidents where no one was able to identify the person involved.

### **CCTV**

3.20 The CCTV team manage the majority of the councils CCTV cameras particularly with regard to the prevention and detection of crime, disorder and public safety.

- There are presently 104 cameras deployed in fixed high priority locations around the borough and which are not available to be redeployed.
- There are 112 cameras which are available for redeployment around the borough to tackle ASB, fly tipping and littering.

3.21 Requests to install cameras are sent to the CCTV team usually via Walsall Police or the Community Safety and Enforcement management team. The deployments are intelligence and evidence led for example where asb/disorder is escalating, is intensifying or where there is information which suggests incidents are likely to occur in the near future.

3.22 The CCTV cameras are overt i.e. they are in plain view and not 'hidden' from the public and/or signage is erected to notify the public that CCTV is in operation in the area. Where directed surveillance is required for example the use of covert cameras to record a specified individual(s) then judicial approval would be required through the Regulation of Investigatory Powers Act 2000 and this is a much rarer process which the service has not needed to undertake for a couple of years.

3.23 The administration has committed £200,000 to invest into the councils CCTV resource. An audit of the council's capability has been undertaken recently and has identified what additional cameras are needed and where they can be deployed to best effect across all of Walsall. Elected members may request information as to the locations of cameras in their ward by contacting the CCTV team directly or request deployment of a camera to a hot spot location through the neighbourhood police team or by liaising with community protection on the evidence to support the request.

3.24 Conversations are underway to agree a process by which evidence from CCTV owned and managed by WHG can be secured and supplied to the council so that fly tippers and litterers caught by their cameras can also be brought to justice.

## **4. Financial information**

- 4.1 The annual direct cost of illegally deposited waste from Walsall streets is around £500,000. There are other indirect costs associated with waste clearance and enforcement too, including the pro rata time of contact centre staff, management within relevant teams, environmental operatives, enforcement staff, solicitors and finance officers.
- 4.2 Income derived from issuing FPNs should be invested back into those services tackling environmental crimes. In the final quarter of 2023/4 and into 2024/5 work with finance will take place to identify income 'targets' and how receipts from fixed penalties can be used positively. The environmental crime scene project is one such example of a project that needs continuing investment if it is to continue.

## **5. Reducing Inequalities**

- 5.1 Fly tipping can affect deprived areas more than more affluent areas and further exacerbate inequalities in communities. Affluent areas particularly near the countryside do tend to see a lot of fly tipping particularly large tips from commercial vehicles as there is more cover for them to operate in privacy.
- 5.2 Language barriers for residents do cause issues as residents are unable to communicate effectively with staff or understand what they are required to do. A way to offer effective communication for all would need to be looked at via the website, leaflets or possibly QR codes to help residents access the information that is relevant to them.

## **6. Decide**

- 6.1 Key strategies used to tackle fly tipping in the borough are set out below:
- **Enhanced Enforcement:** The council work closely with local law enforcement agencies, waste management teams, and community protection officers to strengthen enforcement against environmental crimes. This will include increased surveillance, intelligence-gathering, and prosecution of offenders.
  - **Community Engagement:** recognising the importance of community involvement in combating environmental crimes. The project will aim to raise public awareness through various campaigns, workshops, and educational programs. Additionally, the council will encourage residents to report suspicious activities and provide them with avenues to safely dispose of waste.
  - **Prompt Response and Cleanup:** prioritising swift response and cleanup of environmental crime scenes to minimize their negative impact. This will involve coordinated efforts between waste management teams, enforcement agencies, and relevant authorities to ensure that affected areas are promptly restored.
- 6.2 Challenges and issues to be addressed in the next 12 months include:

- A decision for cabinet on the financial level to set fixed penalty notices at following changes to legislation raising the upper limits of littering from £150 to £500 and fly tipping from £400 to £1000.
- How to effectively deal with waste tipped on unregistered land.
- A formalised and agreed process for waste left by residents at the side of their bins for collection.
- Whether to provide larger bins in certain areas of the borough.
- Whether delegating social landlords such as WHG to issue fixed penalty notices on tenants for litter or fly tipping could be arranged and effectively managed. The council would remain holding the 'risk' and cost in terms of prosecution/enforcement if the FPN is not paid.
- Review of CCTV, other cameras and partner cameras to ensure they are being used to best effect.
- Positive use of income generated by FPNs to carry out projects.

6.3 The committee may wish to comment on which areas should be prioritised, other areas of work, or suggest a different approach to how the authority deals with fly tipping. As described the current balanced response taken to fly tipping includes localised initiatives in hot spot areas, deployment of CCTV to best effect and appropriate use of enforcement powers to punish non-compliance and deliberate offences. The lessons learned through this balanced approach during 2023 and the connections made with partners such as WHG and other social landlords, community groups and neighbourhood police will lead to even better outcomes in the year ahead if this area of work continues to be prioritised by the authority.

## 7. Respond

Any recommendations made by the committee will be fed back to the fly tipping working group who organise the interventions around this subject. Feedback on the success of the operations conducted during 2024 can be fed back to committee at a future date to be determined if that is required.

## 8. Review

At an operational level there is a partnership working group who look at fly tipping issues specifically but also a North Walsall and a South Walsall Locality Tasking meeting where partners come together to discuss issues of concern. Fly tipping nuisance can feature on their agenda for liaison or referral to the fly tipping working group as appropriate.

### Background papers

None

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