

**NEIGHBOURHOODS
SCRUTINY AND PERFORMANCE PANEL**

**Agenda Item
No. 5**

13 October 2014

Parliamentary Inquiry into Litter and Fly-tipping

Ward(s) All

Portfolio: Cllr Jeavons - Environment and Transport

Executive Summary:

The purpose of this report is to inform Scrutiny Panel that council's are being urged by the Communities and Local Government Select Committee (CLGSC) to take part in a parliamentary inquiry into litter and fly-tipping. The CLGSC is particularly interested in evidence from local authority scrutiny committees regarding the issue in their area. Written submissions are required and should state how significant a problem litter and fly-tipping is, and whether current government policies are adequate and give local authorities enough autonomy to tackle the problem in local communities.

Reason for scrutiny:

To inform the panel of the requirements of the inquiry and the key points to address in the written submission, as shown below:

- What problems do litter and fly-tipping create for local communities – is the situation improving or deteriorating?
- How effective are the actions of those responsible for managing waste in tackling litter and fly-tipping in the local environment? What more should local councils, the Environment Agency, and government-funded bodies such as the Waste and Resources Action Programme (WRAP) do?
- Does the current statute, regulation and guidance set an effective framework to minimise litter and fly-tipping? What, if any, further changes are required?

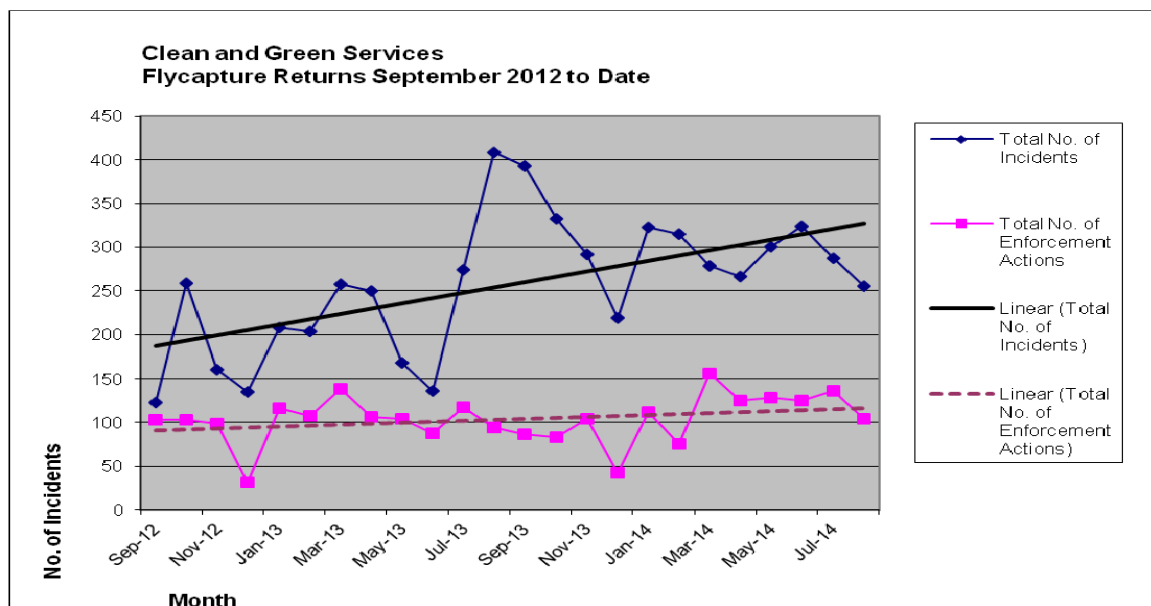
Walsall's Response:

How significant a problem is litter and fly-tipping?

Litter and fly-tipping is an ongoing problem in Walsall. Litter removal is done by a mixture of manual and mechanical means with the frequency of litter picking and sweeping varying from fortnightly to several times a day in Walsall town centre. Areas where littering is a particular problem, such as shopping precincts, are cleansed more frequently to ensure the area is maintained at an acceptable standard. Known fly tipping hot spots are patrolled regularly and any rubbish removed. Other fly tipping is dealt with on an ad-hoc basis with most incidents being removed within two working days. Enforcement action and surveillance is undertaken at the known hot spots.

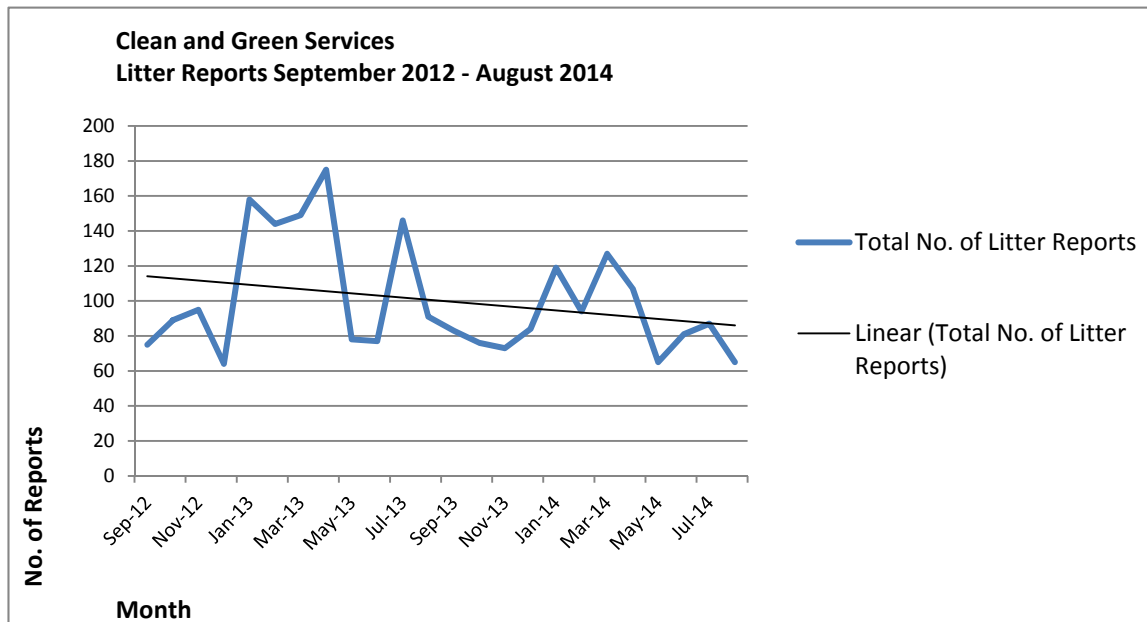
Data shows that from September 2012 to August 2014 the number of fly tipping incidents in Walsall has been increasing, while the number of litter reports has been decreasing.

Figure 1



In 2012/13 there was an average of 172 fly tipping incidents per month. In 2013/14 this increased to an average of 282 incidents per month. In September 2013 legislation changed regarding the disposal of fridges. This led to a substantial number of fridges being fly tipped, which is reflected in Figure 1.

Figure 2



In 2012/13 there was an average of 111 litter reports per month. In 2013/14 this decreased to an average of 88 litter reports per month. Larger numbers of reports appear to be received during January to March and again in July. The apparent decrease in litter reports is attributed to changes in street cleansing regimes that were implemented during this period.

The annual street cleansing budget in Walsall is c. £2m. In 2013/14 the cost estimated by Flycapture (the national flytipping database) to investigate and remove flytipping in Walsall was c. £250k.

Are current government policies adequate and give local authorities enough autonomy to tackle the problem in local communities?

The current legislation available to Local Authorities is generally sufficient to allow offences to be brought against persons responsible for fly tipping. As with all criminal matters proving an offence beyond all reasonable doubt proves a challenge for Local Authorities. Residents have concerns about acting as witnesses which often prevent cases progressing. Reliance on CCTV whilst effective in some circumstances does not automatically lead to prosecution due to problems in identification of the offender or difficulties in tying an individual to a vehicle. Being the registered keeper of a vehicle (and possibly the person in charge of said vehicle) may not in itself be sufficient to bring a case beyond reasonable doubt, particularly in communities/families where vehicles

are often shared, borrowed or lent to others.

Fly tipping incidents can range from a couple of bags of waste to industrial level tipping of many tonnes yet the penalty in law remains the same. Using litter FPN's or fines for small scale fly tips may be possible i.e. one bag of waste however the intermediary level of several bags doesn't easily fit litter but the threat of a £50,000 fine or imprisonment could be deemed excessive.

Experience of Court (and acknowledging recent guidance/penalty changes may help address this) is that Magistrates may feel cases are significant enough to escalate to Crown Court for sentencing. Crown Court however may feel the offence is less significant than some of the other cases they are generally hearing and therefore impose a nominal penalty potentially less than would have been imposed at Magistrates level.

Local Authority Officers are not Police Officers and cannot detain suspects or stop vehicles in transit etc. Officers are reliant on cooperation from suspects to attend interviews or admit their wrongdoing. Prima Facie cases can be attempted without such interaction however can fail at the Court stage or before if matters come to light the Council was not previously made aware of.

The amount of intelligence available to councils is limited often to DVLA, Council tax and tenancy records. Access to PNC and good cooperation with local police forces is vital to ensure all lines of enquiry are adequately followed. For example DVLA can tell the registered keeper of a vehicle. Through PNC the insured to drive can be identified as well as any intelligence about the vehicle being stopped or involved in other offences. This may identify an individual other than the keeper. Liaison with local police forces is unfortunately inconsistent, the polices priorities for action may not be focused on fly tipping and therefore the level of response and cooperation may not be as well developed as it needs to be.

What problems do litter and fly-tipping create for local communities – is the situation improving or deteriorating?

Litter and fly-tipping poses a threat to humans and wildlife, damages the environment, and spoils the enjoyment of our towns and countryside. Areas subject to repeated littering and fly-tipping may suffer declining property prices and local businesses may suffer as people stay away. Pest infestations ranging from rats and mice to flies and foxes can be caused or exacerbated by piles of waste even if left for a relatively short period of time.

Litter and fly tipping have been identified as signal crimes - precursors to greater levels of crime where the physical state of an area leads to increasing crime levels. Criminals may identify an area that is poorly kept as having poor social cohesion and therefore vulnerable to robbery/burglary etc. Certainly where litter and fly tipping and for that matter graffiti and fly posting remain this often leads to more incidents of the same and a

quicker and steadier decline in standards.

Fly tipping undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

How effective are the actions of those responsible for managing waste in tackling litter and fly-tipping in the local environment?

Walsall currently provides the following:

- Weekly residual household waste collection, fortnightly recycling collection and seasonal garden waste collection all with a closed lid policy in an attempt to reduce litter.
- 2 x Household Waste Recycling Centre's (HWRC's).
- Bulky waste collection service.
- Trade waste collection service.
- Re-active clearance of fly tipping and litter within 2 days.
- Daily cleaning of town and district centres.
- Daily cleaning of other busy shopping areas.
- Sufficient litter bins on street and in parks, emptied daily in known hot spots.
- Whole borough zoned and cleaned at least once a fortnight.
- Community Clean up days – undertaken by the Council but supported or sponsored by local Housing Providers and Area Partnerships to clean communal/public areas and rear yards and gardens.
- Education in schools and support for the eco-schools programme.
- Information available via website and leaflets.
- Text message service for ease of reporting incidents.
- Businesses visited as part of regulatory controls such as Food Safety questioned over waste contracts and where none are available businesses are required to provide evidence they have made adequate arrangements.
- Reward scheme (£100) in place for those who are willing to provide information on fly tippers that secures a conviction in Court.
- CCTV and individual covert cameras in known fly tipping hotspots in an attempt to identify and prosecute offenders.
- 10 prosecutions taken in the last 4 years for waste offences such as fly tipping and duty of care. Six litter prosecutions in the same time period. 455 enforcement notices including land owners required to cleanse their land of waste, litter FPN's, failure to have a waste contract/receptacle etc.

What more should local councils, the Environment Agency, and government-funded bodies such as the Waste and Resources Action Programme (WRAP) do?

- Improve awareness of legal responsibilities regarding duty of care for householders. Make it clear that they are required to do all they can to ensure that their waste is disposed of properly by those they pay to take it away.
- To be more strategic and responsive over changes in policy and procedure both

at the local and national level so it is acknowledged that reduction or changes may cause additional fly tipping/waste issues and for the response to that to be effectively resourced.

- Provide incentives / facilities / information to help small businesses dispose of their waste correctly.
- More publicity campaigns / education (littering).
- There is a decreasing level of staff specialising in enforcement in Local Authorities. Therefore there is a need to adopt a multi agency approach to identifying hot spots and dealing more quickly and efficiently with fly tippers eg. sharing intelligence and resources, stopping and inspecting suspicious vehicles involving Driver and Vehicle Standards Agency (DVSA), Police, Housing Providers and Environment Agency.
- Improve waste carrier licensing system and duty of care compliance. Introduce a system where vehicles registered to carry waste must display an identifiable disc or plate.
- Develop a joint working group with neighbouring authorities to share information about rogue operators and known offenders.
- Encourage the use of Mobile Apps to report fly tipping. These allow the user to photograph the fly tip and automatically record the location of the incident, sending a report to the relevant local authority.
- Publicising penalties for fly tipping and successful prosecutions.
- Potential investment in preventative measures so that known hotspots become less attractive e.g. more difficult to access, better lighting and visibility etc.

Does the current statute, regulation and guidance set an effective framework to minimise litter and fly-tipping? What, if any, further changes are required?

- Revoke waste carriers registration for those that repeatedly flout the waste carrier legislation rules.
- Introduce a fixed penalty system as a means for dealing with smaller instances of fly tipping.
- Increase fines and sentences to provide a sufficient deterrent for serious, persistent or organised waste crime.
- People/businesses fly tip or allow others to fly tip for them because they perceive it is difficult or costly to get rid of the waste they generate. Changes in local waste collection/street cleansing, charging for services or reduced opening hours at HWRC sites will almost inevitably lead to greater levels of rogue operators tipping or residents/businesses tipping themselves.
- The main barrier to more effective enforcement is the ability to gather sufficient evidence and to quickly identify and challenge/interview potential offenders. As previously stated Local Government Officers are not Police Officers and are reliant on the cooperation of offenders to bring successful cases.

Recommendation:

That, subject to any comments and amendments Members may wish to make, the above information is submitted to CLGSC as Walsall's response to the inquiry.

Background papers:

None

Resource and legal considerations:

None

Citizen impact:

None

Environmental impact:

None

Performance management:

None

Equality Implications:

None

Consultation:

Public Protection / Clean and Green Services have produced this report

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