

<b>Report of:</b>	<b>Cabinet Member for Environment</b>
<b>To:</b>	<b>Housing and Neighbourhoods Overview and Scrutiny Committee</b>
<b>Date:</b>	<b>12 January 2023</b>

## **Progress Report on Implementation: Reducing Fly-tipping**

### **Review Information**

Date approved at City Council:	2 <sup>nd</sup> February 2021
Member who led the original review:	Cllr Penny Holbrook
Lead Officer for the review:	Emma Williamson
Date progress last tracked:	10 March 2021

1. In approving this Review the City Council asked me, as the appropriate Cabinet Member, to report on progress towards these recommendations to this Overview and Scrutiny Committee.
2. Details of progress with the remaining recommendations are shown in Appendix 2.
3. Members are therefore asked to consider progress against the recommendations and give their view as to how progress is categorized for each.

### **Appendices**

<b>1</b>	<b>Scrutiny Office guidance on the tracking process</b>
<b>2</b>	<b>Recommendations you are tracking today</b>
<b>3</b>	<b>Recommendations tracked previously and concluded</b>

### **For more information about this report, please contact**

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## Appendix 1: The Tracking Process

In making its assessment, the Committee may wish to consider:

- What progress/ key actions have been made against each recommendation?
- Are these actions pertinent to the measures required in the recommendation?
- Have the actions been undertaken within the time scale allocated?
- Are there any matters in the recommendation where progress is outstanding?
- Is the Committee satisfied that sufficient progress has been made and that the recommendation has been achieved?

Category	Criteria
<b>1: Achieved (Fully)</b>	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
<b>2: Achieved (Late)</b>	The evidence provided shows that the recommendation has been fully implemented but not within the timescale specified.
<b>3: Not Achieved (Progress Made)</b>	The evidence provided shows that the recommendation has not been fully achieved, but there has been significant progress made towards full achievement. <b>An anticipated date by which the recommendation is expected to become achieved must be advised.</b>
<b>4: Not Achieved (Obstacle)</b>	The evidence provided shows that the recommendation has not been fully achieved, but all possible action has been taken. Outstanding actions are prevented by obstacles beyond the control of the Council (such as passage of enabling legislation).
<b>5: Not Achieved (Insufficient Progress)</b>	The evidence provided shows that the recommendation has not been fully achieved and there has been insufficient progress made towards full achievement. <b>An anticipated date by which the recommendation is expected to become achieved must be advised.</b>
<b>6: In Progress</b>	It is not appropriate to monitor achievement of the recommendation at this time because the timescale specified has not yet expired.



## Appendix 2: Progress with Recommendations

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R01	"Naming and shaming" should be introduced in Birmingham, backed up by investment in mobile CCTV cameras. The Cabinet Member is asked to report back on a timescale for implementation to the Housing and Neighbourhoods O&S Committee.	Cabinet Member, Street Scene and Parks	March 2021	4 12 January 2023
<b>Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')</b>				
<p>25 March 2021 Implementation of the recommendation requires the council to have in place a fair and transparent process and policy for processing CCTV imagery and officers from Legal Services, Corporate Information and Waste Enforcement are progressing the development of this. The primary purpose of mobile cctv is preventing, apprehending or detecting offending. It is anticipated that consideration under the framework of the Regulation and Enforcement Division's Enforcement Policy will be necessary. (<u>May/June 2021</u>, subject to agreement through the Licensing and Public Protection Committee).</p> <p>8 July 2021 Following legal advice, a report will be taken to Cabinet in July seeking approval to consult on a draft policy framework covering the Publicising Fly-tipping and Environmental Crime Cases. Following this a decision report will be brought back to Cabinet for approval and implementation. The City already has a number of cameras in operation for targeted fly tip locations and resources have been released for an additional 10 cameras.</p> <p>11 November 2021 A Cabinet report seeking approval to consult on Publicising Fly-tipping and Environmental Crime Cases Policy was submitted and approved on 27 July 2021. Consultation was concluded demonstrating overwhelming support, final policy and operational procedures are being drafted for approval by the Cabinet Member for Street Scene and Parks. Cameras are ready to be installed on 8 November at 2 hotspot locations.</p> <p>17 February 2022 The Cabinet Member for Street Scene and Parks approved the report and accompanying policy on Publicising Fly-tipping and Environmental Crime Cases on 6 January 2022. Cameras have been installed and evidence of any fly-tipping will be gathered and publicised in accordance with the approved policy.</p> <p>10 March 2022 Following a request from Committee for information on the spread of camera locations across the city the Cabinet Member for Street Scene and Parks confirmed camera locations/sites have been determined based on reports from officers and analysis of fly-tipping and other data available to the service. Current camera locations are Small Heath; North Edgbaston (2 sites); Ward End and Alum Rock, with the Lozells; Holyhead; Yardley West &amp; Stechford; Small Heath; Balsall Heath West and Soho &amp; Jewellery Quarter wards scheduled for installation over coming weeks.</p> <p>10 November 2022 Cameras have continued to be deployed at fly tipping hot spots throughout the year. The first Grime Watch video was released on 17 March highlighting those perpetrators engaged in environmental crime, it was viewed more than 2,000 times. A second episode is due to be released shortly. Whilst the requirements of this recommendation have, in our opinion, now been met, the Waste Management Service would welcome the opportunity to engage with this Committee further as part of our continual review of the name and shame scheme.</p> <p>12th January 2023 The second of the grime watch episodes was released on 17th November 2022.</p>				

Since the introduction of the Fly Tipping report 10 new mobile cameras have been purchased and deployed. A further 10 have been ordered and will be deployed as they are delivered. Link officers have been identified to work across the City Council where other CCTV cameras are in operation.

Cameras have been deployed in the following Wards

- Balsall Heath West
- Handsworth Wood (x2)
- Weoley & Selly Oak
- Billesley
- Soho & Jewellery Quarter
- Glebe Farm & Tile Cross
- Bordesley Green

For 2021/2022 the Waste Enforcement Team have processed the following cases.

**CASES FINALISED BY LEGISLATION 2021/22**

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY
Environmental Protection Act 1990					
Section 33***** (Fly-tipping)	35	57	£19,312	£19,967	Absolute Discharge, 18mth imprisonment suspended 18ths, 15 rehabilitation, 4 mth tag, 12 mth community order, 100 hrs community service
Section 34 (Duty of Care)	2	2	£500	£585	

There are discussions ongoing to look at a further 20 cameras that are battery/solar powered. These operate on a different platform and use analytics to monitor and direct officers to incidents to investigate.

Obstacle: Whilst there is a strong desire to publicly shame offenders through the use of Grime Watch any action taken has to be undertaken in accordance with the City Council’s Policy on Publicising Fly-tipping and Environmental Crime Cases. This is attached at Appendix 1.

No	Recommendation	Responsibility	Original Date For Completion	Cabinet Member’s Assessment
R03	A review of prosecution strategies for fly-tipping, in particular the use of fixed penalty notices, with a view to adopting the Barking & Dagenham approach, should be undertaken to ensure that this fits what is needed currently.	Cabinet Member, Street Scene and Parks  Deputy Leader  Chair, Licensing & Public Protection Committee	March 2021	2  12 January 2023

Evidence of Progress (and Anticipated Completion Date if ‘Not Achieved’)

17 February 2022

Staffing within the WEU has been increased. This has enabled an extension of the units existing enforcement approach [focused principally on vehicle fly-tippers and larger-scale offences] to now also include a focus on small-scale fly-tipping within residential areas. The council is legally required to consider using fixed penalty notices for small-scale offences, in the first instance. This legal requirement, combined with the increased enforcement capacity will consequentially lead to a greater use of fixed penalty notices. Legal consideration relating to the wider use of fixed penalties has also been supported through advice obtained from external legal counsels in January 2022.

10 March 2022

Members sought reassurance that fixed penalty notices (FPNs) are issued in terms of the existing Enforcement Policy. To support consideration of this the service area has submitted information on the legal and operational arrangements for the use FPNs for fly-tipping to the Chair of the Licencing and Public Protection Committee (LPPC) so that the use of FPNs can form part of the periodic review of the Enforcement Policy.

For situations where formal enforcement action (issuing FPNs or prosecution proceedings) is not legally possible an 'engagement and warning' approach is utilised as a means to educate and deter offending. Members requested a copy of an example warning/engagement letter [attached as Appendix 1] and the use of informal correspondence is being collated and recorded as part of the council's anti-fly-tipping activities.

10 November 2022

A review of the Enforcement Policy was carried out in 2022 and as a consequence officers within Enforcement Team have initiated new process flows. The Engage and Enforcement Officers are talking to traders to remind them of legislation and their responsibilities. Staff within the Enforcement Team have worked with Legal colleagues to explore the opportunities of increasing activity. Officers have been in contact with other authorities and visited Leeds City Council to observe their approach. The review of the Policy and priorities along with the increase in the Enforcement Team has led to a change in emphasis. The aim now is to change culture and prevent waste being deposited illegally on our streets so our approach following the review is to educate first and then enforce with Fixed Penalty Notices if there is no improvement. Any continual breach or large-scale waste offence will continue to be investigated and enforced through prosecution proceedings.

12 January 2023

New process maps have been developed for the following waste enforcement activities.

- DOC (commercial waste checks)
- Vehicle fly tips
- Non-vehicle fly tips
- Waste in Alleyways
- Vehicle seizures
- Waste on private land
- Black sacks on street (from discovery through to referral to WM if domestic including door knocks and evidence gathering)
- Issuing and withdrawal of FPNs
- CCTV triage and installation

Strict control processes have been developed, and are being followed, by the Waste Enforcement Team to ensure consistency across the service for each of the above.

The Waste Enforcement Team are in the process of developing a regular update report of actions and cases. This will be circulated to all Elected Members on a regular basis.

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R08	Progress towards achievement of these recommendations should be reported to the Housing and Neighbourhoods Overview and Scrutiny Committee no later than April 2021. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member, Street Scene and Parks	April 2021	1

**Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')**

8 July 2021

This progress report is submitted to the July 2021 meeting of the Housing and Neighbourhoods O & S Committee.

11 November 2021

This progress report is submitted to the November meeting of the Housing and Neighbourhoods O & S Committee.

17 February 2022

This progress report is submitted to the February meeting of the Housing and Neighbourhoods O & S Committee.

10 March 2022

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## Appendix ③: Concluded Recommendations

**These recommendations have been tracked previously and concluded. They are presented here for information only.**

**Concluded**

No.	Recommendation	Responsibility	Original Date For Completion	Cabinet Member's Assessment
R02	The working group on CCTV cameras should consider the evidence from this inquiry with a view to a rapid implementation of the use of CCTV to tackle fly-tipping. The Cabinet Member is asked to bring back a report to Housing and Neighbourhoods O&S Committee on this.	Cabinet Member, Social Inclusion, Community Safety & Equalities  Cabinet Member, Street Scene and Parks	July 2021	2
R04	That the Cabinet Member considers implementing a model of Community Protection Officers in Birmingham, to meet the council's statutory functions at the first stages of contact. The model should involve other areas of the Council and agencies such as the Police. The aim should be for one CPO per councillor, a total of 101 for Birmingham.	Cabinet Members: Street Scene and Parks, Social Inclusion, Community Safety & Equalities, Transport & Environment, Finance & Resources	July 2021	2
R06	That local community groups that clear rubbish or hold litter picks are supported by their local depot with waste collections and that the Cabinet Member looks at whether community clearance of communal land and back alley ways can also be supported.	Cabinet Member, Street Scene and Parks	July 2021	2
R05	That a report is brought to the Housing and Neighbourhoods O&S Committee on the impact of the HRC booking system and recommendations on whether this should continue post-Covid.	Cabinet Member, Street Scene and Parks	November 2021	2
R07	That the charges on bulky waste are reviewed with a view to removing these charges, or as a minimum removing these for vulnerable groups (including those on low income or with disabilities)	Cabinet Member, Street Scene and Parks	November 2022	2