

# Birmingham City Council

## Report to Cabinet Member for Street Scene and Parks

6 January 2022



**Subject:** Publicising Fly-tipping and Environmental Crime Cases – Proposed Policy

**Report of:** Rob James - Managing Director City Operations

**Relevant Cabinet Member:** Councillor John O'Shea - Street Scene & Parks

**Relevant O &S Chair(s):** Councillor Carl Rice – Co-ordinating Overview and Scrutiny Committee

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

- 1.1 A report was considered by Cabinet on 27 July 2021 proposing a Policy relating to the publication of information in support of tackling environmental crime and principally the offence of fly-tipping.
- 1.2 Cabinet approved the Policy framework proposal subject to commencing a public consultation on the Policy.

- 1.3 Cabinet agreed that if there were no material changes to the Policy following the consultation, then approval of the final Policy and its implementation would be delegated to the Cabinet Member for Street Scene and Parks
- 1.4 A public consultation was run from 11 August 2021 to 7 September 2021 with 95% of the respondents agreeing with the proposed Policy.
- 1.5 The final Policy and Publication Risk Matrix (the Operating Procedures) have been reviewed by the Council's Legal Officers.

## 2 Recommendations

That the Cabinet Member for Street Scene and Parks

- 2.1 Notes that no material changes are to be made to the proposed Policy following public consultation.
- 2.2 Approves the Policy attached at Appendix A and authorises its implementation in accordance with the Publication Risk Matrix (the Operating Procedures) set out in the Policy.

## 3 Background

- 3.1 The Cabinet Report of 27 July 2021 presented a detailed background and reasons for the proposed Policy relating to the publication of information in support of tackling environmental crime and principally the offence of fly-tipping.
- 3.2 This report is to confirm the outcomes of the Public Consultation.

## 4 Consultation

- 4.1 A public consultation was run from 11 August 2021 to 7 September 2021. It was run on the Be Heard Birmingham portal, promoted via the Council's social media channels, and by Members.
- 4.2 341 responses were received, overwhelming supporting the proposed Policy with 95% agreeing or strongly agreeing:

Option	Total	Percent
<b>Strongly Agree</b>	296	86.80%
<b>Agree</b>	28	8.21%
<b>Neither Agree nor Disagree</b>	4	1.17%
<b>Disagree</b>	2	0.59%
<b>Strongly Disagree</b>	11	3.23%
<b>Not Answered</b>	0	0.00%

- 4.3 285 respondents left a narrative comment regarding the proposed Policy,
- 4.4 Of the responses in agreement, a consistent comment was that the proposed Policy will act as a deterrent, and that enforcement is positively needed.

- 4.5 Of the 13 responses in disagreement, the comments ranged from general concerns about privacy, overreach of power, to cost.
- 4.6 To address responses regarding privacy, the Policy and Publication Risk Matrix additionally require consideration of the Ministry of Justice *Guidance on Publicising Sentencing Outcomes* in relation to, and prior to, any publication.

## **5 Risk Management and Legal Implications:**

- 5.1 The legal basis for the Policy itself was stated in the Report to Cabinet of 27 July 2021. The Policy, Publication Risk Matrix (Operating Procedures) and Consultation responses have been further reviewed by the Council's Legal Officers and City Solicitor.
- 5.2 No material changes have been made to the Policy in respect of the legal basis. To improve the Council's risk posture and to address responses to regarding privacy, consideration of the Ministry of Justice *Guidance on Publicising Sentencing Outcomes* is now reflected in the Policy and Publication Risk Matrix, along with other clarifications relating to publication procedures.
- 5.3 The Council's City Solicitor will continue to provide legal oversight and advice in respect of the Policy in relation to governance and compliance matters.

## **6 Compliance Issues:**

### **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 6.1 The proposals within the Policy support the delivery of the Council Priority "Birmingham is a great city to live in" in terms of the Council's commitment to work with residents and businesses to improve the cleanliness of the city, and as set out in the Birmingham City Council Plan 2018 – 2022. Additionally, the Policy proposal supports the aims and objectives of the Housing and Neighbourhoods Overview and Scrutiny Committee review on 'Reducing Fly-tipping'.
- 6.2 The Policy proposal forms part of the suite of street scene improvements and initiatives that are in progress, including: working with Keep Britain Tidy on developing long term strategies to start the cultural change to reduce household waste dumping and to increase responsible behaviours; recruitment of additional fly-tipping crews and enforcement officers; and developing community engagement and civic pride through the Love Your Street programme.

## **7 Financial Implications**

- 7.1 None applicable in relation to the consultation outcomes. Financial implications in relation to the Policy were stated in the Report to Cabinet of 27 July 2021.

## **8 Procurement Implications**

- 8.1 None applicable.

## **9 Human Resources Implications**

9.1 None applicable.

## **10 Public Sector Equality Duty**

10.1 The implications of the Policy in relation to the Public Sector Equality Duty were stated in the Report to Cabinet of 27 July 2021.

**10.2** The public consultation has not identified any need to perform a further equality analysis prior to implementation of the Policy.

## **11 Appendices**

11.1 Appendix A - Publicising Fly-tipping and Environmental Crime Cases Policy and Publication Risk Matrix (the Operating Procedures)