

BIRMINGHAM CITY COUNCIL

HOUSING AND NEIGHBOURHOODS OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 10 MARCH 2022 AT 14:00 HOURS
IN COMMITTEE ROOM C, COUNCIL HOUSE EXTENSION, 6
MARGARET ST, BIRMINGHAM, B3 3BG

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

4 ACTION NOTES AND ACTION TRACKER

To note that the action notes and action tracker from the 17 February 2022 will be reported to the next meeting.

5 UPDATE ON BEREAVEMENT SERVICES

This report, from the Interim Assistant Director of Regulation and Enforcement, is provided to give an update on issues in the Mortuary provision, Register Office and the Cemeteries and Crematoria.

3 - 8

9 - 22

6 **REVIEW OF HOUSING ALLOCATIONS**

To receive a presentation from the Managing Director City Housing.

23 - 30

7 **PROGRESS REPORT ON IMPLEMENTATION: REDUCING FLY-TIPPING**

As requested by the Committee in February, this report provides further information on Reducing Fly-tipping.

31 - 34

8 **WORK PROGRAMME**

The Committee's work programme is attached for discussion.

9 **DATE OF NEXT MEETING**

To note that the meeting scheduled for 14 April 2022 has been cancelled.

10 **REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

To consider any request for call in/councillor call for action/petitions (if received).

11 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

12 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

REPORT OF THE INTERIM ASSISTANT DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE HOUSING AND NEIGHBOURHOODS OVERVIEW & SCRUTINY
COMMITTEE

UPDATE ON BEREAVEMENT SERVICES
10 March 2022

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Summary

This report is provided to give an update on issues in the Mortuary provision, Register Office and the Cemeteries and Crematoria.

Explanation is given of the activities during the Covid 19 pandemic and the response of the services. Members are invited to comment and identify any issues they wish further information on.

Recommendation

It is recommended the report be noted.

Bereavement Services

Mortuaries

Since the last update the additional mortuary at Sutton Newhall Cemetery was decommissioned after three months use in July 2020. The Regional facility at Birmingham Airport was decommissioned in late 2021.

The pandemic has clarified the availability of freezer spaces is a key issue for the West Midlands conurbation. The City Council has worked with UHB to provide an additional ten freezer spaces, with five spaces available at times when such space is under pressure.

In addition, the service has provided up to 40 temporary spaces for refrigerated storage available when existing space is under pressure due to demands.

Work is underway to provide feasibility studies for the provision of a centre of excellence.

Bereavement Services (Burials and Cremations)

During the pandemic the services have worked to an excess deaths plan considering the prevailing demand, time of year and any backlog there may have been. There were significantly increasing demands on staff, who have managed well, but not without impacts on both the funeral directors and the service users.

The Plan identified trigger points across all the death management services and prioritised work in coroners' support, mortuaries, register office, cemeteries and crematoria. Demands in the latter three service areas are still showing excessive demands particularly with increased level of sickness absence, particularly following the emergence of the Omicron variant. This required changes to the ways funeral services are conducted. As a reminder for the Committee, for the emergency period and in line with the Government's requirements for social distancing, attendance at funerals was limited for a long period. After relaxation of the

Government restrictions attendance at the crematoria continued to be controlled in line with regularly reviewed risk assessments.

Cremation services continue to be a maximum of 30 minutes at this time and funeral directors are asked to assist with the rules about social distancing and the numbers of attendees. This is to allow sanitisation between funeral services. The number of services provided is shown in the table below.

Month	No of Funerals Available	No of Funerals Booked	% Uptake
April 2020	1197	676	56%
May 2020	1206	951	79%
June 2020	1544	634	41%
July 2020	1654	599	36%
August 2020	1235	546	44%
September 2020	1302	546	42%
October 2020	1308	644	49%
November 2020	1282	634	49%
December 2020	1245	706	57%
January 2021	1143	759	66%
February 2021	1188	761	64%
March 2021	1359	891	66%
Annual	15,663	8,342	53.3%

Month	No of Funerals Available	No of Funerals Booked	% Uptake
April 2021	1070	716	61%
May 2021	1192	594	52%
June 2021	1171	636	45%
July 2021	1169	576	44%
August 2021	1180	687	58%
September 2021	1182	617	44%
October 2021	1195	663	48%
November 2021	1165	683	59%
December 2021	1211	667	43%
January 2022	1156	660	57%
February 2022	1055	617	46%
March 2022	1274	391	31%
Annual (to date)	14,020	7,507	53.5%

NB. The level of bookings for the months of February and March 2022 are as at 23 February 2022.

The service originally provided free webcasting of funeral services while numbers of attendees were controlled. In quarter 2 2021/2022 this service was no longer provided without charge.

No person diagnosed as suffering from Covid-19 is permitted to attend a funeral, until they have been confirmed as recovered, but this is very difficult to manage/verify. Responsible citizenship is something the City Council can promote but not enforce.

Backfill Burials

The City Council had no option but to suspend the service of Backfill Burials. Consideration is being given on a case by case basis for such requests.

Burial or Scattering of Cremated Remains

This service has resumed and is operating satisfactorily.

Any urns or handles on scattering urns etc. that are handled will be sanitised before and afterwards.

Cremations- Closure of curtains

The number of mourners permitted to attend cremations is assessed according to the risk assessment for the site. These are reviewed regularly and take into account both staff and public safety.

The practice of closing curtains at the point of committal is still in place. This is to prevent funeral attendees from touching the coffin as they leave due to the infection risk to staff to handling the coffin. Ministers have been advised of this requirement so families can be made aware.

Opening of Cemeteries

The City Council operates normal opening hours varying times in the seasons according to daylight hours. Closure of cemeteries at night is necessary due to anti-social behaviour experienced at sites. This is an additional cost the service has met from existing budgets.

Register Office

This service has been at the forefront of issues relating to Covid 19 deaths, with the service excessive demands on a regular basis throughout the pandemic.

Death Registrations

The service is processing death registrations in line with the Coronavirus Act and the direction of the General Register Office (GRO). In late March 2020 a new process for registering was enacted and the service implemented this and honed the processes to improve performance. The table below shows the level of death registrations for April to 13 Dec 2021 compared to the period April - December in 2020-21.

Deaths	2020/21	2021/22	% change
April	2260	811	-64.12
May	982	812	-17.31
June	767	772	+0.67
July	800	826	+ 3.25
August	714	877	+22.83
September	804	979	+21.77
October	904	869	-3.87

November	1132	1109	-2.00
December	1134	1012	-12
Year to date	9497	8067	-15.1%

While the service is managing the demands on the service well it is important to note problems were experienced at the beginning of and at peak times of the pandemic. This was due to the volume of registrations, repeated contacts from next of kin, multiple applications for one death, staff sickness absence and ICT issues.

In December 2021 less than 2% of deaths recorded were due to Covid 19. This is a significant reduction compared to November 2021 when Covid 19 deaths were about 7.5% of deaths recorded.

Births

Birth registration appointments were deferred until 1 June 2020 at the start of the pandemic. This left a backlog of over 6,000 births to register. While the service was successful in reducing this backlog by two thirds, successive waves of Covid 19 has hampered the service's ability to catch up and the backlog has grown to about 3,000 births awaiting registration. Every effort is being made to reduce this backlog particularly with a reduction in Covid 19 related deaths.

During the pandemic customers could make a claim for child benefit or universal credit prior to the birth being registered. This provision is unlikely to continue when the Coronavirus Act is taken off the statute book by Parliament.

The Register Office has been reviewed and new arrangements have been made to allow face to face registrations as required under the legislation. The changes are designed to minimise the risk of spread of Covid 19. This is in addition to a new legislative process.

Citizen Ceremonies

This service resumed in the last financial year. Services were delivered in innovative ways to meet customer demand.

Citizenship Ceremonies	2020/21	2021/22
April	0	397
May	0	387
June	0	531
July	156	424
August	246	434
September	170	267
October	214	293
November	203	381
December	338	67 (to 13 Dec)
Running Total	1327	3181

Marriage/Civil Partnerships

Marriage and Civil Partnership ceremonies were recommenced during the third quarter of 2020/2021. Notices of Marriage and Civil Partnership appointments are arranged through the Register Office, and just over 6,500 notices were received in 2021.

Applications to reduce the waiting period for marriages or civil partnerships were not being processed during the pandemic. All applications received are now being dealt with on a case by case basis.

Preparing for the Future

An impact of the pandemic has been to stretch resources and the service capacity. This has led to the using up of burial capacity in Handsworth Cemetery and King's Norton Cemetery. A commitment of the City Council in its Delivery Plan was to identify investment in the service by April 2022. To this end the Cabinet is receiving a report on 1 March 2022 recommending investment in the King's Norton Cemetery to open up further phases of the facility. This will add capacity for the Muslim section and Babies section. This work will be undertaken in the coming months.

In addition, funding for a major refurbishment of Yardley Crematorium will be considered so that the facility is made more efficient and has better emission treatment. This work is likely to be undertaken in late Spring/ early Summer.

The City Council is also factoring in other major works across the bereavement services portfolio as part of a 25 year asset plan for all of the City Council's property holding.

Work with the Voluntary Sector and Faith Groups

Partnership working has been a key part of the City Council's work during the pandemic. Working across the City Council services, relationships have been developed with faith groups- this culminated in the production of a Covid 10 Charter- and the voluntary sector.

The voluntary sector support the bereavement process for so many grieving families and the work they do is invaluable. In particular the City Council recognises the crucial work done by organisations like Cruse, Roadpeace and the Edwards Trust, to name but a few. Their input is invaluable and the City Council considers them to be key in the Portfolio Holder's regular roundtable events.

Developing relationships with the voluntary sector will help the service to become more customer-focused and aware of the services on offer.

Paul Lankester

**Interim Assistant Director
Regulation and Enforcement**

Housing Allocations Scheme Review

Housing & Neighbourhoods OSC

Hayley Prime – Housing Services Manager



Background

- It is a requirement under Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011 that all Local Housing Authorities must have and publish an Allocation Scheme and ensure that properties are allocated according to that Scheme.
- It is best practice to review Housing Allocation Schemes every few years to ensure compliance with the law and good practice and to ensure that the scheme is addressing housing need effectively.

Background - Continued

- Review on current Allocations Scheme completed in 2021
- Report of findings published in 2021 with the following recommendations:
 - Current Scheme needs updating to ensure compliance with legislation
 - Other minor adjustments are needed to improve clarity and allow for simplification of processes
 - Update nominations agreement to ensure compatibility with legislation

National Context

The Local Authority has;

- A duty to allow any member of the public to apply to join the scheme
- Power to have nomination agreements with Registered Providers
- Power to determine;
 - Qualification criteria for an allocation of social rented housing
 - The degree of choice offered, when making an allocation of social rented housing
 - Which applicants should be afforded an additional preference, when making an allocation of social rented housing
 - Prioritisation of applicants when allocating social rented housing

Reasonable Preference

The following persons are required in law to be given reasonable preference:

- People who are homeless
- People occupying insanitary or overcrowded or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including any grounds relating to a disability
- People who need to move to a particular locality in the area, where failure to meet that need would cause hardship to them

Additional Preference

- People who are homeless owed the initial relief duty and in Temporary Accommodation
- People who are homeless owed the main housing duty
- People who are required to leave their home due to fire safety concerns
- People who are severely overcrowded
- People who require rehousing due to a compulsory purchase order
- People whose medical condition is expected to be terminal
- People who are ready to be discharged from hospital
- People leaving the care of Birmingham Children's Trust
- People approved to be a foster carer or to adopt
- Members of the armed and reserve forces
- Victims of domestic abuse
- Victims of racial harassment
- Victims of hate crime
- Witnesses of crime or victims of crime
- People escaping serious antisocial behaviour

Proposed Banding

- Band A - people who have an extreme need to move, due to being afforded a reasonable preference and an additional preference
- Band B - people who have an urgent need to move, due to being entitled to a reasonable preference
- Band C – people who need to move due to being entitled to a reasonable preference
- Band D - people who have:
 - exhausted the right to refuse an offer of accommodation
 - failed to bid where a suitable property would have been available

Proposed Main Changes - Qualification

	Current Scheme	Proposed Scheme
Local Connection	Local Connection of a minimum of 12 months is required	Local Connection of a minimum of 2 years is required
Homeowners	All Disqualified	To be disqualified except for minor exceptions i.e. CPO's, Prohibition Orders, DA etc.
Worsening Housing Conditions	No Provision	Disqualified

Proposed Main Changes – Banding

	Current Scheme	Proposed Scheme
Homeless Priority (those owed main duty, relief duty and in TA)	Band 2	Band A
Property subject to Compulsory Purchase Order/ LA approved Regeneration Scheme	Band 1 where the applicant is required to move within 6 months. Band 2 where the applicant is required to move within 12 months.	All Band A
Occupying PRS properties that are insanitary or unfit to align with other Tenures	Band 1	Band B
Child in need – Where staying in the property would be a risk to the child and the child is subject to a CPP	Band 2	Band A
Band D for refusals		New band for applicants who have reached their refusal limit

Consultation

12 week Consultation held with;

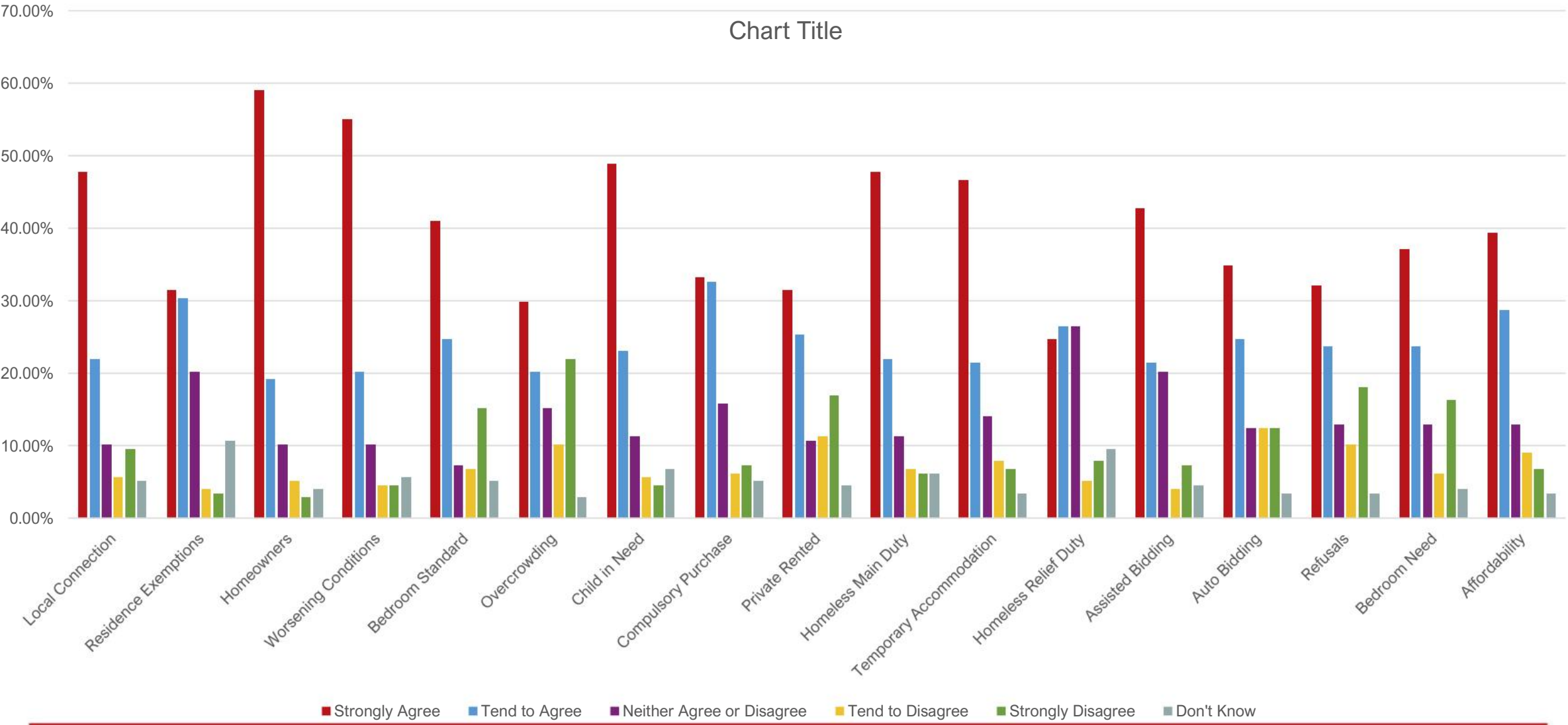
- Registered providers
- Stakeholders and Partner Organisations
- Service Users
- Residents
- West Midlands Combined Authorities
- Councillors
- Birmingham Children's Trust
- Adult Social Care
- Employees of Birmingham City Council

Consultation (Cont)

Key Findings;

- Majority of responses were positive and mainly in agreement with the proposed Policy.
- Initial feedback from Birmingham Children's Trust concerned the priority for a child in need. As such the proposed priority has been increased from Band B to Band A.
- For those who disagreed the main concerns were regarding the priority for overcrowding and bedroom need.
 - Comments suggested all applicants who are overcrowded should have the same priority.
 - Some respondents thought that all children should have their own bedroom regardless of age.

Consultation Feedback



Next Steps

- Report to Cabinet 22nd March 2022
- EIA presented to Star Chamber 24th March 2022
- Mobilisation to commence April 2022
- Scheme implementation date - Autumn 2022

Questions



Hayley.Prime@Birmingham.gov.uk

Report of:	Cabinet Member for Street Scene and Parks
To:	Housing and Neighbourhoods Overview and Scrutiny Committee
Date:	10 March 2022

Progress Report on Implementation: Reducing Fly-tipping

(Addendum follow-up information to the 17 February 2022 meeting)

Review Information

Date approved at City Council:	2 nd February 2021
Member who led the original review:	Cllr Penny Holbrook
Lead Officer for the review:	Emma Williamson
Date progress last tracked:	8 July 2021

1. In approving this Review the City Council asked me, as the appropriate Cabinet Member for Street Scene and Parks, 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

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

For more information about this report, please contact

Contact Officer:	Jon Lawton
Title:	Cabinet Support Officer
Telephone:	n/a
E-Mail:	jon.lawton@birmingham.gov.uk

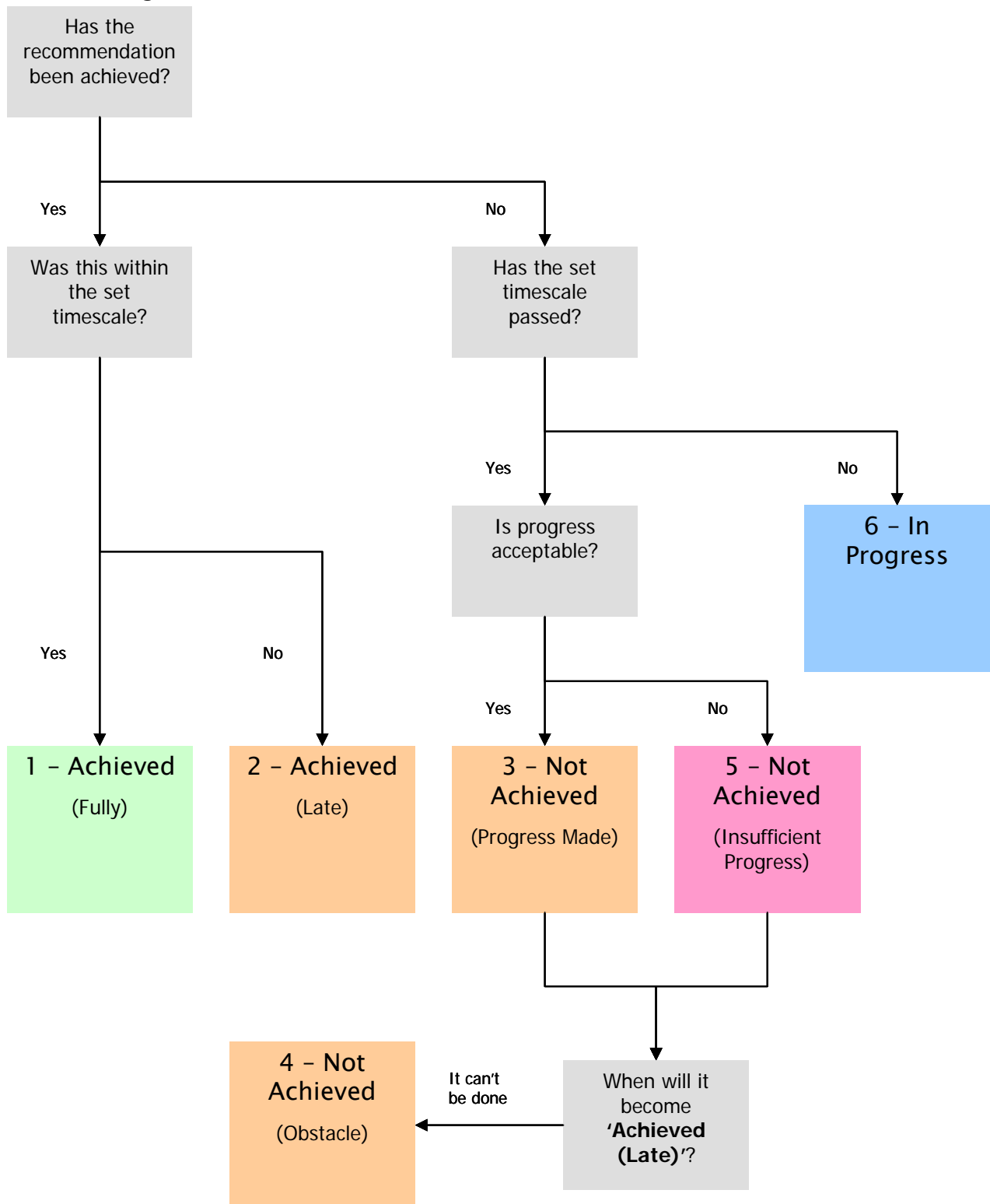
Appendix 1: The Tracking Process

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
1: Achieved (Fully)	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
2: Achieved (Late)	The evidence provided shows that the recommendation has been fully implemented but not within the timescale specified.
3: Not Achieved (Progress Made)	The evidence provided shows that the recommendation has not been fully achieved, but there has been significant progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
4: Not Achieved (Obstacle)	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).
5: Not Achieved (Insufficient Progress)	The evidence provided shows that the recommendation has not been fully achieved and there has been insufficient progress made towards full achievement. An anticipated date by which the recommendation is expected to become achieved must be advised.
6: In Progress	It is not appropriate to monitor achievement of the recommendation at this time because the timescale specified has not yet expired.

The Tracking Process



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	3 21 – February 2022
Evidence of Progress (and Anticipated Completion Date if 'Not Achieved')				
<p>25 March 2021</p> <p>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</p> <p>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.</p> <p>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</p> <p>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</p> <p>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</p> <p>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 & Stechford; Small Heath; Balsall Heath West and Soho & Jewellery Quarter wards scheduled for installation over coming weeks.</p>				

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	March 2021	1

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 Licensing 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.

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.

Appendix ③: Concluded Recommendations

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

concluded

No.	Recommendation	Responsibility	Date Concluded by Overview and Scrutiny Committee	Tracking 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
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. NOTE: Progress against this recommendation has been referred back to the Cabinet Member and Chair of L&PPC for additional action.	Cabinet Member, Street Scene and Parks Deputy Leader Chair, Licensing & Public Protection Committee	March 2021	1
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

TO

Dear { },

STATUTORY INFORMATION DEMAND – *Environment Act 1995 (Section 108(4)(k)(l)(m))*

HOUSEHOLDER DUTY OF CARE & FLY-TIPPING – *Environmental Protection Act 1990 (Section 34(2A) & 33)*

I am writing to inform you that on {DATE} dumped rubbish {MATERIAL DESCRIPTION} linking to your name / your address / your vehicle – {DELETE AS APPLICABLE} was found at {LOCATION}, approximately {DISTANCE} from your property: -

{IMAGES OF MATERIAL, IF AVAILABLE}

We are making enquiries because the council is working to stop local communities being spoiled by rubbish dumping.

In the first instance we are seeking your comment and explanation as to why the material described above was left at the location. You should send your comments to the following email:

flytipping@birmingham.gov.uk

If you are unsure about your legal rights in responding to this letter you may wish to contact a solicitor or independent legal advisor. You are advised that if you fail, without reasonable excuse, to assist our enquiries or you knowingly supply false information you may be committing an offence under section 110 of the Environment Act 1995.

Yours sincerely,

WASTE ENFORCEMENT UNIT

THE INFORMATION ON THE NEXT PAGE EXPLAINS HOW TO PROPERLY
DISPOSE OF RUBBISH

HOUSEHOLDERS

The council will collect most types of household waste free of charge through the weekly collection. The council will not take away 'bulky items' free of charge and this usually means rubbish that is too large to fit inside a standard wheelie bin. The council will collect these larger items for a charge, or you can take them for disposal to one of the council's *Household Recycling Centres*.

For full details of your weekly collection day; what you can recycle; how to book a chargeable bulky waste collection; and details of your nearest Household Recycling Centre please visit:

https://www.birmingham.gov.uk/info/20009/waste_and_recycling

BUSINESSES

All businesses that generate waste in the course of their daily trading activities must make arrangements for its proper disposal. This means that all business must pay for their waste to be collected. It is also a legal requirement to keep records of the waste transfers for a minimum of 2 years. It is illegal for a business to take waste home and to dispose of it through the household collection system or to leave it on the street or in litter bins for the council to collect. Failures in business waste disposal systems could result in £400 on the spot fine or unlimited fine if convicted at court.

USING A COMMERCIAL WASTE COLLECTOR

Householders and businesses that chose to use a private waste collection operator must ensure that the person they use is registered with the Environment Agency... Waste collectors need to hold a *Waste Carriers Registration*.

You should ask the collector to provide their Registration number and their business contact details before they come and collect your rubbish. If they won't do this or can't do this, they will be illegal operators and you should not use them because if they dump your rubbish you might end up with a £400 on the spot fine or criminal conviction if a case goes to court.

It is wise to check the Waste Carriers Registration number of a collector you intend to use and you can do this by using the Environment Agencies checker:

<https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers>

Businesses who use a commercial waste collector must also obtain a written document from the collector, called a waste transfer note and this must be kept for inspection for at least 2 years. (Failure to do this could result in a business being given a £300 fine).



Housing and Neighbourhoods O&S Committee: Work Programme 2021/22

Chair:	Councillor Kate Booth
Deputy Chair:	Councillor Marje Bridle
Committee Members:	Councillors Deirdre Alden, Roger Harmer, Mahmood Hussain, Mary Locke, Mike Sharpe and Ken Wood
Officer Support:	Scrutiny Team: Christian Scade (303 1731) and Jayne Bowles (303 4810) Committee Manager: Mandeep Marwaha (303 5950)

1 Terms of Reference

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning housing; waste management; neighbourhood management; parks and allotments; localisation; bereavement services and community safety.

This Committee shall be the Crime and Disorder Committee (Police and Justice Act 2006).

2 Meeting Schedule

Date	Item	Officer Contact / Attendees
17 June 2021 1400 hours Deadline for reports: 8 June	Localisation Update	Chris Jordan, AD, Neighbourhoods/Karen Cheney, Head of Service, Neighbourhood Development and Support Unit
	Work Programme Discussion	Emma Williamson/Jayne Bowles, Scrutiny Office
8 July 2021 1400 hours Deadline for reports: 29 June	Performance Monitoring	Mira Gola, Head of Business Improvement and Support
	Progress Report on Implementation: Reducing Fly-tipping Street Litter Bins	Jon Lawton, Cabinet Support Officer/Darren Share, AD, Street Scene



23 September 2021 1400 hours Deadline for reports: 14 September	Cabinet Member for Homes and Neighbourhoods	Marcia Wynter, Cabinet Support Officer
	Localisation Update	Chris Jordan, AD, Neighbourhoods/Karen Cheney, Head of Service, Neighbourhood Development and Support Unit
14 October 2021 1400 hours Deadline for reports: 5 October	Housing Repairs and Capital Investment	Julie Griffin, Managing Director of City Housing/John Jamieson, AD of City Housing Management/Louise Fletcher, Senior Service Manager
	Voids (process and turnaround times)	
	Tenant Engagement Review	
	Performance Monitoring	Mira Gola, Head of Business Improvement and Support
11 November 2021 1400 hours Deadline for reports: 2 November	Annual Report of the Birmingham Community Safety Partnership (to include update on PSPOs)	Marcia Wynter, Cabinet Support Officer/Waqar Ahmed, AD, Community Safety and Resilience
	Begging (numbers, causes and effects)	Marcia Wynter, Cabinet Support Officer/Waqar Ahmed, AD, Community Safety and Resilience
	Progress Report on Implementation: Reducing Fly-tipping	Jon Lawton, Cabinet Support Officer/Darren Share, AD, Street Scene
16 December 2021 1400 hours Deadline for reports: 7 December *Meeting Cancelled*	Informal Meeting held to discuss work programme and inquiry on Developing a Litter Bins Policy	
27 January 2022 1400 hours Deadline for reports: 18 January	Localisation Update	Chris Jordan, AD, Neighbourhoods/Karen Cheney, Head of Service, Neighbourhood Development and Support Unit/Marcia Wynter, Cabinet Support Officer
	Performance Monitoring	Mira Gola, Head of Business Improvement and Support, City Housing/Jonathan Antill, Head of Business Improvement and Support, City Operations



17 February 2022 1400 hours Deadline for reports: 8 February	Progress Report on Implementation: Reducing Fly-tipping	Jon Lawton, Cabinet Support Officer/Darren Share, AD, Street Scene
	Tenant Engagement Review – outcomes and recommendations	John Jamieson, Acting AD, Housing Management/Louise Fletcher, Senior Service Manager, Tenant Engagement
10 March 2022 1400 hours Deadline for reports: 1 March	Bereavement Services	Paul Lankester, AD, Regulation and Enforcement
	Progress Report on Implementation: Reducing Fly-tipping	Jon Lawton, Cabinet Support Officer/Darren Share, AD, Street Scene
	Review of Housing Allocations	Julie Griffin Julie Griffin, Managing Director City Housing
14 April 2022 1400 hours Deadline for reports: 5 April *Meeting Cancelled*		

3 Items to be programmed

- 3.1 Voids – further work and proposal for visits to RSLs
- 3.2 Tenant Engagement Review – quarterly updates on progress against action plan when developed

4 Outstanding Tracking

Inquiry	Outstanding Recommendations
Reducing Fly-tipping	R01 and R03

5 Other Meetings

Inquiry: Developing a Litter Bins Policy

- 23 September 2021: Informal scoping session
- 16 December 2021: Informal session with Cabinet Member and AD, Street Scene
- 13 January 2022: Informal session with Bradford MDC
- 17 February 2022: Informal session with Knowsley Council

Call in Meetings

None scheduled



Petitions

None scheduled

Councillor Call for Action requests

None scheduled

It is suggested that the Committee approves Thursday at 2.00pm as a suitable day and time each week for any additional meetings required to consider 'requests for call in' which may be lodged in respect of Executive decisions.

6 Forward Plan for Cabinet Decisions

- 6.1 The Forward Plan lists all key decisions that the Council will take over the coming months.
- 6.2 The plan is therefore a useful tool for identifying forthcoming decisions where the committee might add value.
- 6.3 The Forward Plan can be found at: [Forward Plans \(cmis.uk.com\)](http://cmis.uk.com)