

Birmingham City Council

Housing and Neighbourhoods Overview and Scrutiny Committee

Date 13 April 2023



Subject: Fly-tipping Update Report
Report of: Councillor Majid Mahmood
Report author: Paul Pritchett / Darren Share

1 Purpose

- 1.1 To update the Housing and Neighbourhoods Overview and Scrutiny Committee on progress.

2 Recommendations

- 2.1 That the Housing and Neighbourhoods Overview and Scrutiny Committee note the progress made.

3 Any Finance Implications

- 3.1 None

4 Any Legal Implications

- 4.1 None

5 Any Equalities Implications

- 5.1 None

6 Appendices

- 6.1 Appendix 1 – R01
- 6.2 Appendix 2 – R03

Appendix 1- R01

Cameras

At the previous meeting the Committee requested and update on a number of areas relating to the deployment of CCTV cameras, and these are as follows:

1. Grime Watch

- 1.1. With regards to the gap between the two episodes of Grimewatch, any incidents captured by the cameras must first be investigated by officers of the Waste Enforcement Unit. Where investigations are finalised, we are unable to produce footage for a YouTube episode until such a time as any criminal proceedings go through the Courts. The Waste Enforcement Unit are reviewing their procedures with regard to publicity around enforcement work both internally and externally and are providing increasing amounts of information to the press office which can be considered for Grimewatch, twitter and other forms of press release.

1.2 Viewing Figures:

Grimewatch Episode 2 – 1.4k views in 4 months

Grimewatch Episode 3 – 232 views in 7 days

2. List of Wards Where Cameras are deployed

- 2.1 Local Councillors are made aware when cameras are being installed or removed within their areas. The list of camera locations may not always total the number of cameras which the Unit has in its possession; at any given time there may be cameras non-functional and being repaired. There is also usually more than one camera per location meaning that 10 cameras might be being used in less than 10 locations due to a need to monitor several avenues of approach.

Current locations where cameras are deployed:

- Hill Grove / Wellington Road junction (Handsworth Wood)
- Oldfield Road, car park near to junction to Ladypool Road and grass verge bordering car park (Sparkbrook & Balsall Heath East)
- Raglan Road / Clarence Road junction (Holyhead)
- Runcorn Road, observing both sides of railway bridge (Balsall Heath West and Sparkbrook & Balsall Heath East)
- Albion Road / Tomey Road junction (Sparkbrook and Balsall Heath East)
- Hodge Hill Common, near disused old car park (Bromford & Hodge Hill)
- Lower Tower Street disused car park (Newtown)
- Treaford Lane / Cotterills Lane junction near railway bridge (Glebe Farm and Tile Cross)
- Bromyard Road, Shaftmoor Lane, Stratford Road junction (Hall Green North)

- Baker Street cul-de-sac (Bordesley Green)

3. Process and timescale for installation of CCTV

- 3.1** All requests for installation of CCTV will only be received via flytipping@birmingham.gov.uk. From there they enter a process to be considered for camera installation. This involves a review of the intelligence for the proposed area which includes Waste Management data and numbers of reports of flytipping received. This allows for the allocation of a limited resource to the worst affected areas. It will then be determined if there is adequate infrastructure to support lamp column cameras that have line of sight to the affected area. These sites will then need to be approved by Corporate Information Management staff in line with the Surveillance Commissioner's, Surveillance Camera Code of Practice. Cameras are installed for a period of 12 weeks.

4. Localisation

- 4.1** There has been an improvement in localisation and engagement of local Councillors and the Cabinet Member for Environment who are now informed when cameras are installed and removed. Councillors are encouraged to make referrals to the flytipping@birmingham.gov.uk inbox when they are aware of problem, hotspot locations that are repeatedly affected by large scale flytipping. Local street cleansing crews also feed into the process allowing for staff with local knowledge to help direct resource.

Appendix 2 – R03

Prosecution Strategies

Fixed penalty notice strategies – There has been a review of the practices and policies followed by officers in the Waste Enforcement Unit to assess when the additional use of FPNs will be appropriate. There have been changes in what would previously have been matters referred for prosecution that are now actioned by use of a fixed penalty notice. A fixed penalty notice is not a “lesser penalty” compared to a prosecution. We are however always mindful of the DEFRA published Code of Practice that robustly outlines where the use of a fixed penalty notice is proportionate and in what circumstances use of an FPN is appropriate. For example, the Code of Practice provides that an FPN should only be issued where there is sufficient evidence of the alleged offender’s guilt to support prosecution if the fixed penalty is unpaid. This is important so as to ensure that the FPN process is not brought into disrepute and this cannot be ignored; officers of the Unit operate in line with this Code alongside other published Codes of Practice and Counsel’s opinion.

The Waste Enforcement Unit are arranging detailed discussions with Barking and Dagenham waste enforcement in order to fully understand their operational processes with a further update to be provided upon completion.

Recent enforcement stats:

	04/21 – 02/22	04/22 – 02/23	Change
Commercial Waste FPN	37	152	+115
Flytipping FPN	89	95	+6
Report submitted to CLT for prosecution	39	25	-14

As can be seen from the above table, there is an indication that steps taken to increase the number of investigations resulting in fixed penalties has risen significantly. This may be due to the increase in staffing of the Unit as well as the changes in procedures referred to above. This is also reflected in a reduction in the number of reports being submitted to the Criminal Litigation Team despite the increase officer numbers within the Unit. This reduces the burden on the City Council and the criminal justice system.

This has been achieved whilst working within the required codes of practice.

The Government’s Antisocial Behaviour Action Plan describes how the proposed Immediate Justice may allow for Out of Court Disposals, intended to allow for resolution of issues caused with 48h. The Unit will be working with colleagues in Community Safety to determine where possibilities may be regarding enforcement of waste offences.