

Title: Waste Enforcement Update

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Portfolio Holder: Councillor Roberts

Wards of the District directly affected: All

Approvals required	Date	Name
Portfolio Holder	10/1/2024	Cllr Roberts
Finance	11/1/2024	Andrew Rollins
Legal Services		
Chief Executive	10/1/2024	Darren Knight (DCE)
Director of Climate Change		
Head of Service(s)		
Section 151 Officer		
Monitoring Officer		
Leadership Co-ordination Group		
Final decision by this Committee or rec to another Cttee / Council?	No	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Summary

Overview & Scrutiny Committee asked for a further update on Waste Enforcement activities since the previous report in March 2023 presented to the Committee, which included the creation of a new post within Contract Services to work as a Waste Education & Enforcement Officer to tackle the increase in flytipping across the district for a period of two years (September 2023-September 2025). This Officer started in September 2023 and reports directly to the Contract Development & Enforcement Officer, who reports to the Neighbourhood Services Manager.

The Council is now a member of Keep Britain Tidy, which will help support the council on ways to prevent or reduce flytipping by 'influencing, advising, supporting and promoting best practice as well as raising awareness of the potential environmental damage flytipping can cause'. The Contract Development & Enforcement Officer has attended the Enforcement Training Course, which is accredited by the Chartered Institute of Waste Management (CIWM). The Waste Education & Enforcement Officer will be attending the same training in Spring 2024.

The timescale for clearing flytipping has increased as in April 2021 the new Street Cleansing contract with idverde saw a reduction in resources from two 'Rapid Response' teams (including 2 operatives and a vehicle) to one team.

Recommendation(s)

- (1) That the Committee and the Council continue to support the activities outlined in this report, including funding an additional Rapid Response team for a period of at least 12 months to enable flytips to be cleared promptly. Evidence shows the longer a flytip remains in situ, the more likely it is to attract more flytipping and there is a risk any paper evidence will be destroyed by bad weather.

1 Reasons for the Recommendation

- 1.1 Since Covid in 2020 and the start of the new waste contract in August 2022 there has been a marked increase in flytipping (including reports from the public and complaints), and additional resources and budget are required to tackle it through engagement, education, and where necessary enforcement.

2 Alternative Options

- 2.1 Enforcement activities could be contracted out, as some councils do, but the decision was made trial this 'in house' for a period of two years, which is the duration of the fixed term Waste Education & Enforcement post

3 Legal Implications

Local authorities have various powers of enforcement including issuing fixed penalty notices (FPN) for fly tipping as well as household/commercial bins being stored on the highway. Currently the maximum fine an individual/s for fly tipping is £1000. There is the option to take the recipient to court which could result in fines of up to £50,000 and imprisonment.

In addition the Council can issue community protection notices for accumulated waste (waste in front gardens of properties) which an individual/s can be fined between £100 and £2,500. We can also issue section 47's to determine whether

businesses have entered into an agreement with a registered waste carrier. If the section 47 is breached, we have an option of issuing an FPN for £100.

Legal service support is currently required to advise when a Fixed Penalty Notice is to be issued, this ensures if the recipient does not abide by the fine the Council can confidentially proceed with Court action as the relevant legislation has been followed correctly.

4 Financial Services

4.1 There is currently an annual budget of c£30k to support these activities, including legal support, publicity, training, printing, bin removal. Additional budget has been requested in the Budget Growth bid for 2024/25 of an additional £130k budget as a 'one-off' to fund an additional 'Rapid Response' team dedicated to clearing flytipping promptly and looking for evidence for 12 months.

5 Current Waste Enforcement Activities

The new team are out around the district several days a week, currently this is mainly in Leamington town centre and south Leamington to talk to residential and commercial properties that are presenting waste or storing wheeled bins on the pavement. Properties that store wheeled bins permanently on the highways have these bins tagged (Appendix 1) to notify the household that the bin will be removed if it appears to be stored on the highway.

Below is a summary of the activities carried out between September–December 2023.

Household/Commercial properties visited	Over 300
Flytipping warning letters sent	23
Section 46* (Household bins on the highway) letters sent	29
Section 47* (Commercial bins stored in the highway) letters sent	4
Wheeled bins 'tagged'	Approx 50
Wheeled bins removed	26
Fixed Penalty Notices issued (payment received)	1

*These refer to the relevant section of the Environmental Protection Act 1990

6 Planned Waste Enforcement Activities

In addition to the above activities, the team will also be trialing the use redeployable CCTV cameras with ANPR (automatic number plate recognition) in more rural areas where flytipping is likely to be done using a vehicle. These cameras may also be useful in 'hot spot' areas within the town centres. Litter bins which are frequently being used for dumping household waste in/around will be labeled up with warning notices.

The team are also planning more publicity and communication regarding littering and flytipping during 2024 to raise awareness on the issues, costs, and consequences of these illegal actions, in partnership with some of the success campaigns led by Keep Britain Tidy.

7 Flytipping Key Performance Indicators

The Council report to DEFRA monthly on the number (Appendix 2) type, and weight of all flytipping (Appendix 3), and have developed a 'heat map' (Appendix 4) to show

where flytipping is occurring in the district. This data helps to direct the team's activities and priorities.

Whilst the new team is still in its infancy and any reduction in flytipping should be considered cautiously, there has been a slight reduction in the number of flytipping reports on the highway, down from over 100 throughout 2023, to 55 in December 2023, which is the lowest report since December 2020, there may be other factors why this figure has dropped, but it could be the impact of officer visibility and engagement in the areas with the most household waste flytips (including waste presented too early for collection). The team have received several emails from residents to say that they have seen a visual improvement in their area.

As the team continues to evolve it is hoped that within the next few months this data will confidently show how and where the team is having a positive impact.

8 One change to improve performance

As outlined above having a dedicated idverde Street Cleansing team to work with the officers would enable flytipping to be cleared much quicker, which would reduce complaints and improve the overall 'street scene' of the district. This team could also help with the redeployment of CCTV cameras and other operations connected to litter/flytipping reduction.