

4th July 2018

Environment and Enforcement Committee

Enforcement & Fly Tipping

Report of: *David Carter – Environmental Health Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Brentwood Borough Council, in common with most other local authorities, has seen an increase in fly tipping with a cost to the Borough of over £60,000 last year.
- 1.2 The Council has focussed on ways to provide an effective and robust approach to enforcement of fly tipping in the Borough to seek to act against those responsible.
- 1.3 This report outlines the measures taken to date and recommends proposals aimed at increasing awareness of fly tipping problems and to further improve successful enforcement.

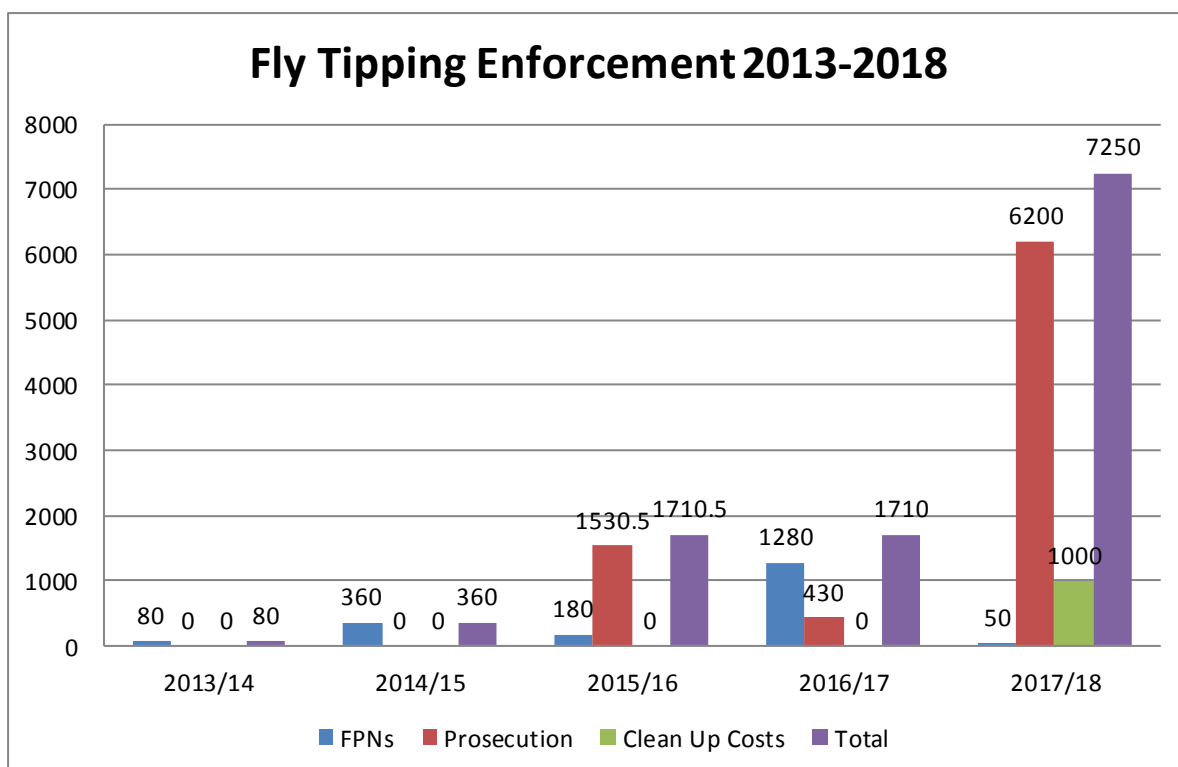
2. Recommendations

- 2.1 **Members agree to consider improving the visibility of action against fly tipping using warning signage and surveillance cameras in hotspot areas.**
- 2.2 **Members agree to procure a dedicated enforcement vehicle to assist with the duties of the Street Inspector.**
- 2.3 **To review the charges for legitimate clearance against the cost to remove/enforce against fly tips and what are the likely benefits/results of a more attractive rate?**
- 2.4 **That funding is taken from the Incursion Defence budget.**

- 2.5 Members note the effects of improved enforcement activities regarding waste offences and resolve to maintain regular updates to the Committee on future enforcement action.**

3. Introduction and Background

- 3.1 The Council has established a Corporate Enforcement team with the aim of improving effective and integrated enforcement. As part of this team the Street Inspector works with colleagues in Environmental Health to ensure co-ordinated investigation of fly tipping, litter and other enforcement issues.
- 3.2 Actions that have already been taken have included the use of income from fixed penalty notices to produce leaflets on the waste Duty of Care which were distributed with Council Tax bills, participation in the “Crime Not To Care” campaign, including a road show with fly tipped waste in Brentwood High Street, Stop and Search operations in collaboration with Essex Police and Trading Standards resulting in an increase in successful prosecutions for fly tipping offences and income from fixed penalties.
- 3.3 The graph below shows the increase in enforcement action resulting in fines from prosecution, fixed penalties and formal cautions with clean up costs paid by the offender (usually for household duty of care offences).



- 3.4 Officers are involved in several inter-authority initiatives such as the Riverside Environmental Crime Group, comprising London Boroughs of Barking & Dagenham, Enfield, Greenwich, Havering, Hammersmith & Fulham, Lambeth, Lewisham, Redbridge, Southwark and Tower Hamlets with the Metropolitan Police and Home Office Immigration and Kent County Council – Brentwood are the only non-London Borough Council represented; also with other Essex local authorities in the Cleaner Greener group and the Essex Rural Partnership working with Essex Police, Essex Waste Partnership, National Farmers Union, Essex County Council and the Environment Agency to tackle large-scale environmental crime.
- 3.5 The Enforcement Team are working to raise the profile of action taken against waste offences in the Borough. It is intended to look at additional measures to heighten awareness, particularly in hotspot areas in the Borough.
- 3.6 The Council will also review its own charges for legitimate clearances to consider how a more attractive offer could result in fewer fly tips and issues generally.
- 3.7 The Community Safety Accreditation Scheme enables additional officers to be trained to take enforcement action which can be used in conjunction with existing resources to provide powers to deal with a number of issues,

which include offences such as littering, graffiti and flyposting, dog fouling, removal of abandoned vehicles and the power to require provision of a name and address. A programme of training of selected officers is being progressed at present with Essex Police; the first trainees have now been awarded the accreditation.

- 3.8 The Council has fitted dashcams to vehicles in the Council fleet, including refuse collection vehicles, vans and some officers' private vehicles. It is hoped that in addition to improving safe driving etc. the use of these cameras could help in obtaining information, including vehicle registration numbers, which can now be used to act against the registered keepers where litter is thrown from a vehicle.
- 3.9 The use of camera equipment has also increased in Brentwood to cover areas targeted by regular fly tipping, including a collaboration with Thurrock Council to share surveillance equipment and monitoring of cameras.
- 3.10 It is proposed to increase the use of surveillance cameras in locations and to also erect signage to alert people to the use of camera equipment, which will act as a deterrent and increase awareness of enforcement activity, particularly in rural areas.
- 3.11 We have estimated an additional £7k could be allocated to this activity, comprised of £5000 for camera equipment and £2000 for signage, which is required under the Surveillance Camera Commissioners' Code of Practice where areas are covered by surveillance cameras. It is intended to move cameras to target different locations while retaining the signs erected in these areas.
- 3.12 As the role of our Street Inspector has increased through the collaboration with Environmental Health under the Enforcement Team it is also recommended that a dedicated enforcement vehicle is procured. The Community Safety Partnership have agreed to part fund the vehicle in terms of the signage/markings etc. The vehicle will be used to access areas affected by fly tipping, nuisance parking, litter problems and use of off-road vehicles causing damage to footpaths and byways in rural locations amongst other issues.
- 3.13 As mentioned the vehicle will have high visibility signage and markings advertising the enforcement role together with fitting camera equipment to the vehicle for capturing information on activity in hotspot areas which will be funded by Brentwood Community Safety Partnership.

- 3.14 Approximate costs for the provision of a suitable vehicle will be in the region of £20k.
- 3.15 A capital budget for “incursion Defences” would cover the cost of the vehicle, signage and camera.
- 3.16 It is therefore recommended that:
1. Members agree to consider improving the visibility of action against fly tipping using signage and surveillance cameras in hotspot areas.
 2. Members agree to procure a dedicated enforcement vehicle to assist with the duties of the Street Inspector.
 3. To review the charges for legitimate clearance against the cost to remove/enforce against fly tips and what are the likely benefits/results of a more attractive rate?
 4. That funding is taken from the Incursion Defence budget.
 5. Members note the effects of improved enforcement activities with regard to waste offences and resolve to maintain regular updates to the Committee on future enforcement action.

4. Issue, Options and Analysis of Options

- 4.1 Effective enforcement of fly tipping and other waste offences relies on evidence being captured, either physical information, witness or photographic evidence which can identify the perpetrators.
- 4.2 Members will appreciate that in order to secure a criminal conviction it is necessary to prove *beyond reasonable doubt* that a person is guilty of the offence. In the case of fly tipping, where often the result of the action but not the person themselves are present this can be very difficult, however we have managed to substantially improve our success with enforcement action as a result of better collaborative and partnership working with other agencies.
- 4.3 The proposals contained in this report have been put forward to provide a deterrent, assist in gathering evidence and to improve public awareness.

5. Reasons for Recommendation

- 5.1 To provide more effective, mobile and visible enforcement activity which enables technology to assist in environmental crime and waste investigations

6. Consultation

- 6.1 Not applicable

7. References to Corporate Plan

7.1 Environment and Housing Management

Encourage residents to work with us to take responsibility for the environment, and improve the cleanliness of our streets

7.2 Community and Health

Provide advice, support, guidance and enforcement

8. Implications

8.1 Financial Implications

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The estimated enforcement costs for camera equipment and signage totalling £7k, can be met within existing budgets in the Capital programme included in the Medium Term Financial Plan 2018/19.

8.2 Legal Implications

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There is a duty on the Council under section 89 (1) Environmental Protection Act 1990 to keep its land free of litter and refuse. In determining what standard is required in this respect regard shall be had to the character and use of the land as well as measures that are practicable in the circumstances. The measures recommended in this report would be in keeping with these legislative provisions and would go towards compliance with the Council's duties under the Act.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None

10. Appendices to this report

None

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