

## **SCRUTINY COMMITTEE REPORT**

Date Written	14 <sup>th</sup> October 2020
Report Author	Paul Jones, Jemma Price
Service Area	Neighbourhood Services
Committee Date	2 <sup>nd</sup> November 2020

*To: Chair, Ladies and Gentlemen*

# **Environmental Enforcement across the County Borough**

## **1.0 SUMMARY OF THE REPORT**

- 1.1 An information report to update committee members on the current position of the Environmental Cleansing and Enforcement Team in regards to enforcement.

## **2.0 RECOMMENDATION(S)**

- 2.1 That the scrutiny committee notes the content of this report.

## **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 Fly tipping is a Corporate Priority and has been high on the agenda since February 2016. Fly tipping is not unique to Merthyr Tydfil; it is a national problem and fly tipping incidents are increasing. According to Keep Britain Tidy 2016/17 Local Authorities in the UK recorded in excess of one million incidents of fly tipping costing over £50 million of tax payer's money to clear off Council owned land.

## **4.0 WHERE WE WERE**

- 4.1 In Merthyr Tydfil County Borough Council in 2012/13, outcomes were **adequate** for fly tipping as the performance scores for fly tipping clearance were slightly better than the all Wales average, as shown in the table below.

Table 1: Percentage of fly tipping incidents cleared within 5 working days in 2012/13

Key Indicators	March 2013 Merthyr Tydfil	March 2013 Wales
Fly tipping incidents cleared within 5 working days	92.3 %	92.2 %

- 4.2 The Fly-tipping functionality formed a part of the Waste Services Department in 2012/13 and resources included two members of staff (3.5 days per week) and the use of one vehicle (this also included all receptacle deliveries, private works).
- 4.3 All fly-tipping evidence was gathered by Waste Services and passed to Environmental Health Department for further action. All prosecutions were undertaken by Environmental Health.
- 4.4 Fly tipping is not unique to Merthyr Tydfil; it is a national problem and fly tipping incidents are increasing. Tackling fly tipping within Merthyr Tydfil has been high on the agenda over the last four years and links into the corporate priority 'A Sustainable Environment'.
- 4.5 Local Authorities (LA's) are responsible for clearing fly tipping on public land. LA's may also investigate incidents on private or unregistered land but there is no obligation to clear the waste.
- 4.6 Natural Resources Wales (NRW) is responsible for dealing with large scale illegal dumping, including incidents involving organised crime and certain hazardous wastes. NRW will only clear up such waste where there is an immediate risk to the environment or human health.
- 4.7 The percentage of waste cleared off Council owned land in Merthyr Tydfil compared to All Wales from 2013/14 to 2017/18 is shown in Table 2:

Table 2: Percentage of fly tipping incidents cleared off Council owned land within 5 days from 2013/14 to 2017/18:

Key Indicators	2013/14	2014/15	2015/16	2016/17	2017/18
% Fly tipping incidents cleared within 5 working days (Council Land) in Merthyr Tydfil	96	92	95	100	100
% Fly tipping incidents cleared within 5 working days (Council Land) in Wales	95	93	95	95	95

## 5.0 WHERE WE ARE NOW

### Fly tipping Complaints

- 5.1 In April 2018, the performance indicator for fly tipping clearance changed from the percentage of incidents cleared from council owned land within 5 working days to the average number of days taken to clear fly tipped waste from council owned land.

- 5.2 In Quarter 1 of this year (2020/2021), there were 599 reported incidents of fly tipping on all land types. The average number of days taken to remove fly tipped waste off council owned land was 1.67 days.
- 5.3 For the same period in 2019/2020, we received 461 reports of fly tipping on all land types. The average number of days taken to remove waste off council land was 1.17 days
- 5.4 In Quarter 2 of this year (2020/2021), the reported incidents fell to 557 and the average number of days taken to clear fly tipped waste off council owned land was 1.83 days.
- 5.5 For the same period in 2019/2020, we received 440 reports, the average time to remove waste off council owned land was 1.27 days.
- 5.6 The average number of days taken to clear waste in quarter 1 and 2 this year (2020/2021) was 1.75 days, compared to 1.22 days for the same period last year (2019/2020).
- 5.7 The Authority has seen an increase in complaints from 2019/2020 to 2020/2021. Quarter 1 and 2 in 2019/2020 saw us receive 901 reports of fly tipping; the same period in 2020/2021 has seen these complaints increase by 255 with us receiving 1156 complaints between April – September. This increase in reported incidents of fly tipping could be related to the Covid-19 pandemic, which caused the closure and new restrictions (proof of residence etc) put in place at the HWRC. June saw us receive our highest volume of reported incidents, which was 212.
- 5.8 The pandemic lockdown saw more people at home, which in turn meant more waste generated. This saw a rise in waste left at the side of litter bins and dog fouling bins and more waste left in rear lanes.

### **Surveillance Cameras**

- 5.9 The Department currently have 13 surveillance cameras; 6 Rapid Deployment Kits and 7 Trail Cameras. The Local Authority also have a new order of 30 dummy cameras, two of which have been given to members of the public for issues relating to dog fouling and fly tipping. Over the past two years, the Team have deployed and given 15 dummy cameras to Councillors and the public that have proven successful in certain areas.
- 5.10 Deploying covert cameras is a resource intensive task. The frequency with which batteries need to be changed depends on the area the cameras are deployed. For example, if the area has a lot of foliage or has a high footfall, the battery would need changing sooner than a remote area. On average batteries need to be replaced every 2/3 days. Previously, the cameras were deployed by the two Environmental Enforcement Officers (EEO), however deployment of cameras has ceased since the EEO pilot project ended, which in turn has meant a lack of resources within the team.
- 5.11 Two members of staff are required to deploy the surveillance cameras and this can sometimes take several hours as the area needs to be prepped before deployment.

The times in which a camera can be deployed is dependent on how busy the area is. For example, a more remote area is more flexible on timings than an area like a rear lane that may be used as a thoroughfare. Cameras can only be deployed in areas where there is adequate signage or the Local Authority would need to apply for Regulation of Investigatory Powers Act (RIPA) authorisation via the Magistrates Court each time.

- 5.12 Due to a change in legislation, the cameras are currently unable to be deployed due to a potential breach of GDPR legislation. Therefore, a Data Protection Impact Assessment (DPIA) must be completed and agreed by the Information Governance Team. We are currently liaising with the Data Governance team to get this completed.
- 5.13 We have liaised with the CCTV team to get a better understanding of the positioning of their cameras throughout the County Borough in order for us to utilise footage they may capture. The CCTV team report any fly tipping to the team, however as the majority of these cameras are positioned in the Town Centre, there are minimal incidents caught. The CCTV is managed by Safety and Protection Services.
- 5.14 The Team have looked into getting a Revader camera given the success reported by Merthyr Valleys Homes (MVH). It is understood that the Anti-Social Behaviour team have one of these cameras and we will liaise with them to ask that they also report any instances of fly tipping to allow us to fully investigate.
- 5.15 Although CCTV footage can help to secure a fly tipping prosecution, it is often not reliable evidence to use. In order for us to use CCTV footage, we must have a clear image of a car registration to allow us to carry out a search and in turn write to the registered keeper inviting them in for an interview under caution. More often than not, the footage we capture is of a person walking and disposing of a bag, where we are unable to identify them making the footage redundant. We have also experienced issues with false number plates being used by criminals making it impossible to trace.

### **Fly Tipping Policies**

- 5.16 The Environmental Cleansing and Enforcement Team have no formal policy that has been agreed by Council, however we follow the parameters set out in the Environmental Protection Act (1990), as fly tipping is a criminal offence. Any enforcement action that we take is in line with the aforementioned legislation. We also refer to the Welsh Government document 'A Fly-tipping Free Wales – Our Strategy for tackling fly-tipping.' We are now in the process of writing a formal policy that, once completed, will be taken before Full Council for agreement.
- 5.17 The Environmental Cleansing and Enforcement Team have recently started writing to landowners where fly tipping has been identified on Private land. The team investigate all instances of fly tipping and if there is any discrepancy over land ownership, the ground staff will request a land check. Previously, if the land was identified as private, then no further action would be taken. The team has now adopted the approach where when the land is identified as private, the team will pay for a Land Registry Search to be carried out to allow us to write to the landowner requesting the waste is removed. If there is no response to the letter, there is

sometimes the possibility for formal legal proceedings to begin. Each case must be taken on its own merit and criteria must be met to allow action to be taken.

- 5.18 The Local Authority do not currently clear waste from unregistered land. As unregistered land does not have a registered keeper, the Local Authority are unable to write to an owner requesting they remove the waste. Fly tipping has a negative impact on the environment and as waste on unregistered land is currently left in situ, it is not only unsightly but creates the perfect harbourage for vermin in certain circumstances. Another issue with fly tipped waste on unregistered land is that as no one takes responsibility for the waste it then becomes a 'magnet' for more fly tipping instances meaning the issue escalates and more waste is added.

## **PSPO**

- 5.19 The Local Authority are currently in the process of applying for a PSPO in relation to dog fouling. A report written by the Legal team has been heard before Cabinet and agreed therefore, the next steps are as follows;

- Prepare Draft Order and consultation documents: October 2020
- Undertake formal public consultation on the Draft Order: October – December 2020
- Review consultation responses: December 2020
- Report to Cabinet to determine whether to make the PSPO: December /January 2020/1

- 5.20 If the PSPO is agreed and comes into force, the Local Authority still have no dedicated officers to enforce dog fouling complaints, however, it would allow us to react to complaints where a written statement and/or evidence is provided. Without a dedicated enforcement team, we would be unable to patrol the streets.

## **6.0 WHERE WE WANT TO BE**

- 6.1 We would like to significantly reduce the instances of fly tipping within the County Borough. In order to achieve this we would like to remove and investigate all instances of fly tipping on Council owned land within a timely manner. Where necessary we also aim to prosecute to help reduce the incidents of fly tipping.

- 6.2 We would like to look into the possibility of investing in a Revader Camera. As mentioned above, MVH have reported a significant reduction in fly tipping in areas where they have deployed these units. The Revader camera is an overt camera so not only does it record footage it also acts as a deterrent due to its visibility.

- 6.3 We would like to get a formal policy in place that is agreed by Council. The policy is currently in the process of being written, therefore once it is complete, we will look to put it before Council.

## **7.0 WHAT WE NEED TO DO NEXT**

- 7.1 Prioritise hot spot areas and continue to send letter drops to problematic areas advising of the issues in the area and ask for information.

- 7.2 Complete the Fly Tipping Policy.
- 7.3 Implement the PSPO if approved.
- 7.4 Look at restricting access to hotspot areas.
- 7.5 Continue to distribute and deploy dummy cameras.
- 7.6 Purchase a Revader camera.
- 7.7 Continue to liaise with and work closely with South Wales Police.
- 7.8 Added signage to all litter bins to warn the public that waste left to the side of bins is a fly tipping offence that may result in prosecution.
- 7.9 Await a decision on how to proceed with unregistered land.

**8.0 CONTRIBUTION TO WELLBEING OBJECTIVES**

- 8.1 Environmental enforcement contributes to the Council’s environmental wellbeing objective; communities protect, enhance and promote our environment and countryside.

**JUDITH JONES CHIEF OFFICER  
PLANNING & NEIGHBOURHOOD  
SERVICES**

**COUNCILLOR DAVID HUGHES CABINET  
MEMBER FOR PLANNING &  
NEIGHBOURHOOD SERVICES**

<b>BACKGROUND PAPERS</b>		
<b>Title of Document(s)</b>	<b>Document(s) Date</b>	<b>Document Location</b>
List the Background documents which have been relied on in preparing the report. E.g. previous minutes of relevant committees		
<b>Does the report contain any issue that may impact the Council’s Constitution?</b>		