



Committee name: Cabinet

Committee date: 16/11/2022

Report title: Scrutiny Committee Recommendations on Review of Fly Tipping

Portfolio: Councillor Oliver, Cabinet member for environmental services

Report from: Head of environment services

Wards: All Wards

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Purpose

To update Cabinet on the outcomes of the Scrutiny Committee review of the council's approach to dealing with fly tipping in the city. This report will also highlight the implications of the decisions made at the Scrutiny Committee on 14 July 2022, especially where Cabinet has been asked to review previous agreed budget savings.

Recommendation:

It is recommended that Cabinet

- a. Notes the proposals arising from the report to the Scrutiny Committee on the 14th July 2022 as outlined in the report details below, and
- b. Agrees that Environment Services will continue to develop its operational response to the suggestions listed in paragraph 3 a. – k. within this report
- c. Officers work with partners and local businesses on dealing with waste that arises from their products or services being used and promoting any existing services

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report assists with the delivery of the Sustainable and Healthy City, and the Norwich City Council is in good shape to serve the city corporate priorities.

This report addresses **Making it easier for residents and businesses to reduce, reuse and recycle more and dispose of their waste efficiently; and keep the city's streets clean** strategic action in the Corporate Plan.

This report helps to meet **Climate change and the green economy** objective of the COVID-19 Recovery Plan.

Report details

1. On 24 June 2021, the Scrutiny Committee decided that a Task and Finish Group would be formed to investigate the Council's approach to managing Fly-tipping, particularly within its own housing estates.
2. In June 2022, an online survey was published on the Council's website to gather residents' opinions on the Task and Finish Group's recommendations.
3. The outcome of the Task and Finish Group's work was reported to the Scrutiny Committee of [14 July 2022](#), and the committee agreed to recommend to Cabinet that the following proposals arising from the task and finish group be adopted:
 - a. That the council decision in February 2007 to discontinue Waste Amnesty collections in areas of highest fly-tipping incidence is reviewed
 - b. The number, locations, and types of bins in communal areas are reviewed in the fly-tipping hotspots identified, as well as developing designs for storage areas that prevent and deter fly-tipping.
 - c. Pre Covid enforcement arrangements for fly-tipping are re-established, and expanded to include the use of CCTV
 - d. Arrangements for engaging with residents with regards to fly-tipping are reviewed and improved, including consultation on proposed actions arising from this report. This should include improved partnership working between Citywide Services and Housing Estate Management in the design of services and facilities to reduce fly-tipping in our Housing Estates.
 - e. Local facilities for upcycling and reuse of unwanted items are considered in partnership with the County Council as Waste Disposal Authority
 - f. The workflow and processes for managing fly-tipping between Norwich City Services Ltd (NCSL), Biffa and the council are reviewed and streamlined to improve efficiency and effectiveness.
 - g. The charging structure for the Bulky Uplift service is reviewed to make accessing the service easier for residents on low incomes and Universal Credit.
 - h. The service considers the use of an app for reporting fly-tipping.
 - i. The manner in which the council records and analyses Environmental Anti-Social Behaviour is reviewed.
 - j. The service continues to review best practice elsewhere
 - k. That the Council reviews current enforcement arrangements to ensure that the full range of sanctions available to the council are used more effectively
4. In addition, Scrutiny Committee also recommended to Cabinet that
 - a. Officers work with partners and local businesses on dealing with waste that arises from their products or services being used and promoting any existing services

- b. Any actions and reviews arising from the task finish group have a clear timeline for implementation so that they can be monitored and followed up
5. Finally, Scrutiny Committee requested that the leader of the council writes to the leader of Norfolk County Council to ask the county council to:
 - a. Reverse charges on DIY waste at recycling centres
 - b. Provide funding for lower income residents of Norwich city centre to deal with their bulky waste

Consultation

6. An online survey was published on the Council's website to gather residents' opinions on the Task and Finish Group's recommendations.
7. The results of the survey were included in the report on the Task and Finish Group's to the Scrutiny Committee of 14 July 2022

Implications

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2022-26 and budget.

8. Most of the recommendations in the committee report are relatively straightforward and would be considered as best practice. There are specific financial, environmental and reputational implications associated with recommendations a. and g.
9. These implications can be mitigated in a number of ways, primarily as follows
 - a. In March of this year, the Council submitted a bid to the UK Shared Prosperity Fund for a programme of neighbourhood improvements. £0.341m in capital and revenue funding has been requested to provide a programme of Neighbourhood Clean-Ups in areas identified by data. Activities will include removal of fly tipping, and an amnesty on waste which will be monitored so that anything usable can be donated or upcycled for further use. It is also proposed that relevant staff will be on hand to speak with residents about wider priorities for their local area to maximize engagement with the council and promote the formation of local community groups. This should address the recommendation in paragraph 3 a and mean that the re introduction of the waste amnesty and the review of the charging structure for bulky waste collections are no longer necessary
 - b. The council is also about to launch its "Love Norwich – do your bit" campaign, which will also target environmental Anti Social Behaviour in our neighbourhoods. This recognizes the increasing demand for robust action to be taken against those committing environmental ASB. It will also address the recommendation at paragraph 4.a., that officers work with partners and local businesses on dealing with waste that arises from their products or services being used and promoting any existing services

- c. With regards to fly tipping, proposals include increased investigation of fly tipping incidents in identified hot spots, increased use of CCTV where appropriate, improved engagement with residents and communities through the Neighbourhood and Community Enablement team. In addition, data relating to environmental anti social behaviour is now regularly reviewed by officers and used to develop interventions in known hot spots. This will allow Environment Services to contribute to actions arising from the new Community Safety Strategy
- d. Finally, the workflow between citywide services, Biffa and NCSL is under continuous review, and the work carried out by the Fly Tipping Task and Finish Group has allowed us to make a number of improvements in this regard
- e. Environment Services has also started working with Housing Services to identify bin stores requiring upgrade. Housing Services have committed to funding these upgrades through its Estate Improvement programme. Timescales for carrying out the work have yet to be confirmed, but will take place as soon as possible once locations have been confirmed

Financial and resources

- 10. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2022-26 and budget.
- 11. The budget for Bulky Waste income is £0.054m per annum (£0.082m actual for FY 2021/22). Environment Services are reviewing the charging structure for the Bulky Uplift service to make accessing the service easier for residents on low incomes and Universal Credit.
- 12. The direct cost of clearing fly tipping for the council is approximately £0.180m. This represents the cost of 2 vehicles and 4 employees utilised by NCSL to carry out this work

Legal

- 13. The Council is a Waste Collection Authority, and as such has a duty to collect household waste (S.45 of the Environmental Protection Act 1990). Under S.46 of this Act, the Council can also specify;
 - a. the types and number of containers
 - b. the size, construction and maintenance of the receptacles
 - c. the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose
 - d. the placing of the receptacles for the purpose of avoiding nuisance or detriment to the amenities of the area
 - e. the placing of the receptacles for that purpose on highways

- f. the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them
- g. the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles

14. The Council also has powers under section 46A of the EPA 1990, to issue written warnings and penalties for failure to comply with requirements relating to household waste receptacles. A written warning must first be served on the individual before any fixed penalty notice is issued. The individual must be given a period of time (28 days) to make representations back to the council.

15. With regards to fly-tipping, under Sections 33, 34 and 59 of the Environmental Protection Act 1990, the Council is responsible for investigating, clearing and taking appropriate enforcement action in relation to small scale fly-tipping on public land. The Environment Agency is responsible for dealing with larger-scale fly-tipping (more than a lorry load), hazardous waste and fly-tipping by organised gangs.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	None
Health, social and economic impact	<p>There are a number of proposals from the Scrutiny Committee that relate to the ability of economically disadvantaged residents to access some council services, especially the bulky waste collection services.</p> <p>In addition, the work of the committee has identified that the impact of fly tipping is felt most by communities with higher levels of deprivation</p>
Crime and disorder	<p>The Council has a duty to consider the impact of its activities on crime and disorder. The recommendations in this report will support the Council in reducing the potential incidence of environmental crime.</p>
Children and adults safeguarding	None

Consideration	Details of any implications and proposed measures to address:
Environmental impact	<p>We collect around 1260 tonnes of fly tipping a year, and our responsiveness (95% of incidents are dealt with within 24 hours) could be considered as a free Bulky Waste collection service.</p> <p>This does not align with the Council's Environmental Strategy, and previous Waste Strategy, which had priorities aimed at increasing reuse and recycling in the city and reducing the amount of residual waste</p> <p>Residents should be encouraged to dispose of their waste responsibly. Any reduction in the cost to residents of disposing of waste could be regarded as contravening the "polluter pays" principle, even for households.</p>

Risk management

Risk	Consequence	Controls required
Reputational	<p>The vast majority of fly tipping in the city (92%) is on council owned land, and the top 10 fly tipping hotspots account for 38% of all incidents.</p> <p>Failure to properly manage fly tipping in the city could have an adverse impact on the reputation of the council.</p>	The adoption of the proposals contained in the Scrutiny Committee report will assist in addressing this
Financial	Fly tipping represents a financial cost to the council where it requires additional resources outside of the normal waste collection service.	<p>Consideration of the barriers to disposal of waste through normal waste collection routes established by the council.</p> <p>Enforcement action to deter offenders.</p> <p>Education activities to highlight the impact and cost of illegal fly tipping</p>

Risk	Consequence	Controls required
Environmental	Fly tipping, especially where it involves hazardous materials, could impact on the city environment and wider if pollution is able to transit through for example watercourses etc.	Enforcement activity and education about the potential impact on the environment.

Other options considered

16. The option of doing nothing was considered. However, the extent of the challenge, the reputational and financial risk to the Council, and the corporate priorities associated with improving recycling and the natural and built environment meant that this was not a viable option.

17. The option of reducing the level of service was also considered. It was also rejected for the reasons provided above

Reasons for the decision/recommendation

18. The recommendations have been made to allow for improvements to existing arrangements for waste collection and removal of fly-tipping

Background papers:

None

Appendices: None

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