

**MIDDLESBROUGH COUNCIL  
OVERVIEW AND SCRUTINY BOARD**

**10 APRIL 2018**

**FINAL REPORT OF THE ENVIRONMENT  
SCRUTINY PANEL –  
FLY-TIPPING AND ENFORCEMENT**

**PURPOSE OF THE REPORT**

1. To present the final report of the Environment Scrutiny Panel following its investigation into Fly-tipping and Enforcement.

**AIMS OF THE INVESTIGATION**

2. To ensure effective enforcement is in place in Middlesbrough in relation to fly-tipping and, over the next three years, to achieve a significant reduction in fly-tipping across Middlesbrough and to improve the condition of back alley cleanliness resulting in financial savings to the Council.
3. The scrutiny of this topic fits within the 'Safer Middlesbrough' priority of the Mayor's Vision 2025. "A well-maintained and safe environment is vital to our town and we will continue to ensure that it is kept clean and that open spaces are attractive and well-maintained. Sustainable living is key to our town's future".
4. In addition, the Council's Strategic Plan (the Council's overarching business plan) is currently being refreshed for the 2018-21 period. In the past year, the Council's approach to delivering the Mayor's Vision for Middlesbrough in 2025 - Fairer, Safer, Stronger - has focussed around three strategic themes – Business Imperatives; Physical Regeneration and Social Regeneration. It is proposed that the definitions of the three themes will be as follows, and this topic fits within all three themes:-
  - Business Imperatives – Ensuring that the Council operates efficiently and effectively so that physical and social regeneration outcomes are maximised.
  - Physical Regeneration – Investing in Middlesbrough to provide and improve facilities which act to increase the town's reputation, create social opportunity and improve the Council's finances.
  - Social Regeneration – Working with our communities and other public service organisations to improve the lives of Middlesbrough's residents.

## TERMS OF REFERENCE

5. The terms of reference for the scrutiny panel's investigation were as follows:-
- a) To understand the current position in respect of fly-tipping; back alley cleaning and the bulky item collection service in Middlesbrough, including financial and performance information.
  - b) To establish what the current levels of enforcement are and how Middlesbrough compares with neighbouring authorities.
  - c) To assess the numbers of complaints and service requests submitted by Middlesbrough residents and Members on these issues.
  - d) To examine the arrangements in place with the University/landlords for end of term house clearances/rubbish removal.

## SETTING THE SCENE

6. The Panel held meetings on 14 September, 10 October, 9 November, 14 December 2017 and 18 January 2018 and received information from the following witnesses:-
- G Field – Director of Environment and Commercial Services (ECS)
  - A Mace – Head of Environment Services (ECS)
  - J Parry – Environment Services Manager (ECS)
  - M Greene – Assistant Director of Neighbourhoods & Customer Services, Redcar and Cleveland Council
  - D Roberts – Deputy Director, Campus Services (Facilities), Teesside University
7. The Environment Scrutiny Panel had previously undertaken a review of Education, Enforcement and Environmental Issues in 2015. At its meeting on 14 September 2017, the Panel was provided with an update in relation to the recommendations from the 2015 review. The Panel used the update information as the basis for this investigation and decided to focus on fly-tipping and enforcement. The Panel also considered that the Council's bulky item collection service should be taken into account as part of the scrutiny review.
8. The Panel noted that the majority of recommendations from the previous review had now been implemented, in particular:-
- The Council's Environmental Enforcement Team increased from 2.5 to 6.5 staff following a merger of the education and enforcement teams. The education element is carried out by Area Care and the Enforcement Team Manager is currently liaising with PCSOs who visit local schools with a view to carrying out joint talks that will include information on enforcement and recycling.
  - Mobile CCTV equipment has been purchased to help with environmental issues including fly-tipping in hot-spot areas.

- Pictorial waste disposal guides in the format of leaflets, posters and large communal bin stickers have been produced and also include instructions in five languages – Romanian, Czech, Polish, Punjabi and Urdu.

## **BACKGROUND INFORMATION**

9. After considering information and the key service priorities, provided by the Director of Environment and Commercial Services, the Panel agreed to examine the issue of fly-tipping and enforcement.

### **Litter Strategy for England**

10. Consideration of this topic is timely as the Government launched its Litter Strategy for England in April 2017 which aims to reduce the amount of litter getting into rivers and seas and to stop people dropping litter by sending out a clear message; cleaning up the country and improving enforcement.
11. The Litter Strategy sets out the following key facts in relation to litter:-
  - Street cleaning cost local government £778 million in 2015/16. A significant portion will have been avoidable litter clear-up costs and the money could have been better spent on vital public services.
  - The National Crime Survey found that 28-30% of people perceive 'litter and rubbish lying around' to be a problem in their area.
  - 81% of people are angry and frustrated by the amount of litter across the country.
  - In the 2016 Great British Beach Clean, 802 litter items were collected per 100m of beach in England.
  - Last year the RSPCA received over 5,000 phone calls about litter-related incidents affecting animals.
12. Section 5 of the Strategy focusses on better cleaning and infrastructure. It highlights the importance for Councils to maintain clean streets in order to attract a full range of businesses and customers to their area. The presence of litter can deter customers from spending time in an area and businesses can choose not to move to high streets and neighbourhoods if they are affected by litter and fly-tipping.
13. By 2020 local authorities will be able to retain all business rates income so it is, therefore, in their interests to ensure that the area is clean and attractive in order to support a thriving economy.
14. The Litter Strategy acknowledges that there may be a fine line between littering and small-scale fly-tipping although fly-tipping is often associated with a desire to avoid the legitimate costs of waste disposal. Under the Code of Practice on Litter and Refuse, the deposit of a single black plastic sack of rubbish should usually be considered a fly-tipping offence rather than littering. Fixed penalty Notices (FPNs) can be issued for littering offences but previously the only enforcement route available to Councils against fly-tipping offences was prosecution – which is both costly and burdensome.
15. In May 2016 new legislation was introduced to enable Councils in England to issue FPNs between £150 and £400 to anyone who commits a fly-tipping offence. As well as acting

as a deterrent, the FPNs will save Councils time and money as they provide an alternative to prosecuting fly-tippers through the Courts. The new powers have been positively received by local Councils and the waste management industry. However, issuing FPNs is not always a suitable sanction for non-Council operators of waste management, repeat offenders or those responsible for large-scale fly-tipping or the fly-tipping of hazardous waste. Such incidents will continue to be enforced by local authorities using existing prosecution powers. Prosecution remains an option for local authorities in punishing large-scale waste criminals.

### **Keep Britain Tidy**

16. In addition, Keep Britain Tidy's award-winning Centre for Social Innovation develops tools and guidance based on the findings of its work which can be used by local authorities, land managers and others to replicate innovations in their local areas. According to research, 47% of people did not know that they are responsible by law if their waste is fly-tipped by a third party.
17. In March 2017, Keep Britain Tidy it launched its "#CrimeNotToCare" campaign in response to fly-tipping in England reaching epidemic proportions. It states "Many local authorities are dealing with up to 50 incidents a day – some deal with up to 100. By increasing public understanding about their duty of care – "Your Rubbish, Your Responsibility', together we can reduce fly-tipping and cut off the supply to the criminals responsible for it".
18. The campaign is designed to help local authority partners educate their residents about their responsibilities to dispose of their own waste and help them avoid a fine, or worse.
19. Keep Britain Tidy recognises that fly-tipping is a priority for many Councils in England, with around one million incidents recorded in 2016/17, costing more than £50 million to clear from public land. The ultimate aim is to eradicate fly-tipping and to halve incidents by 2020. "Reaching the Tipping Point" is Keep Britain Tidy's six-point action plan for tackling fly-tipping by:-
  - Giving Householders the information they need.
  - Making it easy for householders to do the right thing.
  - Developing effective and consistent enforcement strategies.
  - Encouraging stiffer sentencing in Magistrates Courts.
  - Encouraging the development of a circular economy.
  - Better research and greater innovation.

### **Businesses/Right Waste, Right Place**

20. Recent research suggests that around 90% of those organisations that are currently breaking the law are small-medium enterprises with up to 50 employees. This is mostly because they do not know what their enterprise or business needs to do to fully comply with its Duty of Care responsibilities.
21. The website [rightwasterightplace.com](http://rightwasterightplace.com) was created to provide businesses and establishments that produce waste with information and advice on how to comply with the

law and meet their 'Duty of Care' obligations under Section 34 of the Environmental Protection Act 1990.

### **DEFRA - Fly-tipping statistics for England 2016/17**

22. In October 2017, the Department for Environment, Food and Rural Affairs (DEFRA) published the latest fly-tipping statistics for England 2016/17 which highlights that local authorities in England dealt with around **one million** fly-tipping incidents during **2016/17**. This is a **7% increase** from 2015/16. The estimated cost of fly-tipping clearance to local authorities in England for 2016/17 is **£57.7 million**. This has also increased from the previous year when the total clearance costs were estimated at £50 million.
23. The statistics provide details of fly-tipping reported by local authorities in England via the fly-tipping module in the WasteDataFlow database to DEFRA between April 2016 and March 2017.
24. The key findings are as follows:-
  - i) In England, local authorities dealt with **1,002,000** fly tipping incidents. This is an increase of **7%** from the previous year. **Two-thirds (67%)** of fly-tips involved household waste – an **increase of 8%** from the previous year and, consistent with previous years, the most common place for fly-tipping to occur was on highways – this accounted for **49%** of total incidents and is an **increase of 4%** on the previous year.
  - ii) The **most common size** category for fly-tipping incidents is equivalent to a **small van load** (33% of total incidents), followed by the equivalent of a **car boot** (27%). The estimated cost of clearance to local authorities in England is **£57.7 million**.
  - iii) Local authorities carried out **474,000 enforcement actions** in 2016/17, costing around **£16 million**. This is a **decrease of 20,000 actions and £0.9 million** from the previous year. However, the number of **FPNs** issued has **increased by 56% to 56,000** in 2016/17 and this is the second most common enforcement action after investigations, accounting for **12%** of all enforcement actions taken.
  - iv) It is worth noting that the statistics provided by DEFRA are based on fly-tipping incidents reported by local authorities in England and excludes the majority of private-land incidents, as fly-tipping on private land rests with private landowners and is not subject to mandatory data reporting.
  - v) In the **north east** region alone, a **total of 48,966** fly-tipping incidents were reported during 2016/17.

**TERM OF REFERENCE (A) – TO UNDERSTAND THE CURRENT POSITION IN RESPECT OF FLY-TIPPING; BACK ALLEY CLEANING AND THE BULKY ITEM COLLECTION SERVICE IN MIDDLESBROUGH, INCLUDING FINANCIAL AND PERFORMANCE INFORMATION**

25. Officers from Environment and Commercial Services (ECS) provided the Panel with information in relating to Term of Reference (a), as above. The Panel heard that whilst levels of fly-tipping have reduced overall since 2014/15, levels have increased in 2016/17 from the previous year. The total levels of fly-tipping reported in Middlesbrough are as follows:-

<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>
3,024	2,088	2,687

26. The above figures relate to the total number of incidents of fly-tipping. It is difficult to provide an exact quantity of the fly-tipped rubbish collected in tonnage as various crews, as well as the fly-tipping response team, attended fly-tip clearances. However, the Council removed approximately 1,208 tonnes of fly-tipped rubbish in 2016/17, costing in the region of £62,816 to dispose of (based on a processing fee of £52 per tonne but this cost fluctuates depending on the type of material being disposed of). In addition, the cost to the Council for providing this service, annually, is £49,000 in relation to two employees, vehicle and fuel. The **total cost** incurred by the Council to deal with fly-tipping in 2016/17 was approximately **£111,816**.

27. With pressure on Councils to deliver services with continued reductions in funding and resources, it is essential for Councils to find smarter ways of working and delivering services. A new Customer Relationship Management (CRM) system has been introduced and it is hoped this will assist in providing a more intelligence-led service. At the present moment, the new CRM system is unable to provide a breakdown of fly-tipping incidents by area and a second software system, which will run alongside it in order to retrieve specified data, is under development. As a result of this, ECS agreed to manually record the number of fly-tipping incidents, by area (north, south, east, west), until such time that the new software is available to provide the data.

28. The numbers of manually recorded fly-tips removed, by area, from September 2017 to January 2018, are as follows:-

	Sept	Oct	Nov	Dec	Jan	<b>TOTAL</b>
North	46	72	50	72	73	313
South	8	16	15	12	20	71
East	69	67	68	44	97	345
West	22	54	20	14	41	151
<b>TOTAL</b>	145	209	153	142	231	<b>880</b>

29. The Panel also heard that the Local Environment and Quality Survey (LEQSE, BVP 199) is to be revived. The Survey scores streets for environmental quality for litter, detritus,

dog fouling, graffiti and fly-posting. Information from the survey can be used to direct resources to where they are most needed.

### **Current Enforcement**

30. The Panel was advised that the Environmental Enforcement Team is responsible for the enforcement of all environmental issues in Middlesbrough and has expanded from 2.5 to 6.5 staff. Its objectives are to encourage residents and businesses in Middlesbrough to dispose of waste responsibly. A number of new measures are being introduced to make the Team more visible, including new vehicle livery and body cameras, to act as a deterrent to offenders.
31. All staff within the team are Police and Criminal Evidence Act (PACE) trained as this is a requirement in order to issue Warning Notices and Fixed Penalty Notices. The Team is divided into dedicated zones across Middlesbrough (north, south, east and west), with one Enforcement Officer covering a zone each and two Officers covering the town centre but with flexibility to be utilised in other areas as and when required.
32. In July 2017, Middlesbrough Council adopted new Regulations allowing Fixed Penalty Notices (FPNs) to be issued in respect of fly-tipping and other offences. Prior to the introduction of the new Regulations, fly-tipping was only punishable by prosecution. The Panel heard that, since July 2017, the Council has issued a total of 12 FPNs for environmental offences. Four relate specifically to fly-tipping and there were two successful prosecutions in relation to fly-tipping during December 2017.

<b>Number of FPNs issued 2016/17</b>	<b>Total</b>
Fly-tipping	4
Abandoned vehicle	1
Dog fouling	1
Fly-posting	2
Duty of Care Inspection	2
Section 34 (business non-production of waste disposal arrangements evidence)	1
Section 46 (fail to present domestic waste in correct receptacle/correct day)	1
Section 47 (fail to present trade waste in correct receptacle/correct day)	1

33. The process for dealing with fly-tipping offenders was explained to the Panel. A first-time offender is given the opportunity to remove the fly-tipping from the site in the first instance as an alternative to being issued with a FPN. Where previous warnings or advice has been issued to the offender, or for a more severe offence, a FPN is the default position. Prosecution is only pursued in extreme cases.

### **Fly-tipping – Reporting & Response**

34. The Panel was also provided with information regarding the process for reporting fly-tipping. Incidents can be reported by Ward Councillors through the One Stop System (Councillors' electronic constituency case-work system), operated by the Council's

Performance and Partnerships service, or by members of the public via the Council's website or by telephoning the Council's Customer Contact Centre. Reports are forwarded to the Central Operations Team at Cargo Fleet Lane for action.

35. The fly-tipping response team currently consists of two full-time operatives and one vehicle, working across Middlesbrough. The current target response time for removal of fly-tipping from Council-owned land is within 24 hours on a normal working day. Where evidence is discovered which might lead to the identification of the perpetrator, the Enforcement Team will investigate and the rubbish is removed once the investigation is complete. Approximately 80% of fly-tips are removed within the 24 hour target response time.
36. There are other occasions when it is not possible to remove the fly-tipping within the target response time, such as poor weather conditions or a requirement for specific equipment to remove the rubbish due to its size or nature (such as a hi-ab crane).

### **Back Alley Cleaning/Issues**

37. With regard to back alley cleaning, the Panel heard that alleys are cleaned once per week following the weekly refuse collection. There is currently no data in relation to the number of requests received for additional cleaning, however, where the collection team suspect rubbish is being dumped in the alleyway, the Enforcement Team are requested to attend to investigate and this can sometimes lead to a delay in the rubbish being removed.
38. Back alleys, particularly in the town centre, were identified as an area of concern in relation to fly-tipping. The properties tend to be rented accommodation with a high turnover of tenants, such as student accommodation. The Council has attended Teesside University's Fresher's Fair to make links with students and landlords around what is expected in terms of the condition that properties and outside areas are left in at the end of term.
39. As part of the Council's Social Regeneration strategic objective, it is anticipated that there will be better engagement with residents with a view to potentially providing a more tailored service in terms of back alley waste collections in an effort to ensure that alleys become clean, safe places for residents to enjoy.
40. Another issue associated with fly-tipping is the dumping of electrical/white goods in some areas of Middlesbrough. This is possibly due to people on low incomes purchasing second hand appliances which often have a short lifespan. As a result, inspections are being carried out at second hand electrical goods shops to ensure that they have the correct disposal contracts in place and to ensure that goods are being repaired correctly.



## **Bulky Item Collection Service**

41. The Panel received information in relation to the Council's Bulky Item Collection Service. Between January and December 2016, approximately 6,232 service requests were received. The current charge for the removal of bulky waste items is £10 for up to five items of household furniture, such as a settee, table, mattress, etc. The Bulky Item Collection Service also collects electrical goods and this is subject to a separate charge of £10 for up to two items, such as a washing machine, fridge, freezer etc. The charge is separate as electrical goods are subject to different disposal Regulations (Waste Electrical and Electronic Equipment (WEEE) Regulations 2014) and are collected by a separate crew.
42. As a comparison of Middlesbrough's bulky item collection charges, initial enquiries show that Stockton Council charges a fee of £15 to collect up to six bulky items and collects on Tuesdays – Fridays inclusive. Redcar and Cleveland Council will collect a maximum of 18 bulky items priced at £19 for 1-6 items; £29 for 7-12 items; and £39 for 13 – 18 items with collections taking place Tuesdays – Thursdays inclusive. Hartlepool Council will collect up to three furniture items, costing £20. It allows for multiple bookings of up to three, ie nine items in total. Residents in receipt of certain primary benefits may be entitled to a discounted charge of £10 per booking.
43. In Middlesbrough there are currently two vehicles used to carry out bulky item collections – one for bulky household items which collects on Wednesdays and Fridays; and a separate vehicle which specifically collects electrical goods Tuesday – Friday inclusive.
44. The levels of both bulky waste item collections and fly-tip removals remain steady throughout the year, however, there are seasonal increases, such as at Christmas, bonfire night and end of the academic term.
45. In addition, the Panel learned that it is the responsibility of the person disposing of the waste to ensure that they only use a properly registered waste disposal contractor, or they will be liable for prosecution for the offence of fly-tipping if their waste is discovered to have been inappropriately disposed of.

## **TERM OF REFERENCE (B) - TO ESTABLISH WHAT THE CURRENT LEVELS OF ENFORCEMENT ARE AND HOW MIDDLESBROUGH COMPARES WITH NEIGHBOURING AUTHORITIES**

46. At its meeting on 9 November 2017, the Panel was provided with further details regarding the Council's current position in relation to levels of environmental enforcement activity in Middlesbrough.

## **Legislation**

47. Officers from ECS advised the Panel that the Council has the power to issue Fixed Penalty Notices (FPNs) for a range of specific offences. The FPN must contain details of the alleged offence; where and when it took place; how the FPN was issued (in person or by post); the amount of fine imposed and whether there is a discount for early payment; a deadline for the payment of the fine (this must be at least 14 days); how the fine can be paid; and instructions on how to appeal if an appeal process is in place.

48. A Section 46 legal notice, served under Section 46 of the Environmental Protection Act 1990, requires the occupier of a domestic premises to provide containers for their waste and gives requirements for maintaining, storing and placing those containers for collection. The materials placed in the container can also be controlled under this notice. A FPN can be issued if the Section 46 notice is not adhered to. The fine is currently £110, reduced to £60 if paid within 10 days. The offence of failing to comply with a Section 46 notice was decriminalised in 2015. Previously, failure to pay the FPN would have resulted in Court proceedings but now several letters and demands are sent to the recipient of the FPN. At the end of the process, if the FPN remains unpaid, it is recoverable as a civil debt.
49. A Section 47 legal notice, served under Section 47 of the Environmental Protection Act 1990, is the same as above but in respect of commercial/industrial premises. Again, a FPN can be issued if the Section 47 notice is not adhered to. The fine is currently £110, reduced to £60 if paid within 10 days. The offender can be prosecuted if the FPN is not paid and the maximum penalty on conviction should, the offence go to Court, is £1,000.
50. Section 33 of the Environmental Protection Act 1990 prohibits the unauthorised or harmful deposit, treatment or disposal of waste (fly-tipping). Section 33ZA of the Act, amended by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which came into force in May 2016, permits the issue of a FPN for the contravention of Section 33. The minimum full penalty is £150, with a minimum discounted penalty of £120 if paid early. The maximum full penalty for fly-tipping is £400, however, the amount of fine awarded is at the discretion of the issuing officer. Middlesbrough has not issued any £400 fines to date. Should the offender fail to pay the FPN, prosecution can follow. The maximum penalty on conviction in a Magistrates Court is £50,000 or 12 months imprisonment, or an unlimited fine or a maximum of five years imprisonment if convicted in a Crown Court.
51. An Enforcement Officer can choose to prosecute immediately if they consider the offence to be aggravated or too serious to be dealt with by way of a FPN (eg large scale fly-tipping, repeat offenders, offenders that refuse to provide details of any other parties involved, etc).
52. Section 34 of the Environmental Protection Act 1990 imposes a duty of care on anyone who produces, imports, keeps, stores, transports, treats or disposes of waste and that reasonable steps are taken to ensure waste is managed properly. The Council uses Section 34 notices to require businesses to provide documents relating to the transfer of controlled waste (they must be able to show what they do with their rubbish to comply with their duty of care). A person failing to comply with the notice and does not or cannot provide the documents within a specified time is committing an offence. A FPN can be issued for non-compliance and the penalty is £300, reduced to £180 if paid within 10 days. Prosecution can follow should the FPN not be paid and this can result in a maximum fine of £5,000 in a Magistrates Court or an unlimited fine in a Crown Court.

## **Enforcement Activity**

53. The number of fly-tipping investigations and associated actions carried out by Middlesbrough's Enforcement Team were provided as follows:-

Action	Year 2017 (Jan – Nov)	Year 2016 (Jan – Dec)
Total No. of investigated reports of fly-tipping	1,149	1,471
One Stop reports	11	68
No Waste found on inspection	461	635
Duty of Care Inspections – businesses	126	29
Legal Notices served	8	11
Fixed Penalty Notices	4	0
Prosecutions	3	0

## **Information from Redcar and Cleveland Council**

### **Fly-tipping and Enforcement**

54. At its meeting on 14 December 2017, the Panel received a presentation from Michael Greene, Assistant Director of Neighbourhoods and Customer Services, Redcar and Cleveland Council.
55. The Panel heard that dealing with fly-tipping is costly to the Council at a time when services are already stretched due to budget reductions and the waste must be disposed of either to landfill or incinerator. This incurs costs for vehicles, fuel and operative time in reacting to reports of fly-tipping. In turn, valuable resources are being taken away from other jobs such as maintenance, litter-picking, etc.
56. Redcar and Cleveland Council had gathered data to identify hot-spot areas in order to create a new integrated team within Neighbourhood Services. Hot-spot maps were produced showing where problems existed and resources were deployed to those areas. The data is also being used to examine preventative measures and long term trends.
57. The integrated team consists of:-
- One Enforcement Co-ordinator.
  - 15 Enforcement Officers (one senior officer) – dealing with all environmental issues such as litter, fly-tipping, dog fouling and also including parking enforcement.
  - Four integrated streetscene action teams.
58. The Panel was informed that initially three neighbourhood areas were created with three dedicated teams recruited to each of the areas. The area teams are in addition to the 15 enforcement officers and each team consists of two operatives and an HGV driver. All are PACE trained and deal solely with fly-tipping. The teams are deployed directly to hot-spot areas to remove rubbish immediately and this system is working successfully. Redcar and Cleveland Council has subsequently created a fourth team in partnership with its Registered Social Landlord (RSL), Coast and Country Housing. The fourth team is funded by, and made up of staff seconded from, the RSL. The fourth team deals with all fly-

tipping across Redcar and Cleveland that is found on Coast and Country land. This allows rubbish to be removed quickly negating the need for reports of fly-tipping on RSL land having to be re-directed to the RSL for action. Whilst this was initially a risk to the Council in terms of taking on additional work, it was considered the best way forward for all residents of the borough to ensure that rubbish removal is dealt with as swiftly as possible. Another advantage of the Council being responsible for clearing fly-tips on the RSL's land is that the Council has enforcement powers and carries out enforcement action on behalf of the RSL as the RSL does not have enforcement powers.

59. In 2016/17, a total of 4,292 fly-tipping incidents were reported to Redcar and Cleveland Council. 2,825 of these incidents were reported directly to the Council, with the remaining 1,467 incidents reported to Coast and Country Housing.
60. Of the 2,825 fly-tipping incidents reported to Redcar and Cleveland Council, the majority were located in back alleys - 1,295 incidents; followed by highways (roads and pavements) – 720 incidents; Council land – 279 incidents and footpath/bridleways – 238 incidents.
61. All four area teams have a 'find and fix' approach which allows them to remove rubbish quickly; use enforcement powers and undertake preventative work such as leafleting and door-knocking in hot-spot areas.
62. Redcar and Cleveland Council use the following powers to issue fixed penalty notices (FPNs):-
- Waste deposit offence under Section 33(1)a of the Environmental Protection Act 1990 and Notice of opportunity to pay FPN under section 33ZA of the EPA 1990.
  - Offence of leaving litter under Section 87 of the EPA 1990 and Notice of opportunity to pay FPN under Section 88 of the EPA 1990.
63. Redcar and Cleveland Council has adopted the use of new legislation allowing the maximum FPN fine for fly-tipping of £400. The £400 FPN is used for larger amounts of fly-tipping (for example, in excess of six black bags) and is predominantly aimed at 'professional' fly-tippers. The use of the £400 FPN negates the need for taking the offender to Court and acts as a strong deterrent. Since April 2017, Redcar and Cleveland has issued 70 FPNs in respect of littering and bigger offences. The Council continues to use the smaller £80 FPNs and also continues to prosecute persistent and/or large scale offenders.
64. During 2016/17 (up to 31 March 2017) Redcar and Cleveland Council carried out the following enforcement actions :-

Action	Number
FPNs issued in respect of fly-tipping and littering	95
Fly-tipping prosecutions	0
Littering prosecutions	16
Fly-tipping enforcement visits	708
Littering enforcement visits	216

65. Redcar and Cleveland has issued 14 of the £400 FPNs in respect of fly-tipping (figure as at December 2017) with a 21% collection rate of those fines being achieved. As this is a relatively new fine, a number were proceeding through Court/recovery, however, the average collected is £325.

### Prevention and Initiatives

66. Whilst enforcement deals with the symptoms of fly-tipping, it does not deal with the long-term root causes, therefore, prevention is an important factor. The Council has introduced its people-powered campaign 'Love It' where members of the public pledge to do things in their own areas. The aim is to harness community pride and various projects have been undertaken.
67. A community cabinet scheme was introduced along Redcar seafront where bins with an integrated key-coded cabinet have been installed. The key-code allows access to the cabinet, containing litter-picking supplies and can be used by school and community groups, on any given day, in order to undertake clean-ups. This particular scheme is sponsored by a local business, Sabic, and aims to put peer pressure on individuals not to litter or fly-tip.
68. The cabinets cost in the region of £1,000 each and are funded by Sabic. The overall budget for the 'Love It' campaign comes from a number of funding streams including those for community activities.
69. Scheduled Days of Action initiatives, involving various agencies and Council services (such as enforcement and cleaning) have also been carried out. The result is a visible Council presence in the community. Community Development Officers have worked with local branches of McDonalds to participate in Days of Action by providing funding and allowing employees time to help with community litter picks.
70. The Council also holds regular 'Bring out your Dross' days which is a mobile recycling initiative. This is funded from existing resources within mainstream revenue budgets and focusses on working differently together.
71. Redcar and Cleveland Council provides a bulky waste collection service priced from £19 depending on the number of items to be collected. There is a high demand for the service. The Bring out your Dross days are largely targeted at hot-spot areas at certain times of year, such as bonfire night and Christmas, and are carried out on an ad-hoc basis. It has been a successful initiative and does not appear to have deterred people from using the bulky waste collection service.
72. Other projects run by the Council include the 'greening up project'. This has been piloted in three areas and is due to be rolled out to four additional areas. This scheme has been carried out in community development areas where alley-gates have been introduced. The qualifying areas are determined by a strict criteria and it is essential for residents to buy into the scheme as they are responsible for painting the alleyways and planting. The finished result is a clean, safe, pleasant environment for residents to enjoy and for children to play.
73. The 'Pocket Park' is another initiative where Redcar and Cleveland Council has worked with Community Groups and Elected Members to address issues with a particular piece of

land. One piece of previously overgrown land that attracted fly-tipping has now been transformed into a small community garden. Redcar and Cleveland Council assisted the community to obtain funding and volunteers within the community maintain it. There has been positive feedback on the project and it is considered that by having ownership of such projects in the community, it is more likely to be successful and to encourage community pride.

74. The Panel heard that Redcar and Cleveland Council has used cameras and signage in some areas of the borough to tackle fly-tipping. Small wildlife cameras were used in hot-spot areas and proved to be a good deterrent. The Council plans to purchase five rapid-deployment cameras which will produce a higher resolution, better quality picture to assist in identifying and prosecuting offenders, where appropriate.
75. Fly-tipping across Redcar and Cleveland has reduced by approximately 8% (excluding littering) since the introduction of the new arrangements.
76. The Panel was informed that Redcar and Cleveland plans to embark upon the following in the near future:-
  - Deal with private land issues
  - Targeted campaign
  - Seed funding scheme (commencing soon in pilot areas, linked to the 'Love It' Campaign with small grants of up to £100 for community groups to kick start projects for purchasing items such as planters).
  - Rapid deployment cameras – to be purchased. Will provide better quality resolution. By working with Ward Councillors and utilising hot-spot data, the cameras will be deployed in areas where they are most needed. Purchase of the equipment is being partially funded by a Ward Allowance scheme operated in Redcar.

## **Information from Stockton Council**

### **Fly-tipping and Enforcement**

77. Whilst undertaking further research, Stockton Council were contacted and provided the following information:-
78. During 2016/17 a total of 2,758 service requests for the removal of fly-tipping were received by Stockton Council. It is noted, however, that Stockton Council records incorrect presentation of household waste in back alleys differently and there were a further 1,806 requests relating to this.
79. Stockton Council collects fly-tipped rubbish as part of daily waste operations, therefore, it does not have dedicated vehicles or operatives specifically for the purpose of fly-tip removals. As this is the case, Stockton Council does not record fly-tipping tonnages separately.
80. On 5 February 2018, Stockton Council formally adopted the use of the new legislation in relation to FPNs and resolved to:-

- Authorise the issue of FPNs for small-scale fly-tipping offences contrary to Section 33 (1) (a) of the Environmental Protection Act 1990.
  - Set the maximum FPN at the upper scale of £400, without the option to discount.
81. The reason for this decision was to set a clear deterrent to would-be offenders whilst also taking into account the time and money spent on investigating and removing fly-tipping.
82. Stockton Council will use the FPNs rather than taking Court action, with the exception of the following instances:-
- The offender has relevant past convictions for related offences.
  - The offender is a commercial business, or acting on behalf of a business.
  - The offender has shown no sign of remorse, acceptance or correcting behaviour.
83. Prior to the introduction of the new FPN arrangements, there were no prosecutions taken by Stockton Council in relation to fly-tipping during 2016/17 and one prosecution relating to fly-tipping in 2015/16.

### **Information from Hartlepool Council**

#### **Fly-tipping and Enforcement**

84. Hartlepool Council were also contacted and provided the following information:-
85. During 2016/17 a total of 1,805 reports of fly-tipping were received by Hartlepool Council. This is an increase from 2015/16 when 1,423 reports of fly-tipping were received.
86. In 2016/17, Hartlepool Council collected approximately 438.35 tonnes of fly-tipped rubbish, costing around £22,991.46 to dispose of. This is an increase from the previous year, 2015/16, when approximately 383.29 tonnes of fly-tipped rubbish was removed, resulting in approximately £20,210.88 disposal costs.
87. On 11 September 2017, Hartlepool Council's Neighbourhood Services Committee approved a report setting the FPN in respect of fly-tipping at £400, with no option of a discount for early payment. Subsequently, amendments to the FPNs and orders were required and, as this has only been implemented recently, no £400 FPNs have been issued to date, however, several are pending.
88. Hartlepool Council also highlighted recent changes within the Enforcement Team, providing officers with a more generic role in dealing with both environmental enforcement and traffic enforcement issues.

**TERM OF REFERENCE 3) - TO ASSESS THE NUMBERS OF COMPLAINTS/SERVICE REQUESTS SUBMITTED BY MIDDLESBROUGH RESIDENTS AND MEMBERS ON THESE ISSUES**

Reporting processes

89. There are several ways of reporting fly-tipping to the Council. The Councillors' electronic constituency case-work system, "One Stop System", enables Ward Councillors to report issues and concerns, including fly-tipping, within their own Ward. Between 1 January and 20 October 2017, 348 reports of fly-tipping had been made via the One Stop system. This compared with 498 reports of fly-tipping during the period 1 January to 31 December 2016.
90. The Panel was interested to find out how many reports of fly-tipping were received via the Members' One Stop System, by Ward, however, as this information is not currently obtainable through the new CRM system, only figures for 2016 were provided. Members acknowledge, however, that some Ward Councillors do not necessarily report fly-tipping via One Stop and that the figures are not strictly a true reflection of the problem. It does give some idea, however, of the number of fly-tipping issues reported solely through One Stop. The figures are provided in the table below:-

Ward Description	Requests Received
Acklam Ward	2
Ayresome Ward	7
Berwick Hills & Pallister Ward	11
Brambles & Thorntree Ward	12
Central Ward	47
Coulby Newham Ward	29
Hemlington Ward	37
Kader Ward	3
Ladgate Ward	0
Linthorpe Ward	2
Longlands & Beechwood Ward	121
Marton East Ward	2
Marton West Ward	3
Newport Ward	7
North Ormesby Ward	34
Nunthorpe Ward	1
Park Ward	19
Park End & Beckfield Ward	155
Stainton & Thornton Ward	3
Trimdon Ward	3
<b>TOTAL</b>	<b>498</b>

91. Members of the public can report fly-tipping via the Council's on-line self-serve system or by telephoning the Customer Contact Centre. Service requests are then forwarded to the Environment Services Central Operations via the CRM system. Each request is checked to ensure that the rubbish is deposited on Middlesbrough Council-owned land. The



response crew attends the site and removes the items, providing they are still in-situ. A job sheet is signed as complete and records the type and volume of waste removed. The CRM system is then updated – either to record that the items have been removed or that no items were found upon inspection. The service aims to remove reported fly-tipping within 24 hours on a normal working day, however, occasionally this is not possible due to large volume or type of rubbish (for example, rubble) which requires a larger vehicle or additional operatives. The Council meets this target approximately 80% of the time.

92. Where fly-tipping is found to be on private land, such as Thirteen Group land, details are forwarded to the land owner for the relevant action to be taken.
93. The total number of reports of fly-tipping by members of the public during 1 January to 31 December 2016 was 2,897 and 2,353 between 1 January – 20 October 2017. These figures relate to all reported fly-tipping, whether it is Council-owned, privately-owned or no longer in situ upon inspection. The figures provided to DEFRA relate to reports of fly-tipping that have actually been removed from Council-owned land only.
94. Upon making enquiries with the Council's Corporate Complaints Team, it can be confirmed that in 2015/16 it received one complaint in relation to fly-tipping and in 2016/17 it received five complaints.

#### **TERM OF REFERENCE 4) - TO EXAMINE THE ARRANGEMENTS IN PLACE WITH THE UNIVERSITY/LANDLORDS FOR END OF TERM HOUSE CLEARANCES/RUBBISH REMOVAL**

##### Teesside University

95. As the Panel had heard that fly-tipping was prevalent in alleyways, predominantly in the town centre, and given that a proportion of these properties are rented by students, the Panel invited Teesside University to provide information regarding current arrangements between the University and students/landlords in relation to house clearances and the disposal of bulky waste items and expectations of landlords and students regarding end of term clearances.
96. At its meeting on 18 January 2018, Debby Roberts, Deputy Director of Campus Services (Facilities), Teesside University, was in attendance to provide this information.
97. It was explained that Teesside University has 979 University-owned bed spaces in several locations close to the Campus:-
  - King Edward Square
  - Parkside Halls and Houses (between Park Lane and Park Road North)
  - Woodlands Halls, Woodlands Road
  - Central Halls, Borough Road
98. The University adheres to the UUK Accommodation Code of Practice for student accommodation which covers general waste and recycling but makes no specific reference to the disposal of large items of waste.
99. The University also has 50 bed spaces in University Managed Housing, owned by various local landlords, but where the relationship is managed by the University. The University

closely monitors these properties, including regular checks of the condition of the accommodation, and holds meetings as required with landlords. The University does not keep a check on the landlords' processes for disposing of their own property.

100. Where students move to Middlesbrough but do not use the University-owned properties or University Managed Housing, other arrangements are not monitored or managed by the University. The landlords concerned are not connected to the University in any way and the University does not keep a record of such arrangements.
101. The Panel heard that the Students' Union (SU) is a separate entity to the University. Teesside University's SU recognises a number of good student landlords and letting agencies but has no part in the contracts between students and landlords. Any student landlords/letting agencies that appear on the SU website are accredited, either by ANUK or by the SU – the purpose of this is to encourage, acknowledge and raise awareness of actively promoting good standards and management practices in student accommodation. A list of the accredited landlords and agencies are listed on the SU website.
102. The SU offers free guidance to student tenants, including a Student Housing Guide. The Guide includes a section entitled, 'Be a Good Tenant', that provides advice to students on how to report disrepair, keep garden and bin areas clean and tidy, and to respect property. The guide highlights the importance of leaving the property as it was found and details of the moving out inspection. Students are dependent on this to recover their deposit from the landlord.
103. In terms of waste management, all furniture and white goods in University-owned residences are the property of the University and are disposed of appropriately, via the University's waste disposal contractor, in accordance with relevant legislation. In addition, all building waste generated by the University or its contractors is collected and disposed of in accordance with the relevant legislation.
104. Waste generated by students in University-owned accommodation is collected in various waste compounds around the campus where it is collected by either the Council or the University's waste contractor. Students' domestic waste is collected by University staff every weekday morning to ensure it is dealt with quickly and stored in the correct place until collected.
105. Mattresses are disposed of at the end of every academic year by the University's waste contractor and are recycled, as far as practical, however, none are sent to landfill.
106. The University works with the British Heart Foundation and encourages students to donate unwanted good quality items to the charity. There are two large permanent donation bins on campus and smaller temporary collection bins are made available at various times during the year. In 2017, 532 bags were donated by University staff and students to the British Heart Foundation, weighing approximately 4.2 tonnes, with a value of around £7,000.
107. In the University Managed Housing properties, all large furniture and white goods are the property of the landlord and the disposal of such items is not monitored by the University. The University has no formal relationship with other landlords and considers it not to be appropriate to liaise with them regarding waste disposal.

108. The University indicated a willingness to amend its 'exit' letter sent to students in University-owned accommodation requesting that they ensure waste is properly disposed of and that they ask Campus Services Accommodation for assistance with large items. The University also indicated that it will provide a point of contact at the Council to landlords of University Managed Housing regarding the disposal of large items of waste at the end of leases. However, it does not believe it to be appropriate for the University to monitor the disposal of waste from landlords as it feels this is beyond the University's remit.
109. The University has robust procedures in place to ensure that waste generated from all properties for which it has responsibility, is disposed of appropriately and in accordance with legislation and environmental impact.

## **CONCLUSIONS**

110. The Scrutiny Panel reached the following conclusions in respect of its investigation:-
  1. The Panel heard that there are currently issues with the retrieval of specific data from the new CRM system, however, felt assured that work was being undertaken to address this. In the meantime, ECS continues to monitor the total number of fly-tips reported to the Council, including those made via the Members 'One Stop' system. ECS has also begun to manually record the number of fly-tips removed, by area, until such time that the CRM software is able to provide this data.
  2. The Panel feels that the monitoring and analysis of data relating to the levels of fly-tipping across Middlesbrough will assist in identifying 'hot-spot' areas and patterns of behaviour to ensure that effective enforcement can be undertaken where it is most needed and that targeted campaigns to raise awareness, whilst engaging the community, can be developed in order to significantly reduce fly-tipping.
  3. The Panel feels that the Council needs to take a more pro-active approach to fly-tipping enforcement, however, it recognises that there have been significant changes to the staffing structure within ECS and feels that the creation of the Environmental Enforcement Team is a positive step. The introduction of new legislation regarding the use of FPNs in respect of fly-tipping is relatively new but needs to be used more effectively.
  4. Based on the evidence received, the Panel feels that awareness surrounding waste disposal is insufficient, unclear and inconsistent.
  5. There are a proportion of residents and commercial businesses that are unaware of their respective responsibilities with regard to waste disposal and further work needs to be undertaken to address this.
  6. The Panel recognises that ECS provides an excellent, value for money, Bulky Item Collection Service but feels that it could be better promoted with a clearer definition of the items it can and cannot collect and distinguishing between the separate charges for

electrical and non-electrical items. The Panel believes that the department is best-placed to determine the pricing structure for the service but feels that it currently reflects the Government's view that additional waste collection services offered by Councils should be affordable and that access to Household Waste Recycling Centres (HWRC) should be free for the disposal of household waste.

7. Based on evidence from other authorities, it is clear that closer working relationships between Councils and their respective Social Housing partners could be beneficial to waste collection and enforcement issues.
8. The Panel heard that ECS identified issues with fly-tipping in areas with high proportions of rented accommodation, particularly properties with alleyways. Subsequently, the Panel was provided with information by Teesside University in relation to the current arrangements the University has with regard to waste disposal. The Panel is satisfied that the University has robust waste disposal procedures in place relating to all properties for which it has responsibility and that such procedures are in accordance with relevant legislation.
9. The Panel learned that the Student Union is a separate entity to the University and recognises a number of accredited student landlords and letting agencies. However, neither the Student Union nor the University has a formal relationship with any private landlords that are not part of the University Managed Housing Scheme.

## **RECOMMENDATIONS**

111. As a result of the information received, and based on the above conclusions, the Environment Scrutiny Panel makes the following recommendations for consideration by the Overview and Scrutiny Board:-
  1. That the Council should utilise data (once it becomes available) on fly-tipping in order to identify 'hot-spot' areas, and patterns of behaviour, to assist in the development of an effective, targeted enforcement programme that could include the use of signage, in 'hot-spot' areas, warning against fly-tipping, with the overall aim of significantly reducing fly-tipping in Middlesbrough.
  2. That Environment and Commercial Services (ECS) amends the LEQSE BVP199 survey to include the category of 'fly-tipping', to further assist in identifying 'hot-spot' areas to support targeted enforcement initiatives.
  3. The Panel feels that the Council should take a firmer stance with those positively identified as fly-tippers and believes that the Council should impose the maximum £400 FPN for offenders, but that prosecution should still be pursued in more serious cases. This will bring Middlesbrough Council in-line with its neighbours in Redcar and Cleveland, Stockton and Hartlepool. The Panel considers that ECS is best placed to formulate the details as to whether an option for a discounted payment should be offered for early payment of the FPN and, if so, what that amount should be set at. This should be considered by the relevant Committee for approval or otherwise.

4. Due to a notable and concerning proportion of people not recognising their responsibilities with regard to private waste collection companies, the Panel recommends that a town-wide awareness campaign is launched to educate residents about their responsibilities regarding the disposal of waste via a third party, in order to help them avoid a fine, or prosecution.
5. In a similar vein, the Panel recognises that a proportion of commercial businesses are not aware of what they need to do to fully comply with their Duty of Care responsibilities and, therefore, recommends that a town-wide campaign is launched to help businesses ensure they are compliant to help them avoid a fine or prosecution.
6. The Panel feels that the ECS Bulky Item Collection Service should be better publicised through a range of media, including the Council's website, Love Middlesbrough magazine, signage and leaflets in public access areas such as libraries and community hubs. In addition, the Council's webpage should be made clearer by making a distinction between the separate charges for electrical and non-electrical items, and examples of the types of items that can and cannot be collected under the respective headings.
7. To reduce delays, and potentially costs, to the Council and residents, ECS and its Social Housing partner, Thirteen Housing Group, are strongly encouraged to work together to establish more efficient ways of both collecting and enforcing fly-tipping on Thirteen land as this will benefit all residents of Middlesbrough.
8. In an effort to reduce seasonal fly-tipping in areas with large student populations, ECS should establish closer links with Teesside University and its Student Union in order to raise awareness amongst students and partner landlords of effective and proper waste disposal and their responsibilities.
9. The Panel also recommends that ECS work with the Council's Selective Licensing Team to establish links with private landlords to raise awareness of effective and proper waste disposal processes and their responsibilities.
10. That ECS develops an 'Education and Awareness Strategy' setting out its proposals for tackling fly-tipping, and other environmental issues. The Strategy should include information on plans for collaborative working with other Council departments and key partners, including schools, together with a programme of enforcement and education.

## **ACKNOWLEDGEMENTS**

112. The Environment Scrutiny Panel would like to thank the following for their assistance with its work:-
  - G Field – Director: Environment and Commercial Services (ECS)
  - A Mace – Head of Environment Services (ECS)
  - J Parry – Environment Services Manager (ECS)

- M Greene – Assistant Director: Neighbourhood & Customer Services, Redcar and Cleveland Council.
- D Roberts – Deputy Director, Campus Services (Facilities), Teesside University.
- M Stephenson – Care for Your Area Operations Manager, Stockton Council.
- T Hanson – Assistant Director: Environment & Neighbourhood Services, Hartlepool Council.
- P Hepburn – Environmental Enforcement Team Leader, Hartlepool Council.

## **BACKGROUND PAPERS**

113. The following sources were consulted or referred to in preparing this report:-

- Reports to, and minutes of, the Environment Scrutiny Panel meetings held on: 24 July, 14 September, 12 October, 9 November, 14 December 2017 and 18 January 2018.
- Government's Litter Strategy for England (April 2017).
- DEFRA fly-tipping statistics for England 2016/17.
- Keep Britain Tidy Centre for Social Innovation.
- Right Waste, Right Place.
- Environmental Protection Act 1990; SI 334 Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.
- Gov.UK – Fixed penalty notices: issuing and enforcement by Councils.
- Stockton Council's report to Cabinet 25 January 2018 re Fly-tipping FPNs.
- Hartlepool Council's report Neighbourhood Services Committee 11 September 2017 re Fly-tipping FPNs.

## **COUNCILLOR TERESA HIGGINS - CHAIR OF ENVIRONMENT SCRUTINY PANEL - 2017/18**

The Membership of the Scrutiny Panel for 2017/18 is as follows:  
 Councillors: Higgins (Chair), Goodchild (Vice-Chair), Biswas, Branson, Coupe, Davison, Hubbard, Lewis and McGee.

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