

## **CABINET**

**Date of Meeting: 5 December 2024**

**Title of Report: Fly Tipping Resource Proposals**

**Report of: Executive Director Place**

**Cabinet Portfolio: Portfolio Holder - Regulatory**

**Confidentiality: Non-exempt**

### **Purpose of Report**

1. For Cabinet to consider the proposed reinforcement of the Council's ability to educate and enforce against fly tipping.

### **Recommendations**

2. Cabinet is recommended to:
  - approve a 2-year pilot to increase capacity in the team to be able to educate and enforce against fly-tipping as set out in this report, at a total cost of £90k funded from the overall forecast net underspend in the 2024/25 budget, and
  - agree to a review of the current arrangement for the collection of fly-tipped waste with Street Care and Grounds Maintenance contract Basingstoke & Deane Borough Council following the initial wider review of the contract by the Council's Countryside team.

### **Background**

3. In July 2024 Cabinet considered the recommendation of the Overview & Scrutiny Fly-Tipping Task and Finish (T&F) group. They agreed to commission a costed and evaluated Options Appraisal document to evaluate the recommendations from the T&F group and to allocate funds necessary to do that.
4. This project sits within the Place service and complements what is already being done within the Environmental Health team. The principal decision now is to decide on the scope of what can be delivered and how that might be achieved.
5. The Overview & Scrutiny Committee previously made many comments which are summed-up and considered in Appendix 1 and the recommended approach is set out in the light of that.
6. In July, Cabinet noted that in the 2024/25 budget the Officer resource for fly tipping enforcement and prosecution had been increased from 0.4 full time equivalent (FTE) to 1.0 FTE. A full-time Officer had been appointed and was already working with the Environmental Health Manager on implementing some of the recommendations that are deliverable within existing resources.
7. The Overview & Scrutiny Committee considered a similar report at their meeting in November 2024. The Committee expressed their support for the

recommendations, and the work by the Task & Finish Group and by Officers was praised.

## **Main Issues**

8. The T&F Group made a very comprehensive set of suggestions, and this report sets out the proposed approach to implementing a number of them. Much is already being done and Appendix 1 includes a summary of the current position as well as what could be achieved with the deployment of additional resources.
9. There is a good case to employ a further full-time member of staff on a 2-year fixed term basis to work alongside the existing Officer in Environmental Health. Two dedicated Officers working on both the education and the enforcement aspects would be able to have a significant positive impact on reducing the incidence of fly-tipping in the area. This would reflect the establishment in Test Valley where recent achievements impressed the T&F Group
10. More emphasis would be given to the communication and engagement aspects which would increase public awareness of the issue and help to tackle the problem at source. This could be reflected in the person specification for the new role with an emphasis on community engagement as well as enforcement.

## **Corporate Governance Considerations**

11. The proposed additional resources are not part of a specific proposal in the Corporate Plan and are not funded from existing budgets.
12. Nonetheless, they are consistent with the Corporate Plan's priority of protecting the Planet. This includes the need to protect and enhance the district's natural environment and landscape character. The blight of fly-tipping is contrary to the objective of a sustainable future and threatens the environment in an uncontrolled and indiscriminate way. Combatting fly-tipping is compatible with and supportive of the Corporate Plan's objectives.
13. In terms of building a resilient Council, the recommendations below will help to deliver improved outcomes and satisfaction of customers. They will also support the reduction in waste.

## **Legal and Constitutional Issues**

14. There are no specific legal or constitutional issues raised by the report other than to ensure that the enhanced response to fly-tipping would be capable of being serviced by the necessary legal support (see below).

## **Alternative Options Considered and Rejected**

15. The principal recommendation is to add one full time Officer to the Environmental Health team.
16. An alternative would be to continue with the existing establishment. However, there is no spare capacity within the existing team, so there is no capacity to increase the work around fly tipping. The option of managing with existing levels of provision is not compatible with Members aspirations to enhance our response to fly-tipping.
17. There is a clear choice between making the additional role permanent and employing an Officer on a temporary basis. The permanent option would lock-in

the additional cost to the annual budget whereas a temporary appointment would enable the Council to test the value of additional investment in this area and inform a future decision about making the role permanent, if appropriate.

18. A temporary role can be funded from a shortfall in spending in the current financial year and is considered the most prudent way to proceed.
19. It is proposed that the options around addressing the collection of fly-tipped waste differently are the subject of future consideration after the initial review of the Council's Street Care and Grounds Maintenance contract.

### **Financial and Resource Implications**

20. The additional costs to the Council would amount to the cost of employing an additional member of staff on a temporary basis (two years) and ancillary equipment costs.
21. There would be some additional management time required from the addition of a further FTE within the Environmental Health team and this will need to be addressed within the Place service.
22. There would be some additional demand on the Council's Shared Legal service, but this can be absorbed in the current arrangements with Basingstoke & Deane Borough Council.
23. The financial implications are not budgeted, and the recommended action would therefore be growth over and above the base budget. Given the latest budget shortfall forecast over the medium term, it is not possible to commit to a permanent ongoing cost, therefore, it is proposed that the initial commitment is to a two-year temporary appointment funded from savings in the current financial year. If it is determined at the end of the two-year period that the trial has been successful, a decision can be made at that point whether to add the post to the permanent establishment, subject to budget constraints.
24. The review the current fly-tipped waste collection arrangements with the Street Care and Grounds Maintenance contract with Basingstoke & Deane Borough Council can follow the initial review of the whole contract by the Council's Countryside team. The options would include continuing with the existing arrangements or move to an out-sourced contract or some other arrangement. The benefits of doing so will have to be examined more thoroughly. This could coincide with the scheduled end of the current arrangement in September 2026 or at an earlier date as appropriate.
25. It is assumed that all other impacts on support and corporate services can be absorbed at no additional cost.

### **Risk Management**

26. The financial risks are limited by restricting the commitment to a two-year trial period.
27. The risk of not resourcing the team adequately and therefore not responding robustly to the challenge of fly-tipping in the district is that the incidence of fly-tipping continues at an unacceptably high level.
28. There are no other perceived risks with the proposed recommendation.

## **Equalities**

29. There are no equality implications arising from the recommendations.

## **Climate Change Implications**

30. There are no significant carbon/environmental impacts arising from the recommendations in this report
31. The climate change impacts of the collection and disposal of fly-tipped waste is a consideration. The service is already provided but there is an option to increase it. The collection element of the service is being recommended for further consideration at a later date and is not therefore directly relevant to this report.
32. The other aspects of increasing the staffing resource and improving communications around the whole issue really have no direct impact on the Council's carbon reduction targets other than increasing the Council's staff core by one on a temporary basis.
33. It is concluded that the recommendations of this report are consistent with the Council having declared a climate emergency and the addition of a single member of staff is justifiable in terms of the overall environmental benefits that the role will help to deliver.

## **Action**

33. If Cabinet approve the recommendations in this report Officers will undertake the necessary steps to recruit. Progress of the pilot will be reported through Place Service Panel.

**Contact Details: Mark Berry – Business Development Manager**

## **Appendices:**

Appendix 1 – Additional Information to Support Fly-tipping Report

## **Background Papers:**

Cabinet Report – 11 July 2024 Fly Tipping Task & Finish Group Recommendations

Cabinet Report – 3 October 2019 Hart Street Care Services

## Appendix 1

### Additional Information to Support Fly-tipping Report

#### Recent Context

1. In recent months there appears to have been a drop-off in the incidence of fly-tipping in the short term. Records suggest that, from a peak of 200 incidents per month at the beginning of the year, the level over the summer months reduced to between 90 and 130 per month. Nonetheless, the total is still likely to exceed 1000 incidents in this financial year and the reported KPIs for collections suggest that incidents are, on-average, roughly the same as the previous 12 months (higher in some areas and lower in others). It is not yet, therefore, possible to demonstrate a sustained decline but there are signs that the number of incidents has begun to level out or decline slightly.
2. Since the Council appointed a full-time Officer to focus on this issue in April 2024 (made permanent from 1 October 2024) they have focussed primarily on pursuing the perpetrators of fly-tipping and taking appropriate enforcement action. This work has been successful, and we have been able to secure some convictions, including one with a fine of £3,500.
3. Five Community Protection Warnings (CPWs) and nine Fixed Penalty Notices (FPNs) have been issued since April 2024. CPWs are live for one year and FPNs result in a fixed penalty of £250 each.
4. Of the nine recent FPNs, four have been paid and four are in process of consideration of prosecution for non-payment.
5. Cameras have been deployed with some success in securing evidence leading to successful prosecutions. In a recent green waste incident high quality images were secured capturing details of the perpetrators and their vehicle.
6. There is currently one case pending a Court hearing and a further two cases pending referral to Shared Legal with a view to legal proceedings.
7. In addition to the enforcement work, twenty percent of the Officer's time has been given to community engagement. There has been an article in Hart News about providing witness statements and we are currently reviewing our website content.
8. Notwithstanding all this excellent work, the incidence of fly-tipping continues at an unacceptably high level. Most incidents are within the public highway, and they vary in size between a few items of domestic waste to several van loads which block the road. The incidents at recycling sites has died-down and the dumping of waste outside charity shops has greatly diminished since lockdown.
9. Most incidents (80%) are reported through "Fix my street" which is a massive success story for Hart. Most other reports are made by Council staff in pursuit of their daily work. Fly-tipped waste is generally cleared on the same day it is reported or very soon after.

10. Hazardous waste is cleared and disposed-of by a specialist company under a contractual arrangement.
11. The day-to-day fly-tipped waste collection is carried out under the delegated service agreement with Basingstoke & Deane Council for the provision of Grounds Maintenance and Street Cleaning services. This has been the case since 1 April 2020 and the current arrangement runs until 31 September 2026.
12. There is more that the Council can do to ensure that the public are better informed, and to address the incidence of fly-tipping. The key limitation is the limitations of Officer time whilst investment in appropriate equipment would also assist greatly.

### **The example of Test Valley Borough Council**

13. Members of the T&F Group were impressed with what Test Valley Council have achieved and are continuing to do by way of a multi-stranded approach.
14. They are resourced with two dedicated full-time Officers, part of a supporting manager's time, legal support and the deployment of street cleaners who are trained to do witness statements.
15. They have 20 covert cameras which they have used to great effect in compliance with the national rules on gathering evidence legally.
16. Test Valley have invested in the cameras, the SD cards, rechargeable batteries, burnable CDs, battery chargers and appropriate training.
17. They have been successful in prosecuting offenders and employing Criminal Behaviour Orders.
18. They have also successfully used Social media (Meta/Facebook) in informing the public and disseminating information about their successes. This appears to have a deterrent effect and advises the public of the part they can play in preventing it.

### **Comments on the Task and Finish Group Recommendations**

#### **Communication**

19. The T&F Group made a number of recommendations about communications. Whilst the Council is currently working on its website content, more could certainly be done including many of the initiatives that were suggested by the T&F Group. If more staff time could be deployed on communications, the Council could make a bigger impact on public awareness and increase the deterrent effect. A communications strategy could be developed to give greater coherence and potency to the messages conveyed.

#### **Enforcement and Prosecution**

20. Whilst the Council is seeing some success in enforcement, experience from elsewhere suggests that more resource could secure a proportionately greater impact. Recent experience at Hart demonstrates that the focus brought by having one full-time Officer dedicated to this has increased the effectiveness of the Council's response significantly. However, there is much more that can be done, and the current resource is stretched to respond to the challenge.
21. Procuring and deploying more cameras requires time to ensure that they are used, monitored and maintained appropriately. A more extensive and sustained response by the Council is likely to have a stronger deterrent effect and secure more convictions and penalties.
22. Given time and a more developed strategy, a coordinated approach with other authorities – the police, trading standards and neighbouring authorities might be possible.
23. One additional full-time Officer would enable the Council to scale-up its operation in terms of detection, gathering evidence and taking appropriate action and thereby deliver on many of the recommendations of the T&F Group.
24. This could be tested through a two-year trial period, by employing one additional full time equivalent (FTE) on a temporary two-year contract. This would be sufficient to demonstrate the value of an additional post without immediately adding to the permanent staff core.

## **Collection**

25. The collection of fly-tipped waste is currently undertaken as part of the Street Care and Grounds Maintenance contract with Basingstoke & Deane Borough Council. This contract runs to September 2026, so it still has just under two years to run. The Council's Countryside team have started an initial review.
26. There is an option to extract the fly-tip collection element from the current contract and bring it back under the direct management of Hart District Council, but this would require negotiation on the exact terms and a formal agreement to do so.
27. There are some reasons why this might be considered to be beneficial to the Council. These include:
  - a) Potential for cost reduction. This requires further analysis.
  - b) Deployment of a more appropriate vehicle. The vehicle currently used by Basingstoke & Deane to service Hart district relies entirely on manual handling. Whilst it has a tail lift, it is not equipped to easily remove waste from the ground. A Transit-sized Tipper with a Grab would be more efficient.
  - c) Response times would be appropriate to the incident. Not all fly-tipping incidents require same-day removal.

- d) Hart's Countryside team are currently supplementing the collection of fly-tipping so this demand would be properly shown.
  - e) Some consequent improvements to continuity of service delivery.
28. Withdrawal from the current arrangement with Basingstoke & Deane mid-term would realise a reduction in the contribution made by Hart for the provision of this service of approximately £82k/annum. This could then be redeployed by Hart District Council into the reinforcement of its own direct response to fly-tipping or enable the Council to procure an out-sourced contract for the work. The figure does not take account of the cost of the management time and business support that Basingstoke & Deane Borough Council currently provide, nor does it take account of perceived efficiency savings that could be made.
29. Given the uncertainty around the benefits of an early withdrawal from the current arrangement with Basingstoke & Deane Borough Council and the further work required to establish whether this is desirable, the actions in response to the previous resolution by Cabinet could be divided into two stages, leaving the collection aspects for consideration under a separate report in due course, whilst progressing with the clearer benefits of the enhanced resource for communication, enforcement and community engagement.

### **Community Engagement in Fly-tipping prevention**

30. The T&F Group suggested a set of community engagement initiatives. These include working with schools, Parish and Town Councils and other community organisations, the organisation of community clean-up campaigns, the creation of engagement forums and the offering of rewards and recognition to raise awareness. These things would be good to do but the resource available is limited.
31. A future strategy to combat fly-tipping could certainly include elements of these but, due to the resource constraints, they would not necessarily be core to the Council's immediate response which should certainly be focussed on communication, raising awareness and enforcement.