

# Hart District Council, Overview and Scrutiny Committee

## Fly Tipping

### Task & Finish Group: Terms of Reference

#### 1 Purpose

The purpose of the Fly Tipping Task and Finish Group (T&FG) is to consider the current anti-fly tipping strategies for Hart district, and make any recommendations for improvements..

#### 2 Membership

Membership of the T&FG:

- Up to 4 members of the current Overview and Scrutiny (O&S) Committee drawn: 1 from each of the 3 political groups + independent(s).

Selected:

Cllr	Cllr	Cllr	Cllr
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The T&FG may invite officers to join meetings, including:

- Executive Directors of Services
- Environmental Promotions Manager
- And key members of their teams

The T&FG will be largely self-contained, but may draw upon modest support from Committee Services to assist with meeting arrangements and finalisation of outputs.

*The Members should be prepared to do the leg work (like the Conservation Area appraisal T&F Group) - Officers can provide data etc that we hold etc.*

#### 3 Authority

The T&FG is authorised by the O&S committee meeting of 19<sup>th</sup> September 2023.

The T&FG is accountable to O&S Committee for the successful completion of its activities.

The T&FG is not a constituted committee of Hart District Council. There is no requirement to meet in public or to make public any notes or minutes.

#### 4 Activities

The T&FG shall (method):-

- Understand the scale of fly tipping and how much is it costing the Council
- Gather member views
- Understand existing arrangements (including limitations)
- Research best practice and other council's operational experience

- Consider possible improvements in technology, changes to legislation
- Draft and agree a report summarising the activities undertaken and recommendations for consideration at O&S on 14<sup>th</sup> November 2023
- Revise and update following the meeting
- Publish the report to O&S Members and Director of Place Services.

The T&FG shall consider (scope):-

- Assess current situation and capability
  - Hart District Council's current anti-fly tipping strategies
  - Current practice in adjacent districts (including displacement effects)
  - National conversations and best practice suggestions
  - Evidence gathering and prosecution processes at Hart
  - Understanding the full cost of the service, taking into account disposal and enforcement
- Possible improvements
  - Integration with Hart's CCTV (including specialised cameras)
  - Deterrence and education (including campaigns)
  - Improved cross-border working
- Listed recommendation with expected benefit, costs, timescales and key risks
- Any other issues that become known to the T&FG as they progress with their work

## **5 Decision Making**

The T&FG has no formal decision making powers.

The final report should be a broad consensus, suitable for direct submission to Cabinet, following debate at O&S. Minority views should be included.

## **6 Meeting Protocols**

The T&FG is free to decide its own schedule of meetings, their content, attendees and locations.

Members of the T&FG shall treat information noted as being operationally or commercially sensitive appropriately. Additional constraints or controls may be required to share this with other Cllrs, Committee Services should be consulted to ensure data breaches are avoided.

There is no formal quorate number or proportion for the T&FG meetings (be they internal discussions or meetings with key external organisations or personnel). T&FGs are intended to be collaborative self-organising arrangements to work together professionally to achieve a common aim. Hence, attendees should brief their fellow T&FG members if attendance is difficult.

## **7 Reporting Structure**

A brief, verbal update is requested at O&S on a monthly basis.

The main output will be a single focussed report (~20 pages) in Hart District Council document style.

## Annex A – Background

Fly tipping has always been a troubling issue for residents and has increased in recent years.

This T&FG is concerned with the more major and persistent offenders, based on the common definition that “fly tipping” is larger than a single bag of rubbish and includes an element of intent, to distinguish its focus from “littering”. Not that either is acceptable or attractive.

The T&FG is also not concerned with bring sites, not kerb site waste.

Fly Tipping is a pan-Hart District Council resource issue, with different Service Areas having various responsibilities:-

- Place – investigation, enforcement and prosecution where there is evidence of the responsible person,
- Community – clearing up (through Streets and Grounds Maintenance team), deterrents??
- Corporate – oversight of the Waste Collection service

The Place Service Plan for 2023/24 includes Service Priority 11 which is to review the Council-wide fly tipping activity and to establish best practice. It notes that the Council is involved in fly tipping across all service areas:

- deterrents
- reporting
- detection
- collection
- investigation
- prosecution / warnings

The expected outcome of this review is to ensure a fully coordinated approach, and assessment against best practice elsewhere. This is work in progress and due to report in March 2024.

The T&FG will proceed in parallel with this and synergies should be sought. But the expectation is that the 2 processes will report separately and independently, with any differences being resolved through the definition of the FY2024/25 Service Plans.

The Council has recently received legal advice on the scope of its fly tipping work and will share that with the T&FG. This will provide some guidance on requirements, but it is understood that Member and resident’s expectations may exceed that legal minima. To what extent, at what cost and to what effectiveness will be a key topic for the T&FG.

Following staff changes, the legal process for prosecutions is currently provided by East Hants DC. It is noted that this is a specialist skill area to prepare suitable documents with legal services and appearance in Court. The T&FG may want to look at more integrated options, but practicality and resources should be reviewed with Officers beforehand.

It is noted that nationally (and even locally), the statistics for fly tipping vary considerably:

- In the manner of reporting (some are reported several times)

- The nature of reporting (who classes it as fly tipping or other issues via the reporting tools)
- The extent of reporting (definition of size)

The T&FG may need to take care with these issues when looking at the overall scale of the problem and comparing the “less but large” vs “small and frequent” nature of the problem.

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