

## **Briefing Note – Environmental Enforcement Update Bromsgrove Overview and Scrutiny Board**

Wednesday 29 March 2023

### **Purpose**

This briefing note has been compiled to update the Overview & Scrutiny Committee on Environmental Enforcement and Fly-Tipping in Bromsgrove District.

### **Context**

The Environmental Protection Act 1990 makes certain duty bodies legally responsible for keeping land which is under their control, and to which the public has access, clear of litter and refuse and their highways must be kept clean, as far as is practicable.

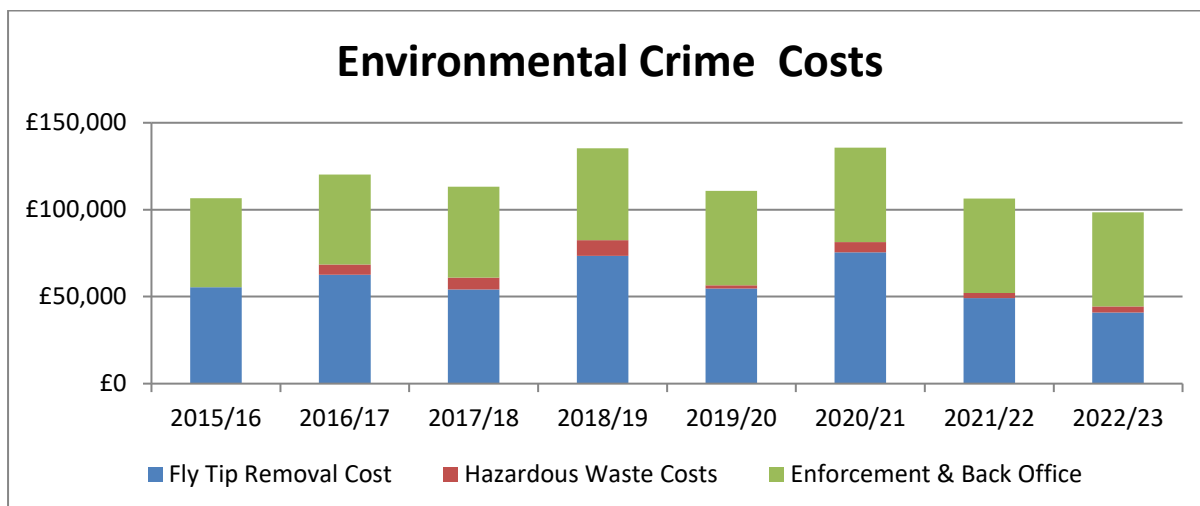
Bromsgrove District Council is the principal litter authority under the Act, and Worcestershire County Council are the Waste Disposal Authority responsible for arranging disposal of any waste collected by BDC as litter or fly tipping under this duty.

Residents and Businesses have a legal Duty of Care to ensure their waste is disposed of responsibly, and are liable if their waste is not managed this way and they can't evidence that they have taken reasonable steps to ensure it will be. However, Fly Tipping is a national problem that has a significant cost for local authorities to deal with, requiring significant time and resources to manage each year.

### **Our Current Position**

Below are the number of fly-tipping incidents dealt with by Bromsgrove District Council over the last 6 years:

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Apr	114	248	199	135	182	102
May	155	170	215	239	112	85
Jun	91	203	164	297	131	119
Jul	88	213	216	202	102	96
Aug	190	168	96	231	147	98
Sep	62	173	101	237	103	109
Oct	79	93	89	202	56	94
Nov	85	208	62	92	76	89
Dec	113	129	59	120	84	66
Jan	181	164	101	155	75	105
Feb	135	263	106	148	85	
Mar	178	192	86	240	125	
Total Year for	1471	2224	1494	2298	1278	963



We have had fly-tipping on 530 different locations during the 2022/23 financial year so far, and have seen a reduction in the number of issues and associated cost on previous years, with an expectation that this year will see the lowest number of fly-tips in the last eight years.

Over the last two years, the service has significantly increased the use of warning signs across the district, and invested in more advanced camera systems to improve our evidence gathering capabilities given the high number of fly-tips occurring in our District.

Since then, we have seen changing behaviour that we believe is linked to our increased visibility on fly-tipping issues across the District, which has seen a reduction in the total number of fly-tips across the District, but also an increase in the number of locations where fly-tipping is occurring; potentially as a result of our signage diverting some fly-tippers to new locations rather than deterring them completely.

During the last year, 30% of these fly-tips have been at locations that have had a single fly-tip. 30% of them have been at sites receiving between two and five fly-tips, and a further 13% have occurred at locations with between 6 and 10 fly tips.

This accounts for nearly three quarters of our total fly-tips that have taken place with little to no identifiable pattern at frequencies that make it extremely difficult to detect and prevent across our rural district.

As such, our enforcement monitoring has been primarily targeted at the locations with the highest numbers of fly-tipping, as 27% of the fly-tips have occurred on 18 roads within the District.

Cameras have been primarily deployed across 9 of these locations over the last year, and captured three instances where we were unable to identify the vehicle for enforcement action, and 2 instances that are currently being followed up as active cases. In addition to this, we have had one instance of our encrypted equipment being stolen from site despite being installed covertly.

In addition to this, we currently have two Fixed Penalty Notices that have been issued and are awaiting payment, and one Community Protection Warning that is being considered for escalation to a Community Protection Notice for non-compliance.

## **Plans for 2023**

The service has been looking at using fully covert surveillance without signage to highlight the potential presence of cameras in 2023, and is now represented on the Council's RIPA group, which oversees the use of Covert surveillance in compliance with national legislation<sup>1</sup>.

The service will now apply for authority under RIPA legislation to escalate our actions in regard to our main hot spots, as we require evidence of having taken reasonable steps through other means available to us to address criminal activity before using fully covert surveillance, and the evidence we have for these locations over the last couple of years will support our application to take this step during 2023. This will be limited to defined areas, as it is not possible to seek a District Wide order to support the use of covert cameras.

Through the North Worcestershire Community Safety Partnership, we are working with Wyre Forest and the Police Crime Commissioner on an initiative to support private landowners with fly tipping, which has been running for about 12 months now.

This has struggled to get engagement from private landowners, although we have signposted some of those that we have had dealings with towards our colleagues in Wyre Forest who are leading on the use of additional CCTV cameras.

Further meetings are expected regarding this in the coming months to support additional publicity and provision of resources to advise landowners on what can be done to safeguard against this occurring on their land, and this will continue to be linked with our wider work across the District on Fly Tipping.

Under the "We don't buy crime" initiative by West Mercia Police, funding was identified to support the purchase of smart water kits in 2022, and engage with local garages to tackle the issue of car tyres being fly tipped.

This has had a number of garages across Bromsgrove and neighbouring authorities sign up to the scheme, and we continue to check for tyres when they are dumped in our area to see if they can be traced back to a local origin.

Although this has not produced any results so far, this will continue to be checked during 2023, and is a good partnership project with West Mercia Police.

Projects such as this, and our successful enforcement actions will be publicised as regularly as possible during 2023, and we are working with our Enforcement Officer and Communications Team to ensure that there will be a steady stream of messaging to raise the profile of Environmental Crime and everyone's responsibilities in order to deter issues such as this in future.

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<sup>1</sup> RIPA – Regulation of Investigatory Powers Act 2000