

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

14th April 2016

Report of the Head of Streetcare

M. Roberts

Matter for Information

Wards Affected: All Wards

Waste Enforcement Update

Purpose of Report

- 1 To update Members on the Council's Waste Enforcement activity.

Executive Summary

- 2 The Council has an active waste enforcement section and continues to take the highest level of enforcement action in Wales with regard to fly –tipping in particular.

Background

- 3 At the Environment and Highways Scrutiny meeting of February 2016, Members requested a report on activity within the waste enforcement section.
- 4 Waste enforcement officers respond on a daily basis to service requests of a very diverse nature. The challenge is to prioritise these requests and investigate them within a designated response time.
- 5 During the last five years, service requests including requests for litter/dog fouling patrols, have been as follows:
 - 2010/11 - 4446
 - 2011/12 - 4533

- 2012/13 - 4269
- 2013/14 - 3967
- 2014/15 - 4478

6 The waste enforcement section tackle many aspects on 'environ-crime' and anti-social behaviour including:

- fly-tipping;
- littering;
- dog fouling;
- abandoned vehicles;
- overgrown land/waste in gardens;
- presence of syringes on private land;
- inappropriate presentation of domestic waste
- inappropriate presentation of commercial waste
- trade waste contract checking;
- household waste and recycling centre permit checks and
- waste carriers licence checks

7 When dealing with service requests, officers frequently have to serve legal notices in order to ensure that the complaint is resolved satisfactorily. Some of the notices use are listed below:

- Requests for information (EPA 1990 s71)
- Prevention of Damage by Pests Act 1948 (waste in gardens)
- Instruction to remove waste accumulations (RDAA 1978)
- Presentation of Household Waste (EPA1990 s46)
- Presentation of Commercial Waste (EPA 1990 s47)
- Removal of waste from land (EPA 1990 s59)
- Request to produce Waste Transfer Notes (EPA 1990 s34(5))
- Notice to override Data Protection Act (DPA 1998 s29 (3))
- Request for information (Environment Act 1996 s108)

8 Statistics produced for the National Fly-tipping database (Fly Capture) has confirmed that Neath Port Talbot CBC has been the leading Authority in Wales for the last 10 years in relation to prosecuting individuals for the illegal depositing of waste (fly-tipping) and allied to this the Authority has undertaken prosecutions for a variety of other environmental offences.

9 As a result, further to the above service demand, the following actions were achieved:

2010/11

- 10 433 fixed penalty notices were issued for offences of litter/dog fouling/incorrect waste presentations and two or more vehicles for sale on the highway.
- 11 A total of 65 people were prosecuted for various environmental crimes: 33 individuals were prosecuted as a result of waste being illegally dumped (fly tipping) and a further 4 people received formal cautions for this offence). A further 28 prosecutions were undertaken for other offences (dog control order contravention/inappropriate waste presentation/waste in gardens/non-payment of litter/dog fouling fines).
- 12 A total of 584 legal notices were served on individuals for various reasons.

2011/12

- 13 232 fixed penalty notices were issued for offences of littering/dog fouling/incorrect waste presentations/failure to produce waste transfer notes
- 14 A total of 90 people were prosecuted for environmental crimes: 44 individuals were prosecuted as a result of waste being illegally dumped (fly tipped) and a further 7 people received formal cautions for this offence). A further 39 prosecutions were undertaken for other offences (dog control order contravention/waste in gardens/inappropriate waste presentation/non-payment of litter/dog fouling fines/not having a waste carriers licence).
- 15 In addition 1676 warning letters were issued to “whole streets” where unidentifiable waste was found in the rear lanes.
- 16 A total of 879 legal notices were served on individuals for various reasons.

2012/13

- 17 302 fixed penalty notices were issued for offences of littering/dog fouling/incorrect waste presentations

- 18 A total of 74 people were prosecuted for various environmental crimes. (40 individuals were prosecuted as a result of waste being illegally dumped (fly tipping) and a further 32 prosecutions were undertaken for other offences (dog control order contravention/inappropriate waste presentation/waste in gardens/failure to give information upon request/non-payment of dog fouling/litter fines).
- 19 In addition 1160 warning letters were issued to “whole streets” where unidentifiable waste was found in the rear lanes.
- 20 A total of 1067 legal notices were served on individuals for various reasons.

2013/14

- 21 344 fixed penalty notices were issued for offences of littering/dog fouling/incorrect waste presentations
- 22 A total of 72 people were prosecuted for various environmental crimes: 34 individuals were prosecuted as a result of waste being illegally dumped (fly tipping) and a further 9 people received formal cautions for this offence. A further 29 prosecutions were undertaken for other offences (dog control order contravention/inappropriate waste presentation/waste in gardens/failure to give information upon request/non-payment of dog fouling/litter fines)
- 23 In addition 572 warning letters were issued to “whole streets” where unidentifiable waste was found in the rear lanes.
- 24 A total of 709 legal notices were served on individuals for various reasons.

2014/15

- 25 380 fixed penalty notices were issued for offences of littering/dog fouling/dogs on beach/failure to produce waste transfer notes.
- 26 A total of 69 people were prosecuted for various environmental crimes: 36 individuals were prosecuted as a result of waste being illegally dumped (fly tipping). A further 33 prosecutions were

undertaken for other offences (dog control order contravention/inappropriate waste presentation/no waste carriers license/non-payment of dog fouling/litter fines)

- 27 In addition 738 warning letters were issued to “whole streets” where unidentifiable waste was found in the rear lanes.
- 28 A total of 293 legal notices were served on individuals for various reasons.

Other Activity

- 29 Over the years the section has developed a close working relationship with external agencies (Police, NRW, Fire Service etc.) and due to the good results achieved the Council’s reputation has been enhanced externally.
- 30 The team has also been very involved in a recent County Borough wide survey of Commercial properties for the purpose of confirming what provisions each business has in place for their trade waste collection. Furthermore, the intervention of waste enforcement officers has ensured that all the trade waste collected and disposed of by the Council is paid for by the producer.
- 31 Enforcement work has also been carried out at the Council’s Household Waste Recycling Centres. This work involves the scrutinising of van permits to ensure that the waste being deposited is not commercial waste. The work has included visiting properties named on the permits to confirm that the waste has arisen from the property stated. As a result of this work there has been significant saving to the Authority in respect of landfill charges.
- 32 On a daily basis officers make local enquiries in response to any waste found illegally deposited such as in rear lanes etc. Where possible they ensure that the producer of the waste removes the waste themselves.
- 33 All officers are conscious of the importance of recycling and during the course of their working day they advise and encourage the public to recycle.

- 34 During the course of responding to service requests, waste enforcement officers will frequently identify potential fraudulent claims for single occupancy council tax and or housing benefit. As a consequence they will routinely liaise with the Council Tax section to share any intelligence that they can in relation to the above.
- 35 During the last few months the section has also developed its own “twitter account”. This social media channel has been used to interact with the public and our external partners. All the activities and enforcement action taken by the team are publicised on the site. They have also attempted to engage the public by asking for assistance in solving several fly tipping incidents by putting images on-line and affording the opportunity of providing the Council with information.

Financial Impact

- 36 Taking enforcement action and reducing enviro-crime reduces the cost to the public purse of addressing problems, and helps maintain high standards of local environmental quality.
- 37 The income from fixed penalty notices, around £15,000 annually, helps to reduce the cost of the waste enforcement section

Sustainable Development

- 38 Enforcement against ‘enviro-crime’ leads to a cleaner, safer, environment

Equality Impact Assessment

- 39 There are no equality impacts associated with this report

Workforce Impact

- 40 Actions in respect of ‘enviro-crime’ is constrained by the level of resources that the Council can afford to allocate to waste enforcement.

Legal Impact

41 There are no legal impacts associated with this report.

Risk Management

42 Continued budget pressures present a risk to resourcing levels.

Crime and Disorder

43 Waste Enforcement Officers work closely with local neighbourhood policing teams. A primary purpose of the enforcement team is to prevent and detect crimes. Over the years the team have identified and prosecuted serial offenders who have subsequently received custodial sentences, community service orders and/or significant levels of fines.

Consultation

44 There is no requirement under the Constitution for external consultation on this item

List of Background Papers

45 There are no background papers to this report

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