



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

**Streetscene and Engineering Scrutiny Committee
28th January 2022**

Report of the Head of Streetcare – Mike Roberts

Matter for Monitoring

Wards Affected: All Wards

Litter, Fly Tipping and Side Waste Enforcement

Purpose of the Report:

To provide information regarding litter, fly tipping and side waste enforcement as requested by members of the Scrutiny Committee as part of their Forward Work Programme.

Executive Summary:

The Authority is committed to dealing with litter and fly tipping, and working with Welsh Government towards achieving the national goal of 'zero waste' by 2050, of which the Council's side waste restriction forms part by helping to promote recycling and waste minimisation.

For some time the Council's Waste Enforcement Team has been regarded as the leading enforcement unit in Wales in terms of prosecutions.

Side waste enforcement was introduced in April 2019 as part of the Authority's Waste Strategy, when it was agreed to place a limit of one 140ltr wheeled bin (or three black bags in sack areas) per residential property per fortnight for residual waste.

In-house services use several different approaches in dealing with litter, fly tipping and excess waste, including awareness raising, removal and enforcement.

Background:

The Authority is committed to dealing with litter and fly tipping, and working with Welsh Government towards achieving the national goal of 'zero waste' by 2050, of which the Council's side waste restriction forms part by helping to promote recycling and waste minimisation. To support this, the Council has a number of dedicated officers with delegated powers to deal with enforcement issues.

Prior to enforcement, raising awareness is an essential activity. In-house services use media and social media to good effect, with some 2,300 followers on Facebook and 749 followers on Twitter. Through media activity officers provide information on current activities, education videos, how the public can seek assistance or provide assistance, and also undertake the 'naming and shaming' of people/businesses who have been successfully prosecuted.

There are 10 employees directly engaged in enforcement action comprising:

6 No. Waste Enforcement Officers;
3 No. Side Waste Enforcement Officers; and,
1 No. Trade Waste Enforcement Officer.

During the ongoing Covid pandemic waste enforcement functions have been affected at times to varying degrees, associated with the various national restrictions that have been implemented particularly during the

peak waves of infection transmission. The disruption has included employees having to be deployed to other service priorities such as waste collection to help maintain core service delivery. Furthermore, for a long period, investigation processes were affected in that Police and Criminal Evidence Act interviews could not be held which directly resulted in a reduction in prosecution actions.

Enforcement can be a significant deterrent, particularly with respect to fly tipping, however enforcement can only be undertaken where there is evidence found. In cases of fly tipping, not only do officers aim to gain evidence to prosecute the depositor of any waste, but they may also take action against the original owner of the waste. Both businesses and householders have a legal 'duty of care' to ensure that any waste they generate is disposed of correctly. Media campaigns have been undertaken to warn householders in particular that they should be careful not to fall prey to unscrupulous individuals offering low cost services for waste clearance (made low cost by the intended dumping of waste). If fly tipped waste can be traced back to a household then the householder would also face prosecution.

If householders engage a private business such as a skip hire or house clearance company to take away their waste, then in order to meet the duty of care they should check the company is an authorised waste carrier with up to date and valid 'upper tier' waste carrier registration by asking to see related documentation. In Wales, residents can also check on the Natural Resources Wales public register of carriers, brokers and dealers (<https://naturalresources.wales/permits-and-permissions/check-for-a-permit-licence-or-exemption>) or call 0300 065 3000. For more detailed information and guidance see Welsh Government's Waste Duty of Care: Code of Good Practice (<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice/waste-duty-of-care-code-of-practice>).

Litter and General Environmental Enforcement

The council has made enforcement as straightforward as it can, such as taking advantage of powers under the Clean Neighbourhood and Environment Act to issue Fixed Penalty Notices (FPNs) for series of offences. To this end a simple tick box FPN book and standard forms have been set up for use by enforcement officers, which has been subject to previous reports to members of the then Environment & Highways Cabinet Board. Details of the offences covered and the current penalties is detailed in Appendix A.

The number of FPN's issued over last 5 years is detailed in Appendix B.

Waste/Fly Tipping Enforcement

Over several years, this Council has been the most successful at securing fly tipping prosecutions and has thereby been regarded as a leader for environmental enforcement in Wales, for prosecuting individuals who contravene the Environmental Protection Act 1990.

The general process of fly tipping enforcement is set out in Appendix C.

Number of prosecutions over the last 5 years.

Year	No of Prosecutions	Incidents Recorded	Clearance Costs
2016/17	17	1050	£76,528
2017/18	34	1056	£67,236
2018/19	61	1330	£91,982
2019/20	16	1404	£84,711
2020/21	7	1639	£132,436

Further to previous ongoing annual increases, the impact of Covid on enforcement activity is clearly evident in the enforcement figures. At the same time the number of recorded incidents has increased and the

cost of clearance, based on a nationally agreed formula, has also increased.

At one point during the pandemic the Household Waste and Recycling Centres were also closed, spanning the financial years 19/20 and 20/21, along with a temporary suspension of the Council's bulk household item collection service. Also, 'bag splitting' for evidence gathering purposes was suspended. All these issues are believed to have impacted on the number of incidents.

Whilst fly tipping enforcement is often dealt with through the Courts, with penalties on conviction as shown in the appendices, Fixed Penalty Notices can also be used for fly tipping as well as littering etc. as set out previously. However with respect to fly tipping they are only used for incidents that are deemed to be a minor and non-commercial in nature and made by first time offenders. Repeat offenders are always pursued through the Courts.

'Side Waste' Enforcement

'Side Waste' enforcement was introduced as part of the last waste strategy review and action plan, the initial main focus being to provide recycling advice and to raise awareness in order to increase participation in kerbside recycling. Activity includes following collection rounds, one day later, to investigate bags that have been labelled as excess by the crews. Officers also react to any complaints received from ward members and residents with regards to the presentation of excess waste.

As this is mostly a proactive service area, the number of properties attended/visits made is not readily available. The majority of householders comply with the requests made by the team and no further action is required, and in such cases a call is not logged onto the system. However, after a two year transition period following a mainly awareness raising and assistance based approach, side waste activity has now started to be directed towards enforcement. The

approach, as agreed with Legal Services, consists of two awareness visits followed by enforcement as asset out in Appendix D. There has yet to be a need to issue any Fixed Penalty Notices as there has been general compliance by residents approached by the enforcement officers (or exemptions issued). A further update will be provided on 'side waste' enforcement as part of the next waste strategy review planned for later in the year, following the re-constitution of the council after the election and the summer recess.

The 'side waste' officers also:

- review all applications received for exemptions from the 'No Side Waste' Policy (circa 4,000 household currently with exemptions for additional non-recyclable waste) during which process they work with the residents to help reduce the amount of any recyclable material within their waste;
- review all applications for Assisted Collections to ensure the resident is eligible for the scheme, has all the necessary equipment, and has an agreed collection point within the property grounds;
- carry out joint exercises with litter/fly tipping enforcement officers in areas where there are continuous presentation of waste issues, such as bins/bags being presented on wrong day/left out after collection;
- work closely with colleagues from the Pest Control Service within the Planning and Public Protection Division with regards to accumulation of waste in gardens where necessary; and
- work closely with Housing Associations on increasing recycling participation within their properties/complexes.

A further intended action by enforcement officers in conjunction with collection crews is to target for closer examination 'collection points'

where crews report accumulations of excess waste are being presented.

It is noted that during the initial wave of the pandemic all restrictions on the presentation of side waste were suspended along with any associated enforcement activity. The team were therefore redeployed to other roles such as the roll-out of new enhanced commercial waste recycling facilities, refuse & recycling collections, and assisting in other service areas. Restrictions were re-introduced in August 2020, however, it has taken a while to get some residents back in the habit of maximising their recycling again. Any further suspensions of the side waste restrictions should be avoided if possible.

Financial Impacts:

No implications.

Integrated Impact Assessment:

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes'.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

No implications.

Legal Impacts:

No implications.

Risk Management Impacts:

Dealing with litter enforcement helps fulfil the Council's obligation under the Code of Practice for Litter and Refuse, and with respects to fly tipping helps to minimise any associated public safety risks.

Consultation:

There is no requirement for external consultation on this item'

List of Background Papers

Environment & Highways Cabinet Board report of 19th June 2008 –
Clean Neighbourhoods and Environment Act 2005

Environment & Highways Cabinet Board report of 24th October 2013
– Waste Enforcement, Fixed Penalty Notices

Appendices:

Appendix A – Current Penalties: Table of offences and fines

Appendix B – Number of Fixed Penalties issued over last 5 years

Appendix C – General Process of Fly Tipping Enforcement

Appendix D – General Process of Side Waste Enforcement

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Current Penalties

Description of Offence	Amount of fixed penalty if paid within 10 days	Full amount of fixed penalty	Maximum penalty on conviction
Depositing Litter	£75	£100	£2500
Failure to produce waste documents	£180	£300	£5000 (or, on indictment, an unlimited fine)
Failure to produce authority to transport waste	£180	£300	£5000
Failure to comply with a waste receptacles notice	£60	£100	£1000
Leaving two or more vehicles for sale on the highway	£60	£100	£5000
For the abandonment of a vehicle	£120	£200	£2500
Failure to comply with Public Space Protection Order	£50	£75	£1000
Failure to clean up after your dog	£75	£100	£1000

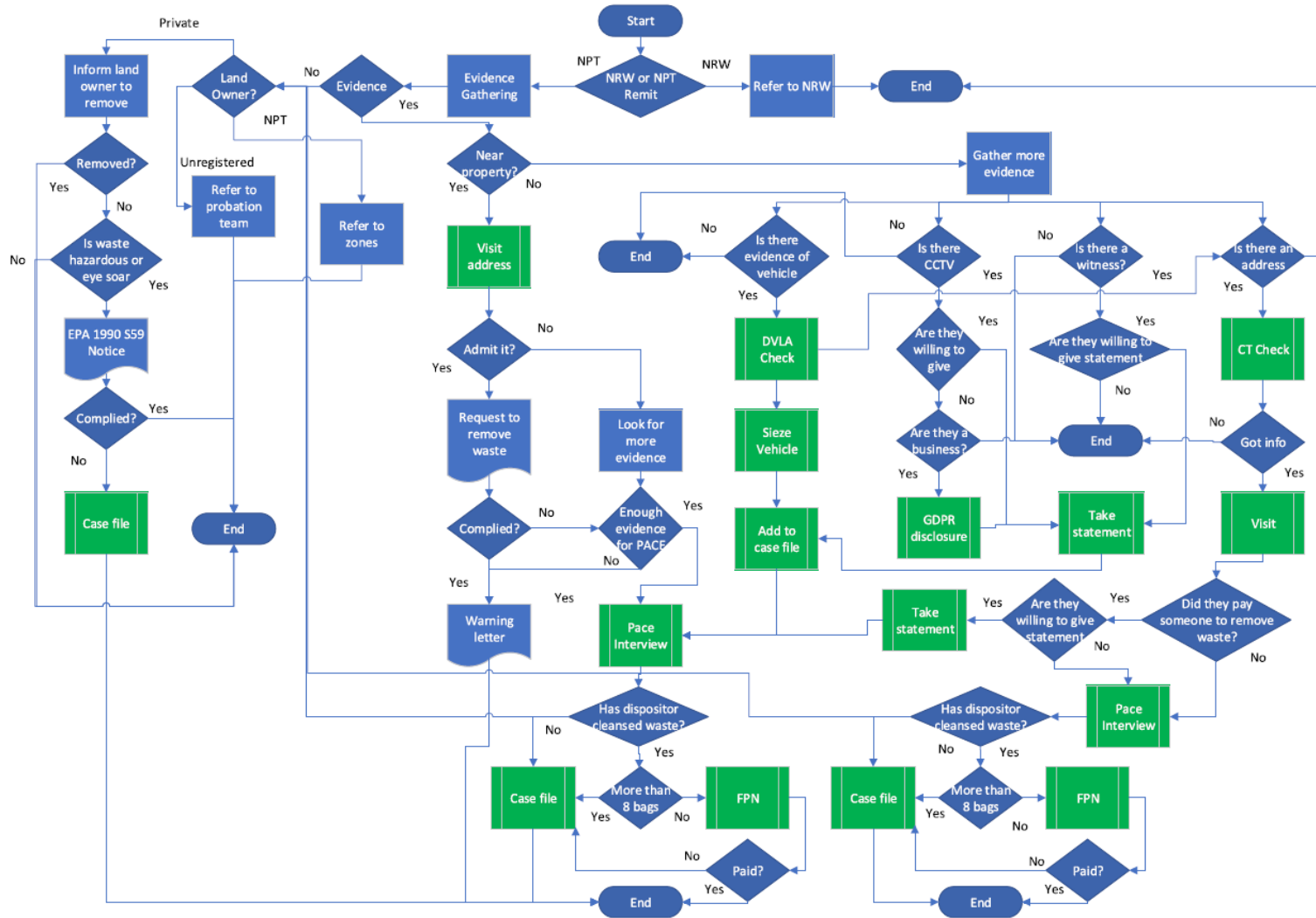
Appendix B

Number of Fixed Penalties Notices issued in last 5 year

Issue	2016/17	2017/18	2018/19	2019/20	2020/21
Fly Tipping (EPA s33)	No FPN available	No FPN available	20	13	5
Duty of Care (EPA s34)	No FPN Available	No FPN available	No FPN available	10	1
Littering	47	97	15	17	8
Dog Fouling	19	29	10	5	6
S46 Presentation of waste	5	3	1	3	1
Dog Control Order/ PSPO(Beach)	7	111	2	3	3
2 or more vehicle for sale	2	1	0	0	0
Control of Pollution	0	0	0	1	2

General Process of fly tipping enforcement

Appendix C



Appendix D

Side Waste Enforcement Process

