

Report to: Performance Scrutiny Committee

Date of Meeting: 16 January 2014

Lead Member/Officer: Lead Member for Public Realm/Head of Highways and Environmental Services

Report Author: Project Manager (NE Hub)/Senior Environmental Crime Officer/Head of Highways and Environmental Service

Title: Denbighshire's Performance on Fly-tipping Issues

1. What is the report about?

This report sets out how fly-tipping is reported and dealt-with in Denbighshire.

2. What is the reason for making this report?

- To properly inform the debate about the Council's performance in this service area.
- To clarify what Denbighshire records as a fly tipping incident, and how this might vary from what other councils record.
- To outline the strong enforcement stance that the Council has adopted, and explain why it is felt to be an appropriate response to the issue.

3. What are the Recommendations?

That the Committee comments on the information provided and support that:

- 3.1 the Council should continue to record fly-tipping incidents in the way that it currently does;
- 3.2 the Council's policy of rigorous enforcement on fly-tipping issues should continue; and
- 3.3 Denbighshire should continue to lobby Natural Resources Wales regarding the quality of the 'Flycapture' data collated across Wales.

4. Report details

4.1 National Statistics – incident numbers

Natural Resources Wales (NRW) administer a database called 'Flycapture' into which all Welsh Councils have to enter their fly-tipping statistics. NRW prescribe the procedures for submitting the data, including what should, and should not, count as a fly-tipping incident.

However, individual councils continue to use different methods to gather and process their own statistics, and this affects the comparability of the published data. Examples of the differing ways that individual councils record their fly-tipping incidents include:

- Some councils leave the recording to their Public Protection departments (typically *Environmental Health* or *Pollution Prevention*) and they only record the incidents that they are called upon to investigate, i.e. where there is evidence present to support an investigation or prosecution.

- Some councils do not record or investigate incidents that occur on private land, for example Forestry Commission land, National Trust land, commercial and domestic premises,
- Some councils routinely use private contractors to clear waste, and do not capture all the individual incidents that are cleared.
- In councils where there is a heavy reliance on “numbers” as a service performance indicator, there can be a perceived pressure not to report marginal cases rigorously.
- Conversely; in some councils, resource are allocated according to demand. In these instances, increases in reporting levels have been observed.

The huge variances in reported incident numbers (see table below as an example) can only be explained by the different data collection and processing methods that councils are using. The variances cannot be explained by demographic differences or observed behavioural differences. Denbighshire’s Environmental Crime Team recognised this phenomenon some time ago, and have been pressing NRW for a more consistent reporting regime ever since.

Clearly, if councils are not gathering data in a consistent manner, the annual NRW report does not show a like for like comparison, and the use of the statistics as a performance measure is therefore flawed.

4.2 Comparison with other North Wales councils

Reported numbers	2009-10	2010-11	2011-12	2012-13
Anglesey	1585	1045	801	1103
Conwy	1009	1361	1055	935
Denbighshire	5189	2515	2249	2144
Flintshire	785	697	911	911
Gwynedd	511	648	527	371
Wrexham	3279	1759	1022	505

Denbighshire’s reported incidents typically run at approximately 2 to 2.5 times higher than the numbers being reported by the other North Wales councils. The primary reason for that is because Denbighshire purposely attempts to capture every single incident of illegally deposited waste, whether or not it is on public or private land, and regardless of whether or not it is reported by a member of the public. Denbighshire does this because the recording of an incident triggers the council’s internal investigation processes (see para 4.5).

We regard high reporting rates as a pre-requisite for the minimisation of actual fly-tipping activity (on the ground), That is a very important principle.

4.3 Denbighshire historical trends (highlighted above)

The 2009/10 figures included large numbers of black bags (domestic refuse). Because many of these bags were near their donor address, they should not really have been recorded as being fly-tipped. They were more correctly “mis-presented domestic waste”, i.e. rather than illegally deposited, or “fly-tipped” waste.

However, from 2010-11 onwards, the correct recording methods have been used, and they show a gradual reduction in incidents year on year. This reduction is real.

There are two main contributory factors to the reducing trend within Denbighshire. Firstly, the council's rigorous enforcement policy (see para 4.5), and secondly the introduction of containerised systems for virtually all domestic waste collections (wheelie bins). This has restricted the ability of fly-tippers to mask their activity.

4.4 Future developments

The fly-tipping Enforcement Team would like the council's CRM system to move over to geographically-based recording. Currently it is customer based. This change would simplify the processing of *all* streetscene issues (not just fly-tipping). It would also help with the analysis of incidents by location, which would in turn provide for more effective targeting of enforcement. NRW have also expressed a desire to move to geographical systems, but they are unlikely to do so within the next two years.

We also need the ability to categorise incidents better. There is a need to isolate the incidents that are genuine fly-tipping, and also the incidents where we have the duty to clean up (these are not necessarily the same). We currently do this via a stand-alone, secondary analysis. Ideally, it should be part of the council's normal CRM processes.

4.5 importance of DCC's Enforcement strategy

Since 2005, Denbighshire's Environmental Crime Team has proactively pursued a policy of investigating all fly-tipping incidents and taking enforcement action whenever there is sufficient evidence to do so. Over 50% of the enforcement actions in North Wales are carried out by Denbighshire, even though we only have around 14% of the population.

The resulting investigations and/or prosecutions have had a significant deterrent effect, and this is felt to be a crucial factor in making Denbighshire a clean and pleasant county.

Denbighshire's Fly-tipping Enforcement Outcomes	2009-10	2010-11	2011-12	2012-13	2013 -14 (YTD)
Warning/Advisory Actions	339	308	163	147	166
Fixed Penalty Notices	10	6	4	2	2
Enforcement Notices	42	25	75	57	27
Prosecutions	7	7	2	4	2 (+ 4 pending)
Formal Cautions	17	8	10	7	2

5. How does the decision contribute to the Corporate Priorities?

The minimisation of fly-tipping activity is part of the corporate clean and tidy streets priority.

6. What will it cost and how will it affect other services?

No changes proposed

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?

Completed EqIA template is attached (appendix 1), as is the enforcement policy (appendix 2). The approach to flytipping does not exhibit potential for discrimination, subject to continuing monitoring and review.

8. What consultations have been carried out?

None

9. Chief Finance Officer Statement

Not required (no financial changes proposed).

10. What risks are there and is there anything we can do to reduce them?

That the Council is unfairly represented in NRW annual reports. In mitigation; the Environmental Crime team will continue to lobby NRW to ensure quality of data submitted in to the database is more consistent and robust.

11. Power to make the Decision

Under Section 2 of the Local Government Act 2000, i.e. the promotion or improvement of the environment for the well-being of the area.

Article 6.3.4(b) of the Council's Constitution sets out scrutiny's powers with respect to examining the Council's performance in delivering its services and priorities.

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