

SECOND REPORT OF THE

COUNCIL ENFORCEMENT ARRANGEMENTS

TASK & FINISH GROUP

**FOLLOWING THE ELEMENT OF ITS
ENQUIRY CONCERNING FLY TIPPING
AND MOBILE CCTV ENFORCEMENT**

DATE: 22 JULY 2024

TERMS OF REFERENCE OF THE TASK & FINISH WORKING GROUP

At the meeting of Council on 11 July 2023, the work programmes for the two Overview and Scrutiny Committees were approved. This included, within the scope of the Resources & Services Overview and Scrutiny Committee, an enquiry into the Council's Enforcement Arrangements. Specifically, an element of the enquiry was to include the following:

- (c) *The extent to which enforcement powers are looked at in a silo or corporate way to ensure that (within the purposes of particular enforcement powers) the Council considers the ability to address non-compliances robustly.* (d) *The experience of fly tipping on public land and the actions to deter such fly tipping*
(e) *The use of mobile CCTV cameras openly and covertly to identify offences and, potentially, offenders."*

This second report seeks to set out the process of the enquiry into the above (to this point) and its conclusions and recommendations concerning fly-tipping and the use of mobile CCTV.

The terms of reference for the Task and Finish Group also included consideration of matters relating to Planning Enforcement. This second report does not cover this element of the complete enquiry as it was the subject of an interim report concluded in December 2023.

THE AIMS AND OBJECTIVES OF THE ENQUIRY

The enquiry scope was considered to be directed towards the following Corporate Plan 2020-24 Theme: ***"Delivering High Quality Services - Effective regulation and enforcement"***. The Council adopted a new Corporate Plan (for the period 2024-28) at its meeting on 28 November 2023 (Minute 76 refers). The following themes appropriately relate to the ongoing enquiry in respect of the Council's Enforcement Arrangements:

- **Pride in our area and services to residents** - encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work
- **Championing our local environment** – We will be tough on those who do not respect our environment.

In approving the scope for this enquiry, Council recorded that the anticipated value of it was: ***"To identify the extent to which there are further steps that can be taken to further achieve a fair and equitable use of enforcement powers, taking account of relevant information and that the resources made available for enforcement are used to best effect."***

MEMBERSHIP OF THE TASK & FINISH WORKING GROUP

On 17 August 2023, a decision in the name of the Chief Executive was published constituting the Task and Finish Group. Authority for the decision derived from Minute 5 of the Resources and Services Overview and Scrutiny Committee on 27 June 2023. That provided for Officers to be authorised, in consultation with the Committee Chairman, to make appointments to a Task and Finish Group as approved by Council (Minute 37 of 11 July 2023).

The Membership of the Task and Finish Group was - Cllr Paul Honeywood (Chairman), Cllr M Cossens, Cllr Sue Honeywood, Cllr Morrison, Cllr Smith and Cllr Sudra.

OFFICER SUPPORT FOR THE TASK & FINISH GROUP

Management Team identified as joint lead officers for this whole enquiry as:

Damian Williams, Corporate Director Operations and Delivery
Anastasia Simpson, Assistant Director Partnerships

Otherwise the Task and Finish Group was supported by the Head of Democratic Services

& Elections (Keith Simmons).

INVITEES AND PARTICIPANTS (TO THIS POINT)

In addition to the officers identified in the section headed "Officers support for the Task & Finish Group", this element of the enquiry was assisted by Leanne Thornton, Community Safety & Safeguarding Manager at the Council.

EXPECTED OUTCOME(S) OF THIS ELEMENT OF THE ENQUIRY

The section above sets out the broad "Aims And Objectives Of The Enquiry" which were the expected outcomes of this element of the enquiry also.

By considering:

1. Details of the extent to which the Corporate Enforcement Group has provided the route to ensuring a corporate consideration to utilising different enforcement powers to address e.g. problem premises.
2. Numbers of fly tipping instances recorded by the Council by quarter for the past five years in respect of public land and the measures taken to deter fly tipping.
3. The policy and experience of the use of deployable CCTV cameras as part of enforcement (including covert and overt use).

It was intended that there would be an informed position to make recommendations to support the intentions set out in the "Aims And Objectives Of The Enquiry" section above.

ACTUAL OUTCOME(S) OF THIS ELEMENT OF THE ENQUIRY

Through the three meetings of the Task and Finish Group on this element of the enquiry, and the receipt of information outside of those meetings from those invited to attend, the Task and Finish Group Members consider that they are in a position to make the recommendations set out below which themselves are designed to meet the intentions set out in the "Aims And Objectives Of The Enquiry" section above.

RECOMMENDATION(S) FROM THIS ELEMENT OF THE ENQUIRY

That the Resources and Services Overview and Scrutiny Committee be recommended to approve the following on the basis that the relevant recipient of the approved recommendation will have the recommendation concerned referenced to them:

- (1) That, in order to develop a more holistic picture of the issues involved and the development of strategies to address them, in addition to highway fly-tipping incidents, records be kept and analysed for fly-tipping on other public land such as open spaces, public realm, Council assets, Beachfronts etc;**
- (2) That further steps be undertaken to engage with volunteer litter picking groups to ensure there is greater awareness of the issues around taking waste from private property and of the steps taken by officers to identify perpetrators of fly-tipping (and the need to preserve that evidence to ensure it can be used in action against perpetrators);**
- (3) To develop a similar approach to that of the London Borough of Redbridge with its online 'Wall of Shame' showing footage of fly-tipping with a view to encouraging understanding of the issue, the Council's efforts to address fly-tipping and to receive information on perpetrators;**
- (4) To encourage residents to supply their own footage, possibly through 'RING' (or other manufacturers) camera-door bells of fly-tipping captured by them;**
- (5) To inform Councillors that if they notice dog fouling, un-retrieved dog waste, they should inform the Council's Community Safety Team who can look at deployment of Ambassadors with a view to detecting the perpetrators and, in the issues persist, to evidence a decision to deploy mobile CCTV cameras to address the problem;**
- (6) That consideration be given to the deployment of a mobile 'phone application for reporting incidents of fly-tipping and other crimes such as dog fouling and graffiti similar to that in place in Cheshire West and Chester Council;**
- (7) To consider how best to support members of the public to find details of licensed waste carriers (after the UK Government has concluded its review of the online access to that data);**
- (8) That details of fly-tipping hot spots on the highway/public land in the District be circulated to Councillors together with the stepped approach to enforcement relevant to that hot spot site and that this should be alongside summary details of the deployment of mobile CCTV cameras as part of addressing environmental crimes such as fly-tipping;**
- (9) That the reasons for the non-deployment of a mains powered or a battery powered CCTV camera in the High Street, Clacton-on-Sea with a view to deterring and/or detecting fly-tipping at the junction with Beach Road be set out and addressed with the relevant decision makers.**
- (10) That, on the basis that the Council's policies, procedures and codes in respect of CCTV are reviewed in this current calendar year, they be amended to provide that as and when CCTV cameras are to be purchased, or grant applications made to fund CCTV cameras, consideration be given to the relative benefit of those cameras having AI functionality that can be deployed and that for mobile CCTV cameras consideration should also be given to alternative acquisition options such as rental rather than purchase.**

CHRONOLOGY

The enquiry was (and its terms of reference were) approved by full Council on 11 July 2023 (Minute 37 refers)

The Membership of the Task and Finish Group was approved on 17 August 2023 (published decision entitled "To constitute the Council Enforcement Arrangements Task and Finish Group" refers)

[Between 14 September and 4 December 2023, the Task and Finish Group undertook the first element of its enquiry and this related to Planning Enforcement and culminated in the publication of its interim report on that subject. In that phase of the entire enquiry the Task and Finish Group met three times. As such, this phase of the enquiry commenced with meeting four of the Task and Finish Group.]

The fourth meeting of the Task and Finish Group took place on 29 February 2024.

The fifth meeting of the Task and Finish Group took place on 5 March 2024.

The sixth meeting of the Task and Finish Group took place on 15 July 2024.

In part, the period of this enquiry was prolonged due to the scheduled Police, Finance and Crime Commissioner election on 2 May 2024 and then the calling of the snap United Kingdom Parliamentary General Election on 4 July 2024. The pre-election periods for both and the capacity of the organisation during those periods prevented further progress during those periods.

The Members of the Task and Finish Group approved this report by email exchange between 26 July 2024 – 21 August 2024.

DETAILED FINDINGS OF THE ENQUIRY

Through the several meetings of the task and Finish Group it received a great deal of information around the issue of fly-tipping and mobile CCTV provision. This included the following grouped under the sub-headings shown:

Waste/Fly Tipping

The Waste Team deal with incidents of flytipping on the highway and land subject to the street sweeping contract. These incidents have reduced by 50% since 2019. During the pandemic, and 2020 in particular, it was clearly a difficult time for flytipping, but outside of this, the reduction has been steady. A small amount of this reduction is down to tighter recording (avoiding duplicated incidents being the primary issue here) and this reflects the work undertaken over the last five years, as previously highlighted in previous reports.

Interestingly, the ratio of reported incidents, as a ratio of actual flytips, is increasing. This could be for many reasons and we feel a revised message on our website supported by a press release \ social media campaign would be useful in the near future.

Reporting Methods

Incidents are reported via:

Telephone call through to the Helpdesk: This is a preferred method but a number of these calls will be filtered by the helpdesk staff, at the point of contact.

Emails to individual officers: These are received via Councillors, members of the public who have historically emailed that staff member and retained their details, referrals from other agencies, internal reports from other teams/departments and so on. This is the least

preferred method as individual officers may be out of office, or off sick and this could introduce a delay in responding, which of course leads to potential customer/resident dissatisfaction.

Via the Report It form on TDCs website. This is our most preferred method and seems to be the most prevalent method used. The forms allow for a specific location to be added, full contact details, and for photos/videos to be uploaded. This is extremely helpful as all information is correlated in one document/file which in turn aides the investigating officer in dealing with the case in a timely manner.

Incident Numbers

Numbers of reported incidents vs Number of actual incidents (please note that prior to April 2021 all reports that passed through the Helpdesk filter, were logged as reports of flytipping as opposed to actual flytips (From April 2021 we differentiate between reports and actual.)

YEAR	REPORTED	CONFIRMED	PERCENTAGE
2017	1342		
2018	1221		
2019	1120		
2020	1952		
2021 (Jan-Mar)	402		
2021 (Apr-Dec)	2308	562	24.35%
2022	2878	605	21.02%
2023	3420	550	16.08%

Numbers of reported incidents vs Number of duplicate reports

(Note: that previous double-recording would be a very time-consuming exercise to go back several years and isolate but the above statistic should give an indication of how many doubled-up reports. (Also as noted above, full categorisation and separation of report type did not begin until April 2021)

YEAR	REPORTED	ACTUAL	PERCENTAGE
2017	1342		
2018	1221		
2019	1120		
2020	1952		
2021 (Jan-Mar)	402		
2021 (Apr-Dec)	2308	873	37.82%
2022	2878	500	17.37%
2023	3420	540	15.79%

As the tables indicate there is a rough correlation between the number of actual flytips and the number of duplicates (suggesting that for every flytip we are responsible, we receive roughly two reports).

In addition, the Task and Finish Group were advised of efforts to map private sector landlord properties and instances of fly-tipping in order to look at any correlation and then address relevant instances with the landlord concerned.

HOT SPOTS FOR LITTERING

Fly-tipping on the highway hotspots across 2021-2023, namely:

- Mill Lane, Harwich
- Holland Marshes
- Crockleford Heath
- Emperor House, Parkeston
- Mill Lane, Walton
- Rosemary Road (service road adjacent to the public toilets), Clacton-on-Sea
- Bathside area, Harwich

LITTER PICKING GROUPS

There are approximately x25 litter picking groups in Tendring, covering the following areas: Clacton, Holland-on-Sea, Great Bentley, Tendring, Wrabness, Frinton-on-Sea, Walton-on-the-Naze, Little Bentley, Elmstead Market, Crockleford Heath, Little Oakley, Harwich, Dovercourt, Jaywick, Thorpe, Weeley, Great Oakley, Wix, Bradfield, Mistley and Beaumont.

Since 2021, the groups have undertaken a total of 568 litter picking events:

2021:	52
2022:	62
2023:	251
2024:	203 (to 6th August 2024)

In November 2022, the authority ordered 10,000 purple community litter picking bags (TDC Logo branded on the front of bag) from an external supplier and began distributing them, to date, approximately 5,500 have been allocated. Prior to November 2022, litter picking groups were allocated black bags which we supplied from our Veolia stock pile.

This change was implemented to aide with differentiating between waste that had been collected via a community litter pick and waste that had been fly tipped. The new distinctive and recognisable purple bags clearly do this and this also prevents confusion with residents and also highlights the great work, conducted by the volunteers/groups.

This year the authority applied for and received 2,000 free clear sacks from Keep Britain Tidy, all of which have been allocated to the named groups above. Each year, when the Great British Spring Clean is scheduled, we ensure we re-apply to Keep Britain Tidy for the 2,000 free bags and we generally are awarded the full 2,000 per year (please be aware the total is not always guaranteed)

The authority does not undertake briefings with all Community Litter Picking Groups but we do have a webpage that informs the groups, that we can lend equipment, provide bags and arrange the collection and disposal of the collected waste. It also highlights the safety aspects and requirements that the groups should consider and adhere to, whilst conducting their litter picks and a full list of TDC contact details are also provided.

The authority will also communicate to all groups individually when new legislation, e.g. Persistent Organic Pollutants (POPs), or relevant information/government guidance is provided/comes into effect, this is always communicated in a timely and detailed manner.

SMART BINS

There are currently no service requirements for the installation of smart bins, however the future service requirements for the street cleaning contract will be output based, so that during the operating hours of the contract, it will be the responsibility of the contractor to ensure that no litter bin is ever more than 90% full. Where this occurs and depending on the area we are working on the service specification to reduce the time taken for the contractor to rectify such incidents.

Through continuous development of the services there will be a mechanism in place where the contractor may introduce technology to improve the service.

The next contract will also have greater enforcement mechanism in place with financial penalties placed on the contractor for full bins etc.

INCREASE IN HOUSING VARIATION ORDERS

The housing department have recruited four Tenancy Engagement Officers (TEOs) who are visiting all our tenants in the district. Whilst on the estates they are liaising with the Tenancy Management Officers (TMOs) and raising VOs for any fly tipping or littering seen, that hasn't already been dealt with/reported. Along with the Community Safety ambassadors and our Tenancy Management Officers visits, the estates receive an increased visible presence as well as responding to the residents' concerns direct.

MOBILE CCTV

The Council has four Rapid Deployment Cameras. The number of deployments of the Cameras has been as follows:

2022 – 11 deployments

2023 – 5 Deployments

2024 – 1 deployment (so March 2024)

Since those figures were presented, there had been a further two deployments of Cameras in Dovercourt (July 2024) and two more would be in place for the Clacton Air Show.

The Council's Rapid Deployment Cameras could be moved to agreed sites following identification of an increase in incidents in that specific locality.

To ensure that the deployment of the Rapid Deployment Cameras complies with legislation, checklists will be followed and these form part of the documentation that will be maintained to form an audit record.

Deployment of the Rapid Deployment Cameras is carried out by the Council's appointed Installation and Maintenance Contractor who complies with all relevant safety procedures, will wear appropriate protective equipment, and clothing that clearly identifies the company they are employed by.

The Task and Finish Group looked at the potential use of artificial intelligence (AI) in mobile CCTV Cameras and was advised that the Council's CCTV Code would be reviewed in 2024. This could then address the use of AI.

In addition to the wire powered Rapid Deployment Cameras, the Council had a battery powered deployable camera, which was being stored by the Council's contractor. It has been considered as not suitable for deployment as it only records on motion to an SD card

and it doesn't have a data plan to allow it to be remotely accessed once deployed. The specification had been agreed with this Council prior to purchase (using funds secured from Essex County Council).

OTHER AUTHORITY EXPERIENCE

The Task and Finish Group was provided with details of the London Borough of Redbridge with its online 'Wall of Shame' and smart 'phone applications for reporting fly-tipping (such as that used by Cheshire West and Chester Council).

There was also a discussion around the difficulty for residents to confirm that a waste carrier is properly regulated. This was problematic for residents seeking to dispose of waste lawfully.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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