

Environmental & Public Protection Scrutiny Committee Task and Finish Group

A Review on the Management of Fly Tipping within Carmarthenshire

**Wednesday, 8th September 2021
10:00am**

ACTION NOTES

Present:

| Name | | Party |
|--------------------------|-----|--|
| Cllr. Arwel Davies | AD | Independent |
| Cllr. Tina Higgins | TH | Labour |
| Cllr. John James (Chair) | JJ | Labour |
| Cllr. Jeanette Gilasbey | JG | Plaid Cymru |
| Cllr. Dorian Phillips | DP | Plaid Cymru |
| | | |
| Officers | | |
| | | |
| Sue Watts | SW | Environmental Protection Manager |
| Steve Raymond | SR | Environmental Enforcement Officer |
| Michael Roberts | MR | Local Environment Quality Policy Officer |
| Robert David Williams | RDW | Public Health Lead |
| Ruth Mullen | RM | Director of Environment (Agenda 6) |
| Janine Owen | JO | Democratic Services Officer |

Virtual Meeting: 10:00am – 12:00pm

[Note: At the start of Agenda Item 6, the meeting was adjourned at 11:20am to allow the Director of Environment to join the meeting at the agreed time of 11:45am. The meeting recommenced at 11:45am.]

| Item No. | Discussion Topic / Agreed Action | By Who |
|-----------|---|-----------|
| 1. | NOMINATION OF CHAIR | |
| | The Group appointed Cllr. John James as Chair of the Task & Finish Group. | |
| 2. | APOLOGIES | |
| | Apologies were received from Councillor D. Thomas. | |

| | | |
|----|--|--|
| 3. | DECLARATIONS OF PERSONAL INTEREST | |
| | There were no declarations of interest. | |
| 4. | TASK AND FINISH PROTOCOL | |
| | <p>Members received the Scrutiny Committee Investigations/Task and Finish Protocol. The Chair explained that the protocol included details of how Task and Finish reviews operate and the process.</p> <p>Members were encouraged to familiarise themselves with the Protocol.</p> | |
| 5. | DESKTOP RESEARCH | |
| | 5.1 PRESENTATION BY OFFICERS | |
| | <p>The Group received a presentation by the Environmental Protection Manager which covered the following topics:-</p> <ul style="list-style-type: none"> • What is fly tipping? • Current Legislation/Policy • Current process <ul style="list-style-type: none"> ▪ Public Land ▪ Private Land • Minerals and Waste – Planning Section • Possible enforcement actions • Statistics <ul style="list-style-type: none"> ▪ Reported service requests over last 5 years (Private Land and Public Land) ▪ Number of actions related to Waste SR over last 5 years (Private Land and Public Land) ▪ Fly tipping Incidents (recording on Flymapper) • Drivers • Partners • Financial data <ul style="list-style-type: none"> ▪ Public Protection ▪ Waste and Environmental Services • Impact on Communities <p>[Note: The presentation provided is attached]</p> <p>Throughout the presentation, the Environmental Protection Manager provided Group Members with further details, provided context and explained the difficulties associated with flytipping.</p> <p>Members of the Group noted that:-</p> <p>Flytipping is a significant issue, affecting both rural and urban communities County wide.</p> | |

The diverse nature of different types of fly tipping, both in scale, location and make of material means that a 'one size fits all' approach may not be viable, and each case has be considered individually.

The issue of flytipping costs an estimated £86m-£186 million every year to investigate and clear up. The costs falls on taxpayers and private landowners.

Fly-tipping poses a threat to humans and wildlife, damages our environment, and spoils our enjoyment of our towns and countryside.

Fly-tipping undermines legitimate waste businesses where illegal operators undercut those business who operate within the law. At the same time, the reputation of legal operators is undermined by rogue traders.

There are several legislative requirements appertaining to flytipping:-

- Environmental Protection Act 1990
- Well-being of Future Generations Act 2015
- Fly tipping Protocol (Wales)
- Welsh Government Litter and Fly Tipping Plan
- Public Services Board Wellbeing Plan 2016-2021 (currently under review)
- Code of Practice Litter and Refuse which identifies a timescale of 4 working days to clear public land.

In addition, the matter of flytipping coincides with the Council's vision - 'Life is for living, let's start, live and age well in a healthy, safe and prosperous environment'

And is relevant to the Councils Corporate Strategy 2021-2023 and well-being objectives namely 8,9 and 12

<http://intranet/media/654960/corporate-strategy-18-23.pdf>

The Environment Protection Manager explained the current management process to Group Members. A synopsis is provided below:-

- **APP** – Initial call will be received by Customer Services who will record the matter on the APP system to either Public Protection or the Environment and Waste team.
- **Entered onto Fly Mapper** – Welsh Government initiative – only 4 Authorities are currently utilising (Rhondda Cynon Taff, Gwynedd, Conwy and Carmarthenshire)
 - This system enables the team to run reports, analyse and interpret details.
- **TASK** – used to identify 'jobs' for cleansing team for clearance; some may be incidents on the APP and Fly Mapper

- **ARCUS** – is a system used by the Planning Department; calls received through customer service and the Planning HWB currently manage as Housing Associations report fly tipping on their land to Local Authority to remove.

It was explained how a call was managed depended on where the flytipping had occurred – private land or public land. Unfortunately, often there was confusion and a flytipping incident could be reported to different teams resulting in a different teams deploying resources which would not be required.

The Environmental Protection Manager explained the details in terms of the statistical trends relating reporting service requests over last 5 years on both Private land and public land and highlighted potential reasons.

- Impact of Covid 19
- Welsh Government directive
 - Closure of Household Waste Recycling Centres (HWRC's) 7 weeks first lockdown to 18th May but restricted service as reopened
 - 2 weeks Firebreak 23rd October to 9th November
- Bulky waste collections also suspended initially
- People working from home/ furloughed - Households clear outs/ DIY/ gardening – what do you do with the waste? Increase in bonfires/ fly tipping etc
- Increase in illegal waste carriers – households not aware of their duty of care/ potential fines
- April to June 2020, Municipal waste collected was 18.5% down compared to same period last year this was likely to be attributed largely to the closure of HWRCs.
- Introduction of appointments system of benefit to the service (aim safe operation) (controllable/ proof of residency required/ online booking/ permits required some vehicles/ blue badges exemptions) but is it putting people off?
- Reopening HMRCs required additional staff resource and infrastructure works
- The Councils website page could be improved and utilised to provide a method of booking offline?

The Environmental Protection Manager explained the declining trend in relation to the number of actions on private land related to waste SR over last 5 years:-

- COVID from March 2020
- Restrictions in movement and ability to visit sites
- Cases difficult to remedy/resolve

In respect of the Fly tipping Incidents recorded on Fly Mapper, when the application was first piloted in 2017, the main users were the Environmental Enforcement Officers, in 2018 a further 9 Fly Mapper units were acquired which were issued to key Cleansing Operatives who dealt with Fly tipping on a regular basis. This enabled Fly tipping incidents to be recorded as and when the operatives come across them. Currently there are 58 registered users of Fly Mapper within the authority with 23 active users that have used the application since the 1st April 2021 to current date.

It was emphasised that each report is logged as a separate issue which may not be linked to the same incident which would give a false understanding of the number of incidents in County.

With regard to the figures on the number of actions related to waste SR over last 5 years, it was reported that unfortunately, there was no clarity on the information being reported in that there was a different reporting across the board and some authorities included other matters such as private land reporting, dog fouling, curtilage of private properties.

Carmarthenshire just reported fly tipping on public land on the Fly mapper application.

It was highlighted that the figures within the table indicated that Carmarthenshire was one of the worst Authorities for fly tipping problems and that Wales Audit had recently picked this up as part of their audit on waste services.

Group members were informed of the possible drivers that were causing issues:-

- No sifting allowed under Covid regulations – unable to trace source of the flytipping
- Court closures – backlog of prosecutions.
- Education and awareness face to face engagements suspended.
- Financial gain (illegal/ criminal activity) or financial savings on disposal costs
- Lack of disposal facilities/ access to them
- Laziness/ someone else will clear the work
- Use of social media to offer services is closed to Authorities. Difficult for Local Authorities to gain access to Facebook pages for investigation purposes.

The current partners that the authority worked with was explained to Group Members

Natural Resource Wales (NRW) – There are 7 in Waste Regulation Team in South West Wales area covering Bridgend, Swansea, Neath Port Talbot, Carmarthenshire and Pembrokeshire

It was recognised that multiple partners were dealing with same sites/individuals with little or not enough resources to resolve the matter. This was resulting in multiple uncoordinated visits to individual sites - waste of resource.

Partners currently meet on 6 weekly basis to discuss strategies and individual cases/individuals; share information for coordinated approach; lead sections/officers for cases with others supporting evidence/resources. It was reported that these meeting were working well.

In addition there were alternative agencies such as the *Department of Works and Pensions, VOSA, DVLA, HRMC and Landfill tax regime* were used for specific actions and afforded other ways of achieving positive results in relation to well- known criminals.

The Environmental Protection Manager explained to Group Members the financial impact of flytipping. The figures provided within the presentation were an estimate for 2020/21.

The following points were raised:-

- In relation to a query raised in relation to the table displaying the number of actions related to waste SR against other Authorities in Wales, the Local Environment Quality Policy Officer explained that in addition to a discrepancy in the reporting methods between Local Authorities, Flytipping is not a statutory function and therefore not all Authorities reported flytipping which would inevitably provide a distorted record of the number of incidents.
- With the difficulties in engaging with NRW, it was asked how officers were managing? The Environment Protection Manager stated that whilst it had been challenging to engage with NRW it was appreciated the recent resource difficulties in terms of staff that NRW had faced particularly during the pandemic. However, it was reported that communications had improved and that NRW were assisting with the high complex matters.
- In response to a query regarding the locations of flytipping, the Local Environment Quality Policy Officer stated that there wasn't any consistency with regards to the locations. Measures would be put in place to prevent repeat offences but the public were becoming more savvy with their choice of location
- It was asked if there was any stipulation within planning application regarding contractors / householders to properly and

| | | |
|----|--|--|
| | <p>legally dispose of waste? The Local Environment Quality Policy Officer stated that he doesn't believe that there is any stipulation or requirement within any stage of the planning process however within the consultation stage it is highlighted that there is a duty of care on householders to ensure waste is disposed of correctly.</p> <ul style="list-style-type: none"> • It was raised that lockdown saw an increase in advertising on the 'Market Place' on Facebook to remove unwanted litter. Many of which claiming that they have the correct licence to dispose, it was reported that often this isn't the case and that the rubbish is dumped elsewhere either on public or private land (flytipping). Unfortunately, many of the pages/groups are 'closed groups' and Local Authorities application to join are declined. This prevents any advice being placed on the pages and or utilising the pages for investigative purposes. | |
| 6. | <p>REVIEW AND AGREE THE AIMS SET OUT WITHIN THE PLANNING AND SCOPING DOCUMENT</p> | |
| | <p>[Note: at this point the meeting was adjourned at 11:20am to allow the Director of Environment to join the meeting at the agreed time of 11:45am. The meeting recommenced at 11:45am.]</p> <p>With the consent of the Chair, Group Members received an update from the Director of Environment.</p> <p>The Director of Environment explained that since the Scrutiny Committee's agreement on its Task and Finish arrangements and the endorsement of the review planning and scoping document in July a number of internal matters had arisen which may impact on the review. This included:</p> <ul style="list-style-type: none"> • Limited staff resources available to assist the review at this time due to staff prioritising work in order to effectively resolve matters in relation to Planning. • A staff re-alignment, due to take place later this year could essentially impact and improve upon the current process on the internal management of flytipping. Allowing the completion of a staff realignment to take place before any research would better inform the review. <p>The Democratic Services Officer advised Group Members that should they wish to postpone the continuation of the review until the completion of the staff re-alignment, the timing of the review may collide with the upcoming Elections in May 2022 impeding on timing of the review and submitting a final report to Cabinet prior to the pre-election period.</p> | |

| | | |
|--|---|--|
| | <p>After having undertaken the first part of the desktop research by way of a presentation by Officers and in light of the subsequent information received by the Director of Environment, and advice in relation to the lead in time of the final report from Democratic Services Officer, the Group discussed the options on the best way to proceed.</p> <p>The Group strongly expressed that flytipping was an area of community interest and acknowledged it was an increasing problem which required attention. However, the group, sympathetic to the internal matters, acknowledged that by continuing the review at this time would place additional pressure on the limited staff available and the staff realignment could potentially modify the current process.</p> <p>Therefore, in order to provide the best opportunity for the Group to consider and utilise up-to-date information, it was proposed that the review be deferred until after the Elections 2022. This was duly seconded and following a unanimous vote of agreement, the proposal was carried.</p> <p>The Democratic Services Officer explained to Group Members that the Group should provide an update report on the Groups decision, outlining the reasons to inform the Environmental and Public Protection Scrutiny Committee.</p> <p>The Group explicitly expressed to be kept informed of the plans on the staff re-alignment.</p> <p>UNANIMOUSLY AGREED THAT THE TASK AND FINISH REVIEW ON THE MANAGEMENT OF FLYTIPPING WITHIN CARMARTHEN BE DEFERRED UNTIL AFTER THE ELECTIONS 2022.</p> <p><u>Actions</u></p> <p>Democratic Services to note that the Task and Finish Group unanimously agreed to defer the Review on the Management of fly tipping within Carmarthenshire <u>until the new scrutiny municipal year in 2022.</u></p> <p>An update Report to Environmental and Public Protection Scrutiny Committee – November 2021.</p> <p>Group Members to be kept informed of the plans on the staff re-alignment.</p> | <p>JO</p> <p>Chair/ JO</p> <p>RM</p> |
| | <p>Due to the Groups decision in Note 6 above it was agreed that the remainder of business would not be considered.</p> | |