

Environmental and Waste Crime Enforcement Review

Conducted by the Overview and Scrutiny Committee

Commencing October 2023

The Overview and Scrutiny Committee agreed the Environmental and Waste Crime Enforcement Review be added to the Work Programme on 20 June 2023.

A scope for the review was outlined, including its desired outcomes, suggested approach and timescales, and is attached to this information pack.

Following discussions between Chairman, Vice-Chairman and relevant officers', specific information relating to the Review has been provided in this pack.

Contents Summary

Documentation available in this pack:

Waste Crime Enforcement Team Overview	Provided by the Head of Environmental Services and Public Realm. Includes: <ul style="list-style-type: none">- Waste Crime Team Time and Structure- Fixed Penalty Notices- Enforcement Performance- Fly Tipping Data- Surveillance and CCTV- Household Waste Recycling Centres, including policy changes to HWRCs.- Relevant Internal Policies- Resident survey results
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Waste Crime Team Timeline

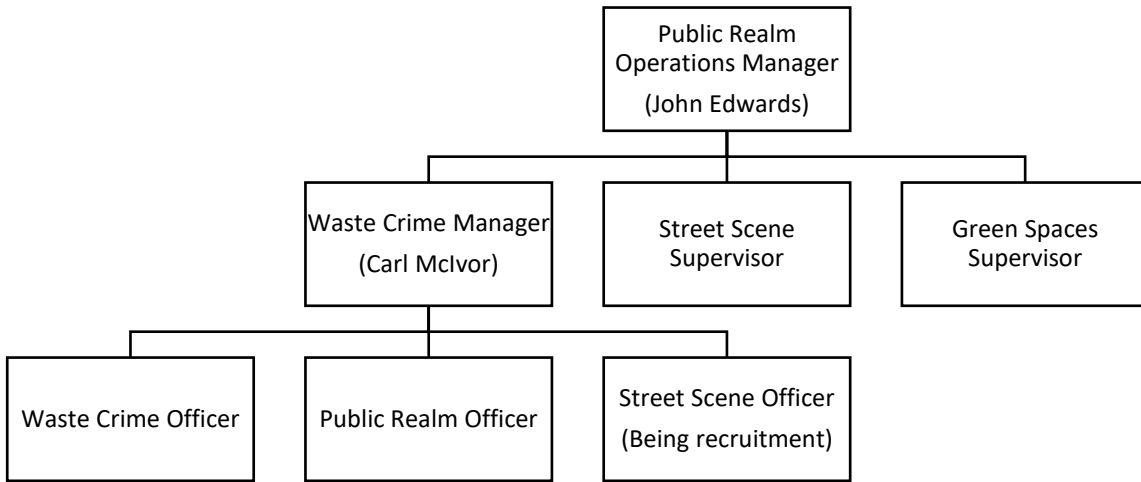
Below is a timeline outlining the activities and evolution of the team since its creation in 2018:

Year	Activities
2018	<ul style="list-style-type: none"> ➤ Waste Crime Team created from previous Environmental Enforcement Team ➤ Senior Waste Crime Officer transferred to Environmental Services ➤ Litter enforcement outsourced to Kingdom Security Services
2019	<ul style="list-style-type: none"> ➤ Contract with Kingdom Security Services ended by mutual agreement ➤ Litter enforcement taken in-house ➤ Waste Crime Team established with Waste Crime Manager, Waste Crime Officer and 2 x Street Scene Enforcement Officers ➤ Vehicle seizure policy created ➤ Focus on fly tipping over littering
2020	<ul style="list-style-type: none"> ➤ Staff retention issues with Street Scene Enforcement Officers ➤ Reduced to one Street Scene Enforcement Officer ➤ Focus on littering from vehicles rather than foot patrols ➤ Pandemic impacted ability to carry out active enforcement and team redeployed onto statutory services
2022	<ul style="list-style-type: none"> ➤ Waste Crime Manager left MBC ➤ Team reduced to single Waste Crime Officer whilst internal staffing issues resolved
2023	<ul style="list-style-type: none"> ➤ Recruitment of new Waste Crime Manager ➤ Reorganisation of Team

Current Team Structure

The Waste Crime Team reports to John Edwards, the Public Realm Operations Manager and consists of a Manager and three members of staff (one of which is currently being recruited). The Waste Crime Officer's role is taking enforcement action including issuing FPNs, deploying cameras and investigating fly tips. The Public Realm Officer's role is focused on street scene issues such as public conveniences, bins, benches, abandoned vehicles and street cleansing standards. These officers also support each other's roles to build resilience within the team. The Street Scene Officer is a junior role that will have the opportunity to develop in both areas and will provide support across the team.

On the next page is a diagram of the Team structure:



Fixed Penalty Notices

The FPNs for littering, fly tipping, graffiti and Duty of Care (household waste) have just been increased by the Council, following Government's changes to legislation. The new FPNs are set out below:

FPN	Level 1	Level 2
Littering	Single item e.g. cigarette end £250 <i>£200 if paid in 14 days</i>	Repeated offence Multiple items Rural / high-speed roads (difficult to cleanse) £500
Fly tipping	Single item / black sack (excluding hazardous) £600 <i>£520 if paid in 14 days</i>	Multiple items Multiple locations Hazardous waste £1,000
Graffiti	£250	N/A
Duty of Care (Household Waste)	£500 <i>£400 if paid in 14 days</i>	N/A

The remaining FPNs are at the maximum level allowed:

FPN	Value
Duty of Care (Commercial Waste)	£300
Waste Transfer	£300
Abandoned Vehicle	£200
Community Protection Notice	£100
Section 46 (Household Waste)	£100
Fly posting	£80

Payment rates for FPN's for the 12 months period between 1st August 2022 to 1st August 2023 are:

Litter FPN's - 17 issued 13 paid 76% payment rate.

Fly tipping FPN's - 16 issued 16 paid 100% payment rate.

The updated FPN policy has been attached to this pack.

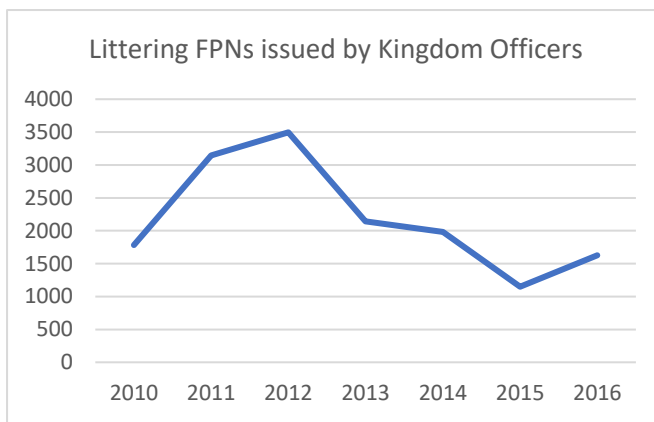
Enforcement Performance

The table below shows the performance of the team since it was established in 2018.

	2018-2019	2019-2020	2020-2022
Littering FPN	450*	364~	9
Fly tipping FPN	9	27	66
Duty of Care FPN	22		37
Dog Fouling FPN	3	3	2
Other Waste FPNs	34	-	40
Vehicle Seizure	N/A	25	3

* Issued by outsourced litter enforcement team (Kingdom Security Services)

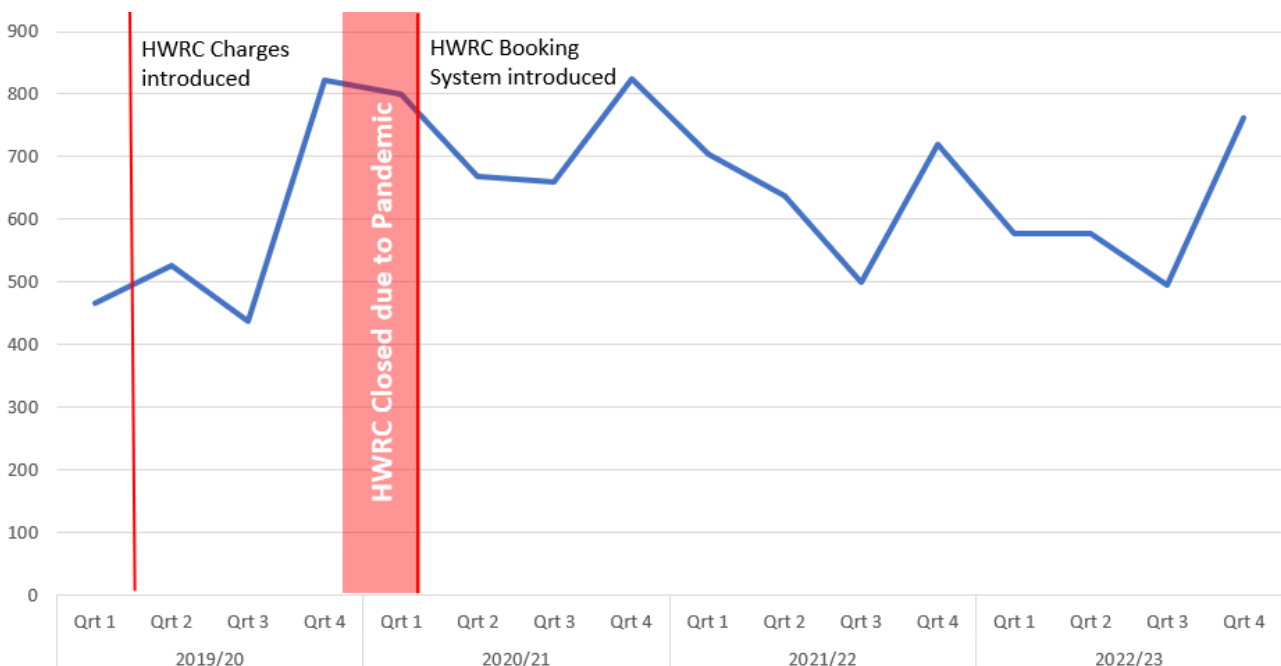
~ Issued by internal Street Scene Enforcement Team



This graph shows historic data on litter enforcement by Kingdom. This contract came to a mutual end as the income sharing arrangement to fund the officers was no longer financially viable due to a substantial drop in FPNs issued.

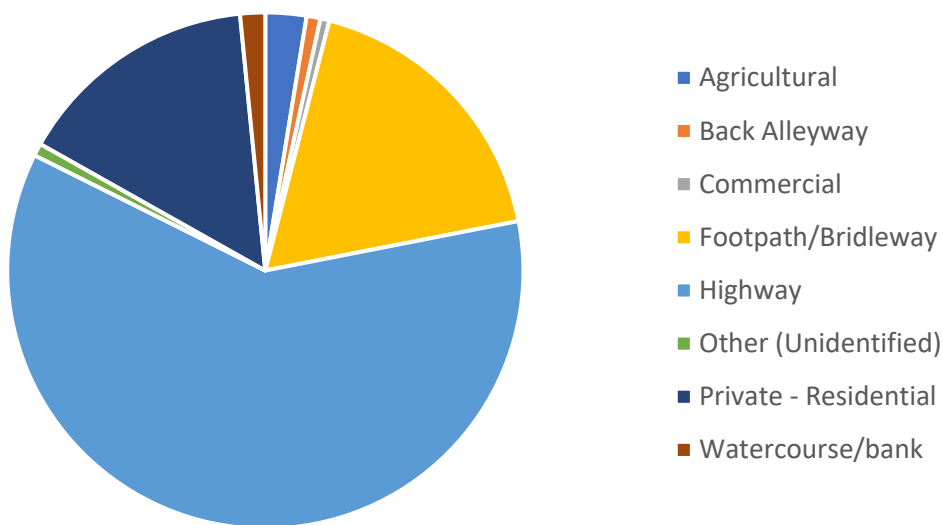
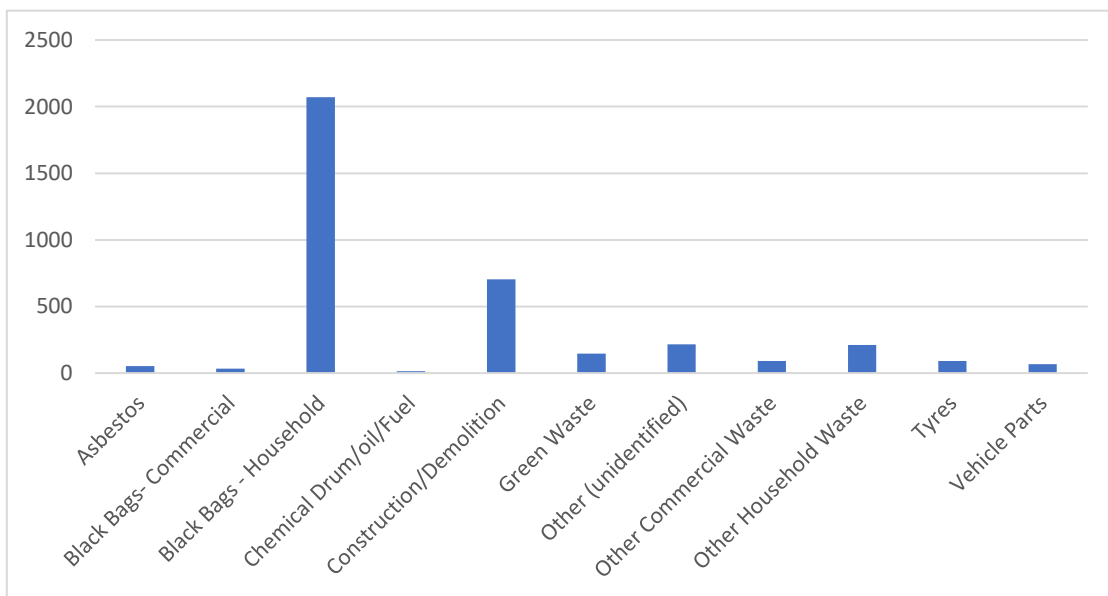
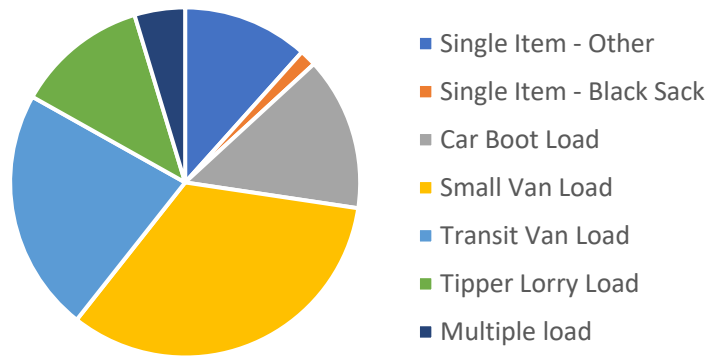
Fly tipping Data

The graph below shows the quarterly fly tipping data and key dates for HWRC changes.



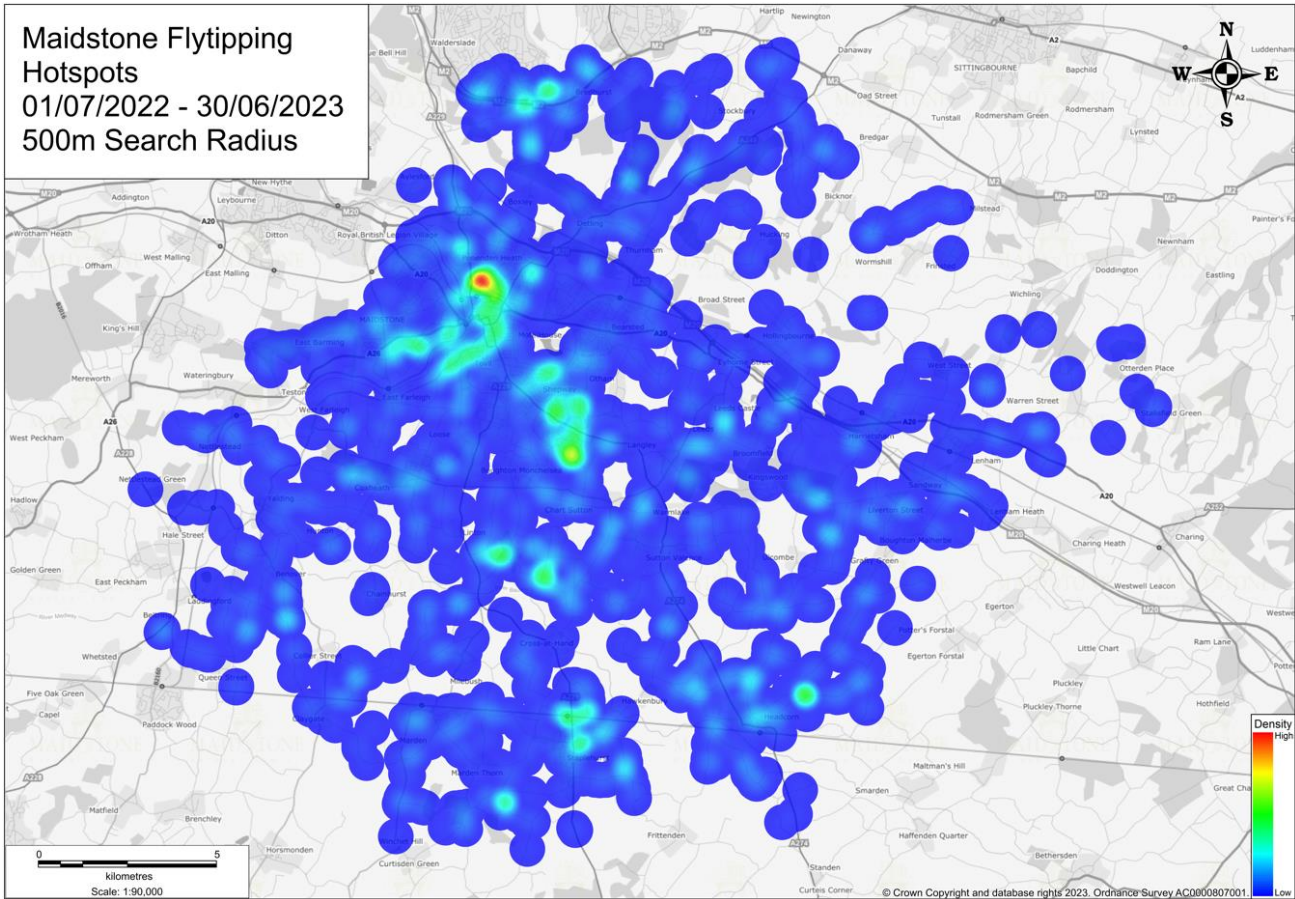
For the past 12 months, the main size of fly tip has been a *Small Van Load*, with *Transit* and *Car* being the next highest respectively.

The graph below shows the type of waste that this consisted of. Black bagged household waste remains the primary waste fly tipped.



Over 60% of fly tips occur on the highway, 18% on footpaths or bridleways and 15% on private land.

Maidstone Flytipping Hotspots
01/07/2022 - 30/06/2023
500m Search Radius



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SURVEILLANCE AND COVERT CCTV

The main method of capturing evidence of fly tipping by the waste crime team is by using covert CCTV, this has mainly been undertaken by officers installing small, discreet trail/scouting cameras (see pictured below) in areas of regular incidents of fly tipping or as a reaction after a fly tipping incident. These cameras are relevant, cheap and easy to install but they have a limited memory storage and only a few days power sources therefore can become labour intensive to maintain and recently several units have been stolen.

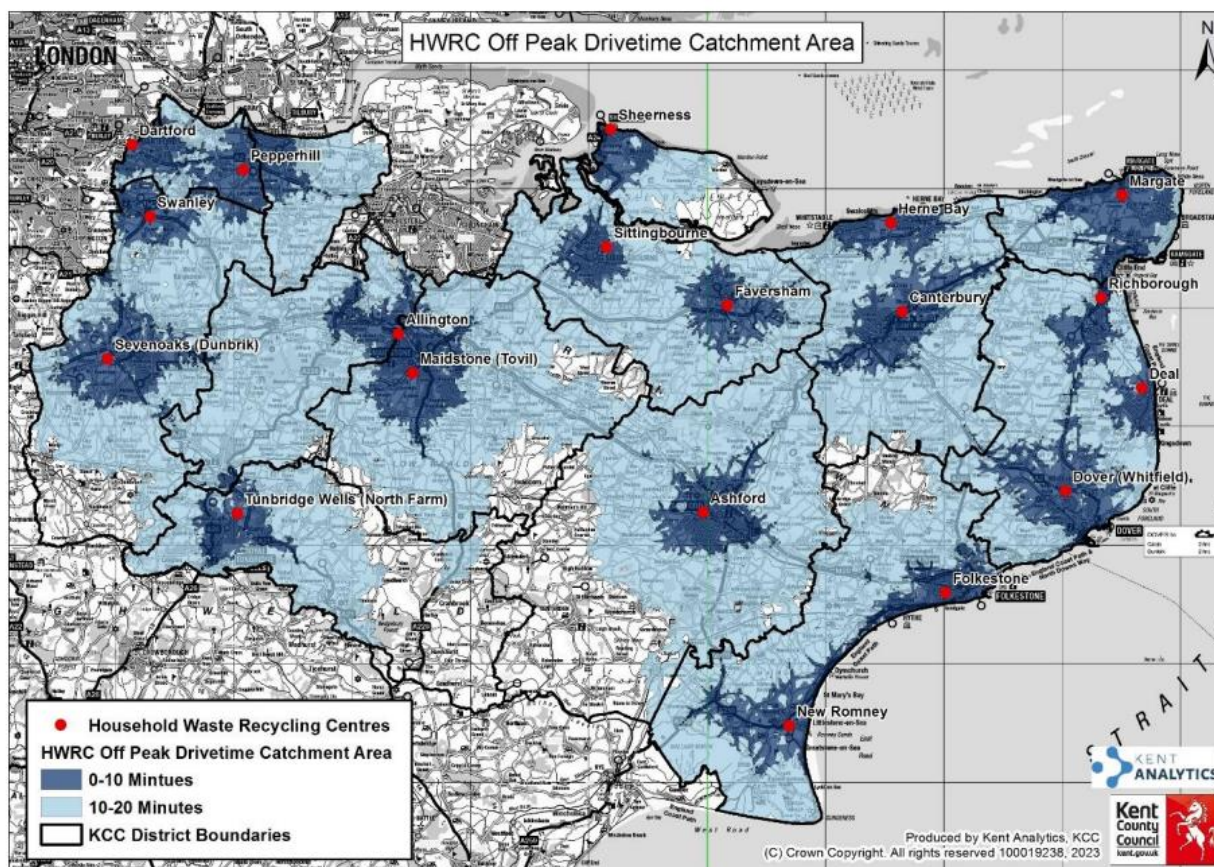


Having recently investigated the surveillance retail market there is clearly improvements in the technology with live feed cameras, tracked GPS within the hardware and improvements to battery energy meaning that a power source that can last for weeks or indefinitely when solar power is used. There are several UK based suppliers of technology that can provide a wholesale solution from providing new 4K cameras, installation training (including installing at heights) and live feed laptop based dashboards that can monitor the images from the CCTV but also the condition and location of the hardware. Below are few examples of the latest hardware.



HOUSEHOLD WASTE RECYCLING CENTRES

Kent County Council operates one Household Waste Recycling Centre (HWRC) in Maidstone at Burial Ground Lane, Tovil. A new site, located on the boundary with Tonbridge and Malling Borough in Allington, has recently been opened. The map below shows the sites across Kent and their catchment areas.



Some recent and future policies changes at the HWRCs are:

2019	<p>Charges for some types of waste were introduced at Kent HWRCs. These charges were for:</p> <ul style="list-style-type: none"> ○ breeze blocks, bricks, cement, concrete, drainpipes, flagstones, granite, marble, paving slabs ○ ceramic bathroom and kitchen items (baths, bidets, cisterns, shower trays, sinks, toilet pans, wash basins) ○ hardcore, rubble, gravel, rocks, sand, stones, soil ○ plasterboard ○ tiles (ceramic, clay, slate) ○ tyres
2020	<p>A new booking system was introduced when the sites reopened after the pandemic</p>

May 2022	New HWRC opened at Allington
April 2023	Non-Kent residents required to pay £10 per visit to use Kent HWRCs
April 2023	Only Medway residents can use Medway HWRCs at Capstone, Gillingham and Cuxton following change to policy by Medway Council. KCC previously made payment to Medway to enable the use of these sites by Kent residents.
May 2023	KCC announced plans for consultation into the proposed closure of four HWRCs including Tovil. 2-month consultation is due to start at end of July.
July 2023	Government announced plan to remove charges for DIY waste at HWRCs. This has not been implemented yet

Relevant Internal Policies

➤ **Environmental Health, Waste Crime and Community Protection Enforcement Policy**

Attached.

➤ **Vehicle Seizures**

The seizures take place under 2 key points in legislation;

Section 5 Control of Pollution (Amendment) Act 1989 – transporting waste without the authority to do so (failure to produce a valid waste carrier licence).

Section 33/34/34B Environmental Protection Act 1990 – Section 33 illegally depositing waste (fly tipping)/section 34 breach of a duty of care imposed upon waste carriers.

The owners of the vehicle currently have 15 working days to collect the vehicle or the vehicle(s) will be destroyed or sold.

Claiming the vehicle:

- You must provide valid driving licence or passport
- Proof of address - two utility bills issued in the last three months in the applicants name
- V5 document
- Valid certificate of motor insurance

➤ **Side Waste Policy (Household Waste)** (excerpts from Waste Policy and Procedures)

- “Side Waste” means refuse or other waste materials from the household, left alongside the wheeled bin (or other container) or which prevent the lid from closing. (MBC Garden waste sacks are not classed as side waste and will be collected separately from refuse and recyclables.)
- No side waste will be collected when presented with the non-recyclable refuse bin, except for the two-week period containing the Christmas and New Year Bank Holidays in each year.
- Side waste of recyclable material will be collected with the recyclable waste container on the appropriate collection days, provided it is suitable contained in rigid containers (recycling box or cardboard box) and not in refuse sacks or plastic carrier bags.
- Due to the nature of the waste side waste should not be presented next to the external food waste caddy. Additional caddies will be provided where necessary.

➤ **Household Waste Enforcement** (excerpts from Waste Policy and Procedures)

Enforcement Residual Waste

- Where a resident does not wish to participate in the service (for example, the resident finds the bin unsightly or they are not prepared to accept or use the containers provided) a number of steps will be taken to ensure that the householder is fully aware of how the service operates. These steps are set out below, the final step being to take enforcement action using powers given to the Council under the Environmental Protection Act 1990.
 - If the resident fails to use the recycling or food waste collection service but instead stores all their waste in their grey refuse bin or sacks (if on sack collections) between refuse collections, then no enforcement action would be taken.
 - However, where a resident uses their recycling container for residual waste, the following steps will be taken:
 - a. On the first occasion, the recycling container will not be collected by the recycling crew and a sticker placed on the bin by the crew explaining why the container hasn't been emptied, and that it will be emptied by the residual waste collection vehicle on the following week. Side waste arising from this incident will also be collected at that time.
 - b. On the second occasion, the same procedure will be followed.
 - c. On the third occasion within any rolling 6 month period, the Monitoring Officer will arrange to visit the resident to establish why the resident is failing to use the system correctly. An audit of the waste presented will be offered. This would entail sorting through the contents of the refuse container with the householder present. If recyclable material is found to be present, the resident will be given further advice on how to use the scheme.
 - d. If the resident then fails to use the system correctly, further enforcement action may be taken:
 - i. In accordance with Section 46 of the Environmental Protection Act 1990, the Council may serve a Statutory Notice to the householder to require waste to be placed within the containers specified. The authority is entitled to specify that separate containers are used for waste to be recycled and waste which is not recycled and to determine where such containers must be placed to facilitate the emptying of them.
 - ii. Any person that fails, without reasonable excuse, to comply with the requirements of such a Notice they may be issued a Fixed Penalty Notice of £100 in accordance with Section 46 of the Environmental Protection Act 1990.
 - iii. **However, any such action will only be taken as a last resort.**

- All householders which are assessed as suitable for a wheeled bin for their refuse will be deemed suitable for fortnightly refuse collections. Where a resident presents their waste in sacks despite having a wheeled bin, a fortnightly collection will be maintained.

Enforcement – Contamination of Recyclable Materials

- Recyclable materials for both the food waste collection and recycling collection must be of an appropriate quality (minimal contamination to avoid loads being rejected at the Materials Recycling Facility or composting facility. Information about the correct materials for the food waste caddy and recycling container will be provided/made available to householders.
 - Mixed Dry Recycling Contamination
 - Where a small amount of contamination is present in the mixed recycling the collection crew will collect the recyclable, but leave a sticker on the container informing the resident of what the contamination was.
 - Where a significant amount of contamination occurs, the container is not be emptied, and a sticker placed on the bin/bag/box. Householders will be advised to removed the contaminating material from the recycling container prior to the next scheduled collection.
 - Recycling collection crews will be instructed to lift lids of each recyclables bin to check for contamination prior to emptying.
 - Where incidents of contamination are of a persistent nature (e.g. more than two collections), a letter may be sent to the householder and/or they may receive a visit from an Officer to reinforce what the householder should and should not be doing.
 - Food Waste Contamination
 - Where any amount of contamination is present in the food waste caddy, the collection crew will not collect the waste and will place a sticker on the bin to advise the resident to remove the contaminant or bag the waste and put it in their refuse bin for collection.
 - Collection crews will be instructed to lift the lids of the external caddy and check for contamination prior to emptying.
 - Where incidences of contamination are of a persistent nature (e.g. more than two collections) a letter may be sent to the householder and/or they may receive a visit from an Officer to reinforce what the householder should and should not be putting in their food waste caddy. The system of enforcement outlined in (9) above may also be used for persistent offenders, **but only once all other options for information and education have been exhausted.**
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Residents Survey

In January 2023 the Executive (now Cabinet) considered a report: Medium Term Financial Strategy and Savings Proposals 2023-24

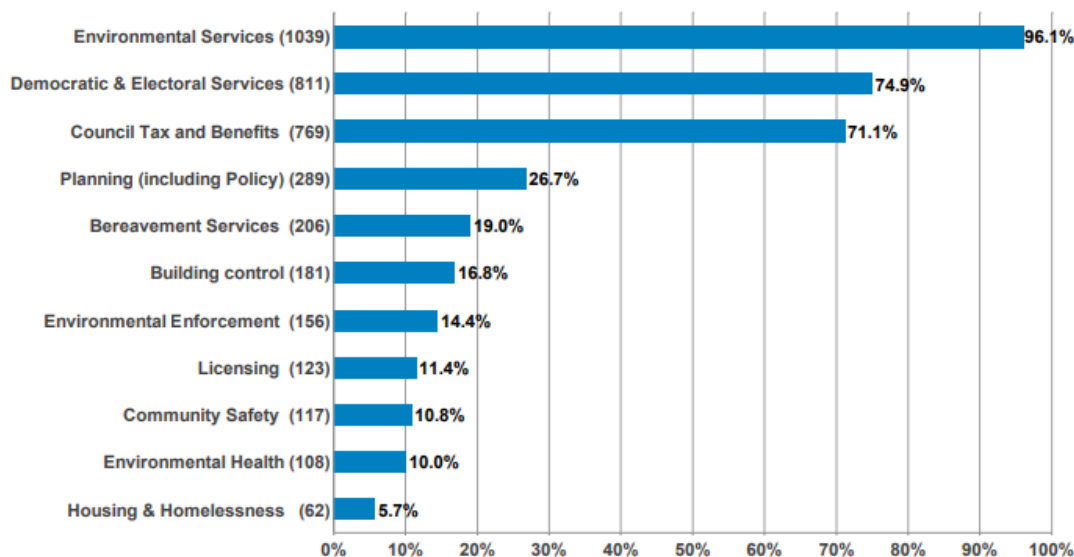
As part of the report, an appendix on the results of Budget Survey 2023 was attached, which included data on the Environmental Services and Environmental Enforcement.

Here are the excerpts considered from the Residents Survey:

Mandatory Services Used

The survey asked respondents to select the services they had used from a list of services that the Council is required to provide by law. A total of 1,082 responses were received.

The most common response was Environmental Services with 1,039 respondents telling us they have used this service, while 156 respondents said they used Environmental Enforcement.



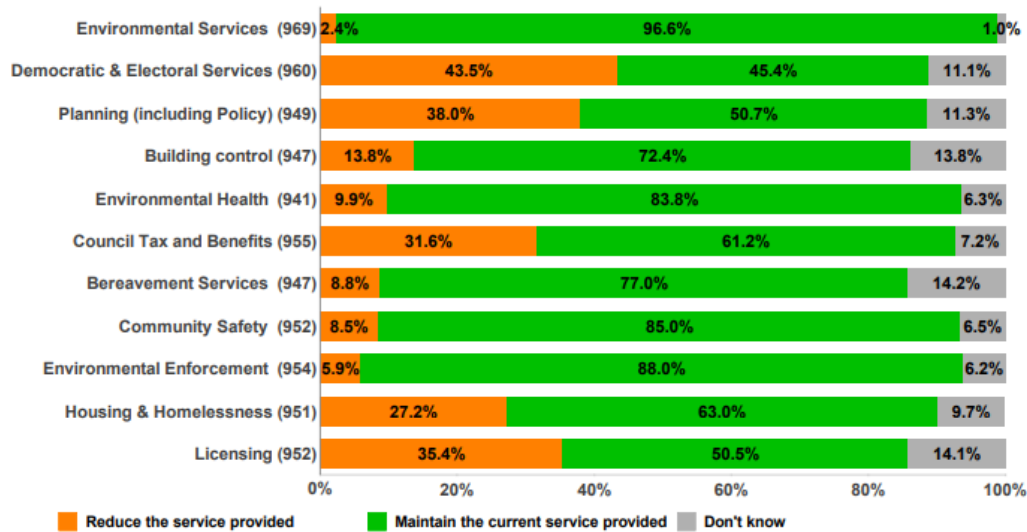
Mandatory Services Spending Approaches

Respondents were provided with the list of mandatory services detailing the current spend for each per council tax band D household.

They were asked to indicate what approach they felt the Council should take in delivering the mandatory services. Three options were provided for respondents to select from:

- Reduce the service provided
- Maintain the current service
- Don't know.

Environmental Services and Environmental Enforcement had the greatest proportions where respondents answered, 'maintain the current service' at 96.6% and 88.0% respectively.



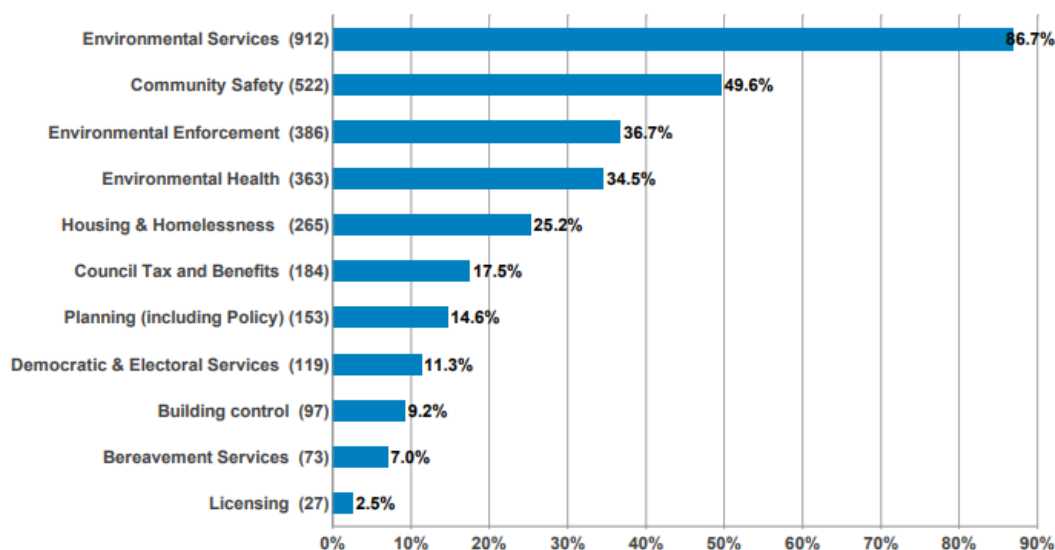
Demographic Differences

Male respondents and respondents under 35 years had greater proportions than their counterparts that said Environmental Enforcement services should be reduced.

Most Important Mandatory Services

The survey asked respondents to select which three Mandatory services provided by the Council were most important to them. There were 912 responses to this question.

The most common response was Environmental Services with 912 respondents selecting this service, while Environmental Enforcement was the third most common response with 386 responses.



Demographic Differences

There were three groups whose third most important Mandatory Service response differed from the overall result. These were 18- to 34-year-olds, minority respondents and those who have lived at their present addresses for less than a year. These three groups put Environmental Health above Environmental Enforcement.