



**East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, IP12 1RT**

Scrutiny Committee

Members:

Councillor Stuart Bird (Chairman)
Councillor Mike Deacon (Vice-Chairman)
Councillor Edward Back
Councillor David Beavan
Councillor Judy Cloke
Councillor Linda Coulam
Councillor Andree Gee
Councillor Louise Gooch
Councillor Tracey Green
Councillor Geoff Lynch
Councillor Mark Newton
Councillor Keith Robinson
Councillor Caroline Topping

Members are invited to a **Meeting of the Scrutiny Committee**
to be held on **Thursday 25 March 2021 at 6.30pm**

This Meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The Meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel at

<https://youtu.be/GfxOzFoDlbY>

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence

To receive apologies for absence, if any.

- | | | |
|----------|---|---------|
| 2 | Declarations of Interest
Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. | |
| 3 | Unconfirmed Minutes of the Meeting held on 28 January 2021
To confirm as a correct record | 1 - 9 |
| 4 | Review of waste management (Part 1) ES/0712
Report of the Cabinet Member with responsibility for the Environment | 10 - 34 |
| 5 | Cabinet Member's update
To receive an update on Councillor James Mallinder portfolio and strategic priorities (The Environment) | |
| 6 | Scrutiny Committee's Forward Work Programme
To consider the Committee's Forward Work Programme | |

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

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Unconfirmed



Minutes of a Meeting of the **Scrutiny Committee** held remotely via Zoom on **Thursday 28 January 2021 at 6.30pm**

Members of the Committee present:

Councillor Edward Back, Councillor David Beavan, Councillor Stuart Bird, Councillor Judy Cloke, Councillor Linda Coulam, Councillor Mike Deacon, Councillor Andree Gee, Councillor Louise Gooch, Councillor Tracey Green, Councillor Geoff Lynch, Councillor Mark Newton, Councillor Keith Robinson, Councillor Caroline Topping

Other Members present:

Councillor Maurice Cook, Councillor Tony Cooper, Councillor Richard Kerry, Councillor Ed Thompson

Officers present: Katherine Abbott (Democratic Services Officer), Damilola Bastos (Finance Planning Manager), Sarah Davis (Democratic Services Officer), Andrew Jarvis (Strategic Director), Brian Mew (Chief Finance Officer & Section 151 Officer), Agnes Ogundiran (Conservative Political Group Support Officer), Lorraine Rogers (Deputy Chief Finance Officer), Deborah Sage (Political Group Support Officer (GLI)), Amber Welham (Senior Accountant)

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Cloke declared a vested interest in item 7 - Forward Work Programme and the consideration of a proposed remit for a review of Community Partnerships - as a Chair of one of the Community Partnerships and a member of the Community Partnership Board.

3 Minutes

RESOLVED

That the Minutes of the Extraordinary Meeting held on 26 November 2020 be confirmed as a correct record and signed by the Chairman.

4 Draft General Fund Budget and Council Tax Report 2021/22

The Scrutiny Committee received report **ES/0653** which presented a draft General Fund Budget for 2021/22 and the updated Medium Term Financial Strategy (MTFS) as at January 2021. The report was introduced by the Cabinet Member for Resources. In introducing the report, the Cabinet Member reminded the Committee that it had considered the draft MTFS at its meeting on 17 December 2020. Since that meeting, the draft MTFS (at Appendix A to the report) had, he said, been continually revised and updated including changes resulting from the budget monitoring forecasts and the Provisional Local Government Finance Settlement announced on 17 December 2020. The Cabinet Member added that the report presented a balanced position for the current year and for 2021/22. This had been achieved, he said, by the use of reserves. The Cabinet Member added that, for the current year, £2.001m was being used from the In-Year Savings reserve. For 2021/22, the budget gap of £3.167m, was being met from the In-Year Savings reserve (£2.269m) and from the Business Rates Equalisation reserve (£0.898m). The Cabinet Member stated that this did mean that all of the In-Year Saving reserve had been committed. The Cabinet Member referred to Section 6 and Appendix A6 of Appendix A of the report which provided details on the Council's reserves position; from April 2022 to April 2025, the average total on the Council's Earmarked Reserves would be £27m, plus a General Fund Balance being maintained at £6m.

The Cabinet Member added that, at the end of the 2021/22 budget process, the Council was required to approve a balanced budget for the following financial year and set the Band D rate of Council Tax. Covid-19 had presented significant additional financial challenges to the Council and the outlook was, he said, very uncertain at this stage for both next year and the medium term. However, the Council's robust reserves position had enabled it to meet these challenges; develop its response to the pandemic and the objective of maintaining financial sustainability; and freeze its element of the Council tax for 2021/22.

The Chairman, on behalf of the Scrutiny Committee, wished to formally record thanks to the Cabinet Member and the Officers within the Finance team for their hard work and endeavours in a particularly complex and challenging environment.

The Chairman invited questions.

Councillor Lynch referred to the funding streams which had been available during the pandemic in support of the Council and businesses and asked how the impact on balances would be accommodated once those streams ceased. The Cabinet Member replied that funds had been made available for a certain period initially, then extended and different criteria applied as circumstances changed, including the most recent lockdown period. The Cabinet Member replied that, to date, funds had been made available to the Council based on the information it had submitted to the Government and this path had also seen the funding streams renewed. The Cabinet Member asked the Interim Chief Finance Officer to comment on future safeguards around alterations to funding once the pandemic had ended.

The Interim Chief Finance Officer stated that Covid19 support funding was allocated to the Council in three streams - support to the Council itself for lost fees and charges; direct Covid19 support funding associated with losses to the Council's income streams

such as Council Tax and Business Rates; and various other measures around specific lost income or additional costs incurred, for example the opening and closing of leisure centres. A second stream was associated with support to the community for example the Council Tax hardship fund and Business Rate relief. The third stream was support to businesses in the form of grants; the bulk of this did not feature in the Council's budget but it was responsible for allocating the funding stream.

Councillor Cloke referred to paragraph 3.3 of the report and asked how many empty properties were within each category; Councillor Cloke also asked if it was possible to encourage owners to rent or sell the property rather than let it sit empty. The Cabinet Member for Housing responded that numbers were monitored regularly. He added that the Council's Private Sector Housing Sector worked in conjunction with the Anglia Revenue Partnership (ARP) to contact owners and put steps in place to try and bring houses back into use, if possible. The Cabinet Member added that there were often complex reasons for non-occupancy. The Interim Chief Finance Officer further advised that Council Tax premiums were, in themselves, an incentive to bring a house back into use as they were set at the maximum level. It was agreed that the number of properties for each category would be provided to the Committee outside of the meeting.

Councillor Coulam referred to the proposal to not increase Council Tax and suggested this would result in a cumulative loss to the Council with an impact over the next two to three years. The Cabinet Member for Resources replied that the pandemic had affected everyone, that funds had been made available to help where possible and that, as a policy decision, it had felt right to share the impact which residents were experiencing. He continued to say that whilst there would be a cumulative effect, the Council had saved c£310k in travel expenses during the pandemic so, he suggested, the position would be equitable. The Cabinet Member repeated that there had been a wish to not increase Council Tax to help residents and that, therefore, the budget had been prepared accordingly.

Councillor Beavan referred to the table at paragraph 6.6 (Appendix A), which indicated the current projected position on General Fund Reserves and Balances and included use of reserves to address the updated budget gaps, and asked if the proposed reductions in ear marked reserves were prudent. The Interim Chief Finance Officer said the main reason for the reduction was usage for the purpose required. Councillor Beavan asked if reserves were not maintained to mitigate risks and questioned again if the depletion of £15m was prudent. The Cabinet Member for Resources said that reserves had been used to balance this year's budget and the forecast for the next year. He added it was incumbent on the Council to replenish the reserves in coming months and years. The Senior Accountant added that the Housing and Home Reserves were funded by external funding which were bid for on an annual basis and must be used within a year. The Interim Chief Finance Officer, in response to Council Beavan's comment about risk, stated that some reserves were associated with risk and within the table at 6.6 these were included in the General Fund Reserves, the Business Rate Equalisation Reserves and the Corporate: Contingency/Service Requirements Reserves to a total of £17.5m. He added that this was a significant amount for a District Council to have and compared favourably with other local authorities.

Councillor Beavan said that hoped for income streams were not indicated in the report and if that meant reserves would be used. The Cabinet Member replied that amounts were not yet committed to. He added that reserves were ring-fenced for specific purposes and risk. He was confident that financial sustainability would be achieved, that the Council was in a robust position and could look to the future with positivity.

Councillor Deacon referred to paragraph 9 of the report which stated no other options had been considered appropriate to achieve the statutory requirement of a balanced budget. He asked if other options had been fully considered. The Cabinet Member said that in the exceptional circumstances prevalent at the moment, when the Council was unable to increase its income or reduce its costs, there were no other viable options to achieve a balanced budget. The Interim Chief Finance Officer said that setting the budget was a statutory requirement and so there were no alternatives.

In response to a question from Councillor Coulam, the Cabinet Member said the General Fund Balance had been set at £6m and there was no need to increase it because it was over and above the funds earmarked for projects.

Councillor Gooch asked how the Council monitored changes in business projections and the overall percentage of business growth and shrinkage and if there was a likely impact on the retention of business rates. The Cabinet Member replied that the business world had been changed forever by Covid19; he said that business rates were subject to variances at the behest of Government. However, the Council undertook very regular reviews and the Officer team were fully aware of the need to effectively risk assess. The Interim Chief Finance Officer said that the mechanisms for monitoring and managing forecasting were regularly and extensively reviewed internally as well as nationally by the Ministry of Housing, Communities and Local Government. He continued to say that mechanisms existed to undertake effective horizon scanning to identify which sectors were in decline and which were growing, for example renewables. In response to a further question by Councillor Gooch, the Interim Chief Finance Officer confirmed that key economic factors were also being taken into consideration

Councillor Robinson, with reference to the Council's maintenance of General Fund balances at around 3-5% of its budgeted gross expenditure, asked if this was sufficient and how the figure had been arrived at. The Interim Chief Finance Officer said the parameters were at recommended levels set by CIPFA. He added that the 3-5% figure was dependent on the Council's exposure to expenditure levels.

The Chairman referred to paragraph 4.31 of the report which summarised the current position on the New Homes Bonus (NHB) Reserve and proposed use of NHB funding over the period of the Medium Term Financial Strategy - he asked if the indicated projection for 2024/25 of £3,606,000 was earmarked NHB monies or contingency in the event of risk. The Interim Chief Finance Officer referred to Appendix A3 which he said illustrated the areas which would be used for contingency; he added that the NHB reserve would be retained, in part, in case it was needed to support the budget.

Councillor Deacon referred to paragraph 8.1 and asked if the findings of the budget consultation survey on future financial sustainability had featured in the budget process. The Interim Chief Finance Officer said the short survey had focussed on

general aspects of financial sustainability; the survey had been sent directly to town and parish councils and representative business organisations. He added that no specific budgetary proposals had been included. The Committee was advised that the issue of delivery of extra grant funding to the business community had been referred to in the budget consultation process. Councillor Deacon asked if the consultation had then made little difference. The Interim Chief Finance Officer said there was room for development and refinement in order to improve the consultation process so that it 'flagged' themes and specific proposals.

Councillor Topping referred to the proposal to freeze the Council's element of the Council Tax for 2021/22, she said that the proposal would be welcomed by many residents who had been badly affected financially by the pandemic and asked if the Council's shortfall as a result of the proposed freeze would be met from reserves next year. Councillor Topping also asked if a small increase, of say 1%, would help to protect reserves and suggested that the public would understand the need to protect front line services in future years. The Cabinet Member for Resources said other options had been considered. He added that there would be budget gaps in years 3, 4 and 5 but several areas were subject to Government legislation for which the figures were not yet known.

Councillor Beavan referred to Appendix A5, the summary of the General Fund Revenue Budget, and expressed his concern at the on-going gap; he asked if there was confidence that the gap of £6m per annum would be found to balance the budget each year. The Cabinet Member for Resources said it was not unusual to see such significant figures that far ahead and repeated that Government grant funds were as yet unknown. The Interim Chief Finance Officer added that the summary presented a worse case scenario with areas of uncertainty factored in; he added that assumptions had also been made about the regime for renewables. In the next couple of years the figures would be refined and he was confident would not be as bleak as the appendix perhaps indicated.

The Interim Chief Finance Officer said that within the 2021/22 budget some figures around Business Rates would need to be added before the Full Council meeting in February and he anticipated that this would significantly improve the position presented. The estimated calculation for this was c£1.5m.

The Chairman asked if the Government could amalgamate the various elements of grant funds at the point of allocation to Councils. The Interim Chief Finance Officer replied that it was anticipated that the Fair Funding Review might consider this.

Councillor Deacon, with reference to Appendix A1 Risks and Mitigating Actions, asked if there was a cumulative impact of the risks indicated and how this was being mitigated. The Cabinet Member for Resources said each individual risk was monitored by the Council's internal and external audit teams. The Interim Chief Finance Officer added that Reserves were the biggest mitigation of financial impact.

There being no further questions, the Chairman thanked the Cabinet Member and the Officers for a well-thought through and balanced budget in unprecedented and difficult times.

The Chairman moved to the recommendations which were proposed by Councillor Robinson, seconded by Councillor Coulam and by a majority vote it was

RESOLVED

That it be recommended to Cabinet and then to Full Council to:

1. Approve the General Fund Revenue Budget as set out in this report and summarised in Appendix A5 and notes the budget forecast for 2022/23 and beyond;
2. Approve the Reserves and Balances movements as presented in Appendix A6;
3. Approve that no further changes are made to Council Tax Discounts and Premiums for 2021/22;
4. Approve the Efficiency Strategy attached as Appendix B; and
5. Approve a Band D Council Tax for 2021/22 of £171.27.

5 Housing Revenue Account Budget Report 2021/22

The Scrutiny Committee received report **ES/0654** which invited the Scrutiny Committee to submit any comments and recommendations on the proposed 2021/22 budget for the Housing Revenue Account (HRA) to Cabinet and Full Council. The report was introduced by the Cabinet Members for Housing and Resources, Councillor Kerry and Councillor Cook, respectively. In his introduction, Councillor Cook stated that the report brought together the HRA budget for the period 2021/22 to 2024/25, with a forecasted position for 2020/21 and a summary of its reserves and balances. The HRA budgets were, he said, fully funded from existing funds to meet the Council's HRA spending plans, including the Capital Investment Programme and reserve balances as per the HRA Financial Business Plan.

Councillor Cook added that under the new 2020 Rent Standard, Local Authorities could increase rents by up to the Consumer Price Index (CPI) +1% for five years; the September CPI value must be used, this had been 0.5%, which had given the Council the option to increase rents by up to 1.5%. Rents would be based on a formula rent set by Government. Councillor Cook said the Council continued to collect rent and service charges on a 50-week basis. The proposed rent would give an average weekly rent of £89.30 for 2021/22, an increase of £0.65 compared to 2020/21.

Councillor Cook also advised that service charges could only recuperate the cost of providing a service. The proposed average weekly General Service Charge for Grouped Homes for 2021/22 was £13.26. An increase of £0.41 compared to 2020/21.

The Committee was further informed that the HRA Repairs & Maintenance (R&M) programme was split between capital and revenue; the capital element was to be funded by the Major Repairs Reserve (MRR) and the revenue element was to be funded from the income derived from rents. The 2021/22 housing R&M revenue budget had been set at £4.292 million. This was considered sufficient to allow the Council to carry out all necessary works to maintain the decent homes standard in all its properties.

In concluding his introduction, Councillor Cook said that the budget proposals gave a forecast HRA working balance for 2021/22 of £5.428 million, maintaining it well above the minimum acceptable limit of 10% of total income.

The Chairman invited questions.

Councillor Coulam asked if the ban on evictions or bailiffs taking possession of properties might be extended beyond the permitted date of 21 February. Councillor Kerry said that if the situation warranted it he assumed the Government would repeat the previous extensions to take account the impact of the lockdown.

Councillor Gooch referred to the Right to Buy Scheme, specifically paragraph 2.5 of the report which stated that future year estimates of 30 properties per annum to be sold through the scheme had been built into the HRA financial business plan, and asked how that figure had been calculated and what estimates were beyond the period of the budget. The Senior Accountant replied the estimates had been based on historical data and that the impact of Covid 19 on future years was not yet quantifiable. Councillor Gooch asked if the estimate was therefore based on trend and not the nature of the occupancy; this was confirmed.

Councillor Lynch referred to Appendix E to the report which provided the key assumptions which had been made in the HRA budget, specifically under Income, the line *Garage rents annual increase* - he noted that market research indicated the garage rents to be particularly low and that a 5% increase, year on year, was recommended and asked if this should be increased further. Councillor Kerry replied there was a low uptake to rent the garages and so a most increase was felt to be more appropriate. The Senior Accountant said that the rents had been brought in line with comparative local authorities but not increased too much because of the low demand for the garages. In response to a further question, it was confirmed that unused garage sites were referred to the development team for consideration for possible housing development.

The Chairman welcomed the reduced number of rent arrears cases. Councillor Kerry referred to the implementation of predictive analytic software to assist with current tenant arrears and a former tenant arrears module had been introduced. The reduction on arrears was a positive step and an improvement on the more ad hoc approach previously which has also reduced the caseload of Officers.

Councillor Gee referred to paragraph 1.5 of the report which referred to social landlords being able to charge a full market rent where a social tenant had an annual household income of at least £60,000. Councillor Gee said this appeared to be a high threshold and queried if claimants with up to £60,000 earnings were eligible for social housing. Councillor Kerry replied that the threshold was set by the Government and not the Council. The Interim Chief Finance Officer said the threshold allowed rent to be at market rate and was not therefore social rent; he added that he assumed this was to enable local authorities to utilise under-used housing at market rents.

Councillor Gooch referred to Appendix C to the report (page 73) - HRA repairs and maintenance revenue budgets - and asked if there were proposals to phase out the solid fuel, central heating and electric fires or if this was limited by the fuel opportunities in the locations. It was agreed that a response to this would be provided outside of the meeting. The Strategic Director added that it was necessary to

remember that some older tenants did not wish to have their homes modernised. The Council, he said, had a programme to improve the thermal efficiency of its properties including the use of air source heat pumps.

Councillor Topping, with reference to paragraph 2.4 of the report on the Right to Buy Scheme, asked if, having purchased a property, the homeowner wished to sell, could they do so without paying the Council back. The Senior Accountant said the maximum discount of 70% or £84,200, whichever was the lower, was dependant on the length of residency. A time period of five years was required to pay back an element of the discount and an element of any profit the purchaser had made. Councillor Topping asked how this was monitored. The Senior Accountant said this would form part of the legal contract at the time of purchase. In response to a further question, it was confirmed that if a purchaser was unable to afford the property it could be bought by the Council and the occupant made a tenant again. The Senior Accountant was asked to clarify if this could be undertaken while the resident was in the property.

Councillor Beavan asked for some additional clarity around changes to Universal Credit. The Senior Accountant said there had been no change this year. She added that Officers were available to help people to access funds and to cover any 'gap' while applications were being processed.

The Chairman asked about the six months notice period in the event that eviction was necessary. The Senior Accountant said this was set in legislation and not by the Council.

There being no further questions or matters raised for debate, the Chairman thanked the Cabinet Members and Officers for their responses to the questions which had been posed.

The Chairman moved to the recommendations which were proposed by Councillor Robinson, seconded by Councillor Cloke and by unanimous vote it was

RESOLVED

That the Scrutiny Committee recommended to Cabinet, and subsequently Full Council, that it:

1. Approve the Housing Revenue Account Budget for 2021/22, and the indicative figures for 2022/23 to 2024/25;
2. Note the revised outturn position for 2020/21;
3. Approve the movements in Reserves and Balances as presented in Appendix D;
4. Approve the average weekly rent for 2021/22 of £89.30 over a 50-week collection year, an average weekly increase of £0.65 or 0.74%;
5. Effects of COVID-19 on the service in 2020/21 to be noted;
6. Approve the Service Charges and associated fees for 2021/22, Appendix B; and
7. Note the changes affecting public and private sector housing and welfare.

20.17 The meeting adjourned briefly and reconvened at 20.25

An update from the Scrutiny Committee's Task and Finish Group on Integrated Care (ES/0655).

It was noted that the Task and Finish Group would next meeting on 25 January 2021 and its final report would be submitted to the Scrutiny Committee at its meeting on 25 February 2021.

7 Scrutiny Committee's Forward Work Programme

The Scrutiny Committee received and reviewed its current forward work programme and the Cabinet's Forward Plan of Key and Exempt Decisions.

The Scrutiny Committee also received a proposed remit, submitted by Councillor Green to monitor the progress of the Community Partnerships' priorities and projects; the effectiveness of the Partnerships' memberships; and the efficiency of the allocation of funds by the Small Grants Scheme. The remit was approved and confirmed for the meeting in May 2021. It was agreed that the Community Partnership Board be advised of the review and that the proposed survey make it clear that responses would be available on the website.

There are no Exempt or Confidential items for this Agenda.

The Meeting concluded at 9.03pm

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Chairman



SCRUTINY COMMITTEE

Thursday 25 March 2021

REVIEW OF WASTE MANAGEMENT – PART 1

EXECUTIVE SUMMARY

1. This report provides Scrutiny Committee with information about fly tipping and reporting of environmental crimes.
2. The purpose of the review is to respond to concerns raised by members, namely: *'to address many issues and problems that have been covered in the media in the previous six months, some historic, many of which have been exacerbated by the Covid-19 lockdown'*.

Is the report Open or Exempt?	
Wards Affected:	All
Cabinet Member:	Councillor James Mallinder, Cabinet Member with responsibility for The Environment
Supporting Officers:	Kerry Blair Head of Operations 01502 523007 Kerry.blair@eastsoffolk.gov.uk Andrew Reynolds Environment Protection Manager 01502 523113 Andrew.reynolds@eastsoffolk.gov.uk Daniel Wareing Environmental Sustainability Officer 01394 444747 10

1 INTRODUCTION

- 1.1 This report has been prepared in response to a request from the Scrutiny Committee that a range of waste related issues are considered by members.
- 1.2 The Committee requested information on a number of issues, including:
- Enforcement
 - Flytipping
 - Littering
 - Contamination
 - Public realm and civic pride
- 1.3 This report specifically deals with issues relating to fly-tipping and enforcement. A further report, covering contamination, collection issues, littering and public realm, will be brought to Scrutiny in June 2021.

2 THE MAIN ISSUES AND CONCERNS TO BE CONSIDERED BY SCRUTINY COMMITTEE

Reporting of environmental crimes – the complexities of the Environmental Protection Team and the Environment Agency – who does what and how?

2.1 What is “fly-tipping”?

- Fly-tipping is the unauthorised deposit of a controlled waste on land, without authorisation.
- Contrary to popular belief, whether land is in private or public ownership is not material to this definition. In both situations, fly-tipping is a criminal offence, subject to an equal level of investigation and enforcement.
- Depositing litter is a separate offence created by the Environmental Protection Act. In practical terms, this may be construed as the unauthorised deposit of waste; however, littering is generally held to apply only to smaller deposits and DEFRA guidance provides advice on the appropriate application of these provisions in different circumstances
- Leaving waste out for collection other than in a wheelie bin (‘side waste’) may also be construed as unauthorised deposit of waste and dealt with as ‘fly-tipping’; however, specific legal provisions exist for controlling that practice and these are used in preference to the fly-tipping provisions, since they provide a very specific mechanism for requiring waste to be left out for collection at a time and in a manner which conforms to the criteria necessary to facilitate the operation of an efficient waste collection service.
- There is an important distinction between fly-tipping on private and public land, however, in that the relevant authorities have an obligation to maintain their land in a clean condition, so far as is practicable. Hence, we have an obligation to remove waste fly-tipped on land under our control. We do not have any such obligation to do so from private land. That is the landowner’s responsibility.

2.2 What isn’t “fly-tipping”?

- Waste deposited on private land by, or with the consent of the landowner is not 'fly-tipping'.
- Waste deposited on land with the consent of the landowner may fall under some form of regulatory control, however:
 - If the waste is deposited, stored or otherwise processed as part of a business, the person responsible may need a licence from the Environment Agency.
 - Depending on the scale of the activity, the landowner may need planning consent from the relevant planning authority.
 - If the pile of waste attracts flies or vermin or issues effluvia, dust, smoke, or odours which have an unreasonable effect on the wider public then it may need to be controlled under one or more of several enactments designed to control these types of nuisance or detriment to the community.
 - If the presence of the waste on the land causes significant detriment to the visual amenity of the area, it may need to be the subject of action by planning enforcement officers under the provisions of s215 of the Town & Country Planning Act 1990

Contaminated Land

- 2.3 District authorities have a duty to identify and act in relation to "Contaminated Land" under Part 2A of the EPA 1990. "Contaminated" in this context means there is a significant possibility of significant harm (SPOSH) arising to one of four "specific receptors", water courses and aquifers, people, ecosystems, and buildings. SPOSH is defined by reference to technical guidance published by central government. District authorities maintain a register of land in their area which has been declared "Contaminated". At East Suffolk Council, we also maintain records of sites where it is believed there is a risk of contamination arising from previous uses, but which falls short of SPOSH. We refer to these records when we consider proposals for changes of land use through the development control process (applications for planning permission) to ensure that SPOSH does not arise because of development.

Air pollution

- 2.4 May be broadly divided into two areas of concern: first, the role of the Council in monitoring and controlling 'big picture' air quality issues. This is the process by which we monitor the district for key air pollutants in accordance with tightly defined methods according to national guidance published by central government. Where concentrations of specified pollutants are found to exceed set levels, it triggers a process designed to identify the cause and apply solutions. These activities are referred to as "Local Air Quality Management". The second broad area of local authority involvement in Air Pollution control is governed by a legislative framework intended to enable local authorities to control acute incidents of air pollution arising from localised sources such as chimneys or bonfires.

Pollution of watercourses

- 2.5 Pollution of watercourses falls under the control of the Environment Agency who manage a system of 'discharge consents' to regulate the discharge of potential pollutants to water courses or the ground. The Environment Agency also respond to pollution incident reports if pollution incidents to watercourses and the sea (where the pollution originates from the land).

Informal tips/dumps

- 2.6 Informal tips/dumps – Transport, handling, processing, and storage of waste are all dealt with by the waste licensing regime enforced by the Environment Agency. The system of waste licensing is intended to ensure the Environment Agency can exercise a degree of control over everyone involved in generating, transporting, handling, processing, and disposing of waste. District Councils have no direct role in waste licensing. The Environment Agency operate a national incident reporting ‘hotline’ telephone number which should be used for reporting suspected unlicensed waste operations. The local authority is often the first port of call for reports of this type of activity, possibly because the local authority is perceived as a much more accessible and local service than the Environment Agency. We do pass details of such reports to the Environment Agency, but we strongly encourage direct reporting to Environment Agency by members of the public to simplify communications between the complainant and the regulatory agency able to exercise control.

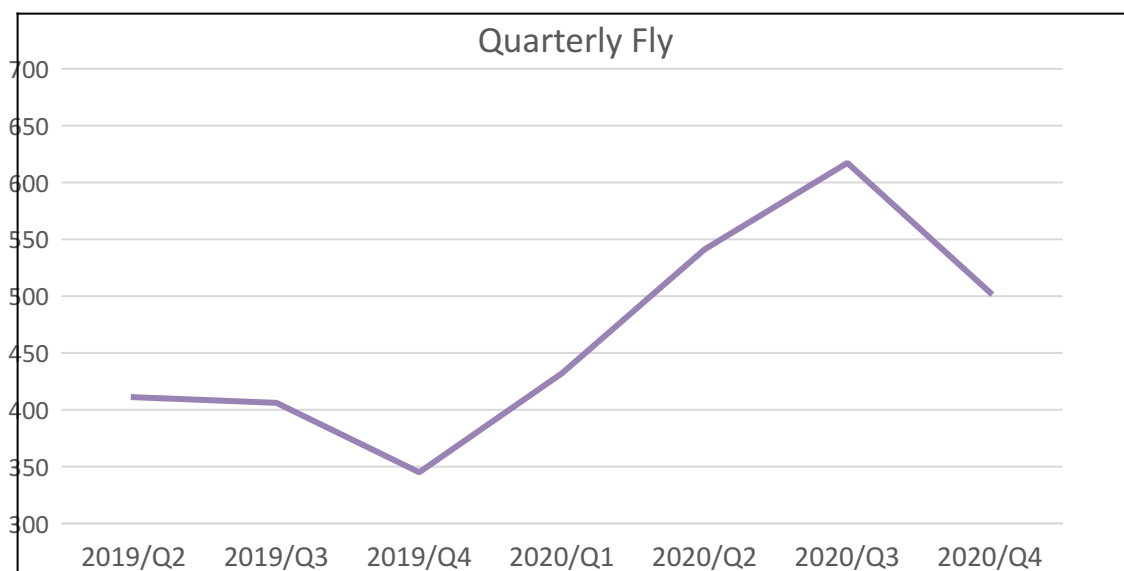
Community Engagement

- 2.7 East Suffolk Council and the former SCDC and WDC have encouraged community engagement in volunteer litter picking activities for many years, through the provision of sacks, loanable equipment such as hoops, sticks and tabards, and making arrangements for the collection of the bagged litter, all through the council’s partner Norse. For a number of years this encouragement was augmented through the incentive scheme Love East Suffolk which provided small monetary donations funded by Norse to a charity or community group nominated by each group participating as well as running a draw for a larger donation to be made to a small number of nominated recipients. Whilst the incentive scheme Love East Suffolk, and the loan of returnable equipment, is currently suspended due to Covid, Norse has continued to support those volunteers who use their own equipment to pick litter in the community through providing sacks and making arrangements to remove the litter gathered.
- 2.8 The Greenprint Forum has promoted volunteer litter picking activities initiated by its Plastic Action Champion volunteers on a number of occasions via its quarterly newsletter, including the winter 2020/21 edition, and the summer 2020 edition, and the Greenprint Forum actively promotes the activities of local volunteers on an ongoing basis via its social media platforms. The Greenprint Forum also used the spring 2020 newsletter to communicate positive messages around correct disposal of garden waste at a time when the Recycling Centres were closed, garden waste collections were suspended and concern over possible fly tipping was high.
- 2.9 The Greenprint Forum also organises annual participation of volunteers from the network in the Great British Spring Clean “beach watch” survey contributing to the national survey and campaign run by the Marine Conservation Society and coordinated locally by the Suffolk Coast & Heaths AONB, though our involvement in this was cancelled in 2020 due to Covid and this took place most recently in September 2019, in Southwold.
- 2.10 The Council itself has arranged a number of voluntary lunchtime litter picks for its staff based at East Suffolk House and Riverside, most recently in March 2020 in both Melton and Lowestoft.

Fly tipping Increases

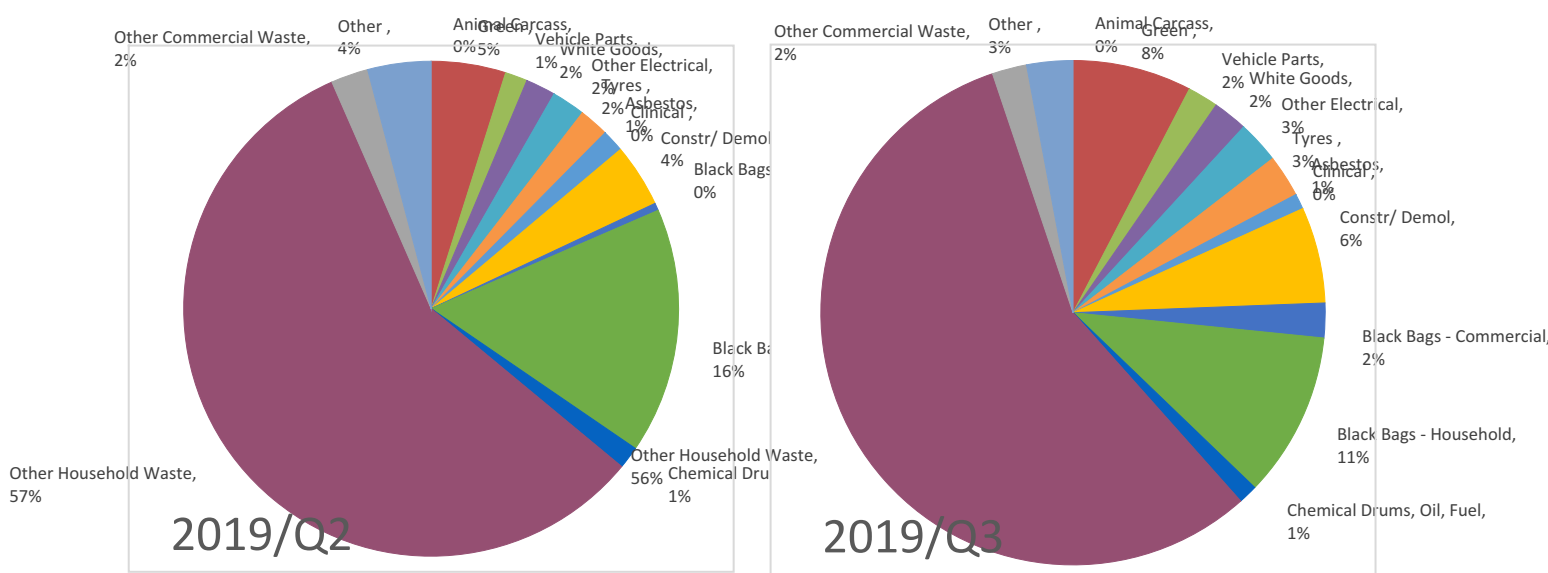
- 2.11 Quarterly totals of reported incidents of fly-tipping in East Suffolk since 1 April 2019 show a significant rise. This is consistent with reports from around the country of an increase in incidents attributable to ‘lockdown’.

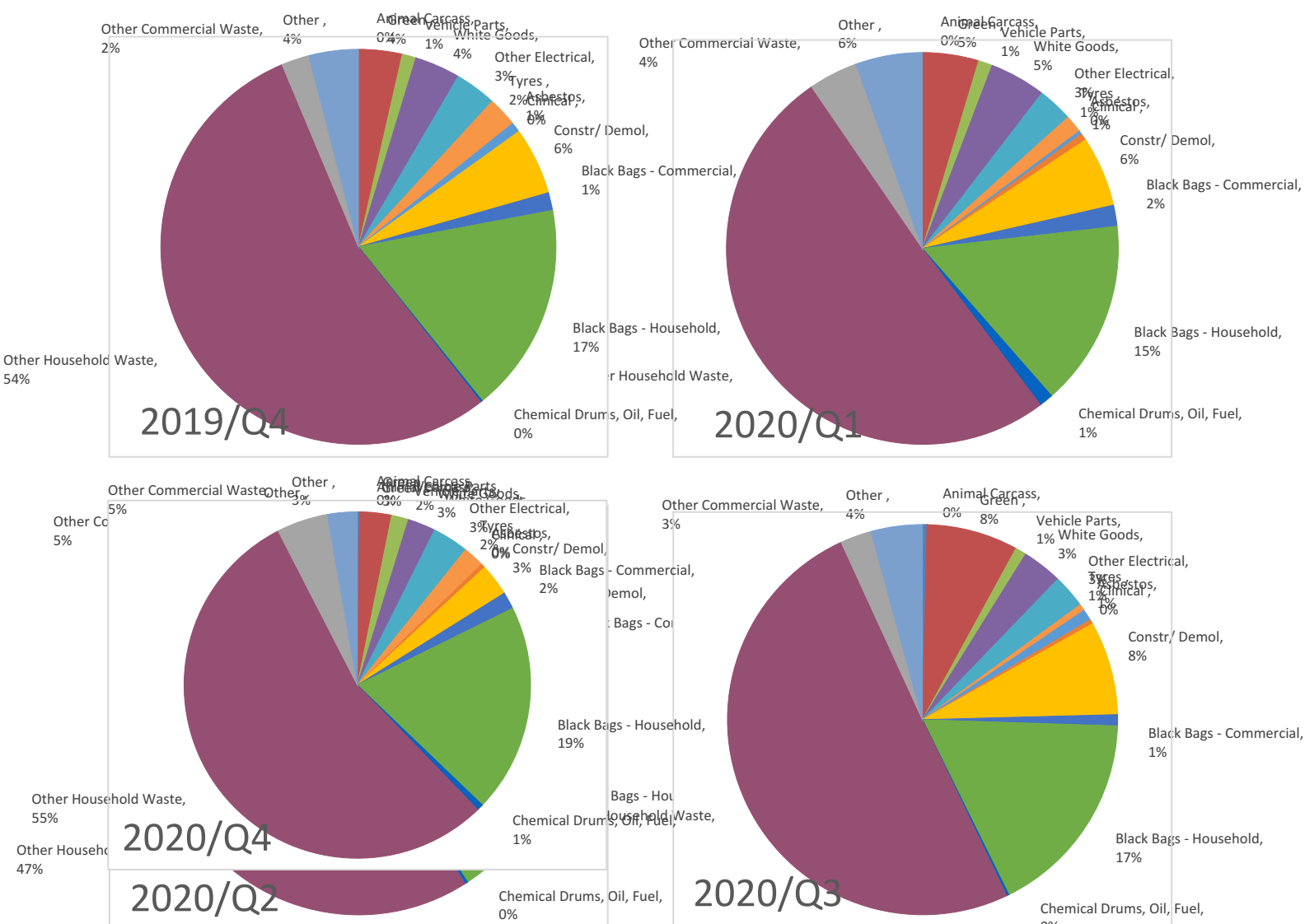
Fig.1 Quarterly total reported incidents of fly-tipping in East Suffolk since 1 April 2019



2.12 The largest categories of fly-tipped waste are typically household in origin. This has not changed.

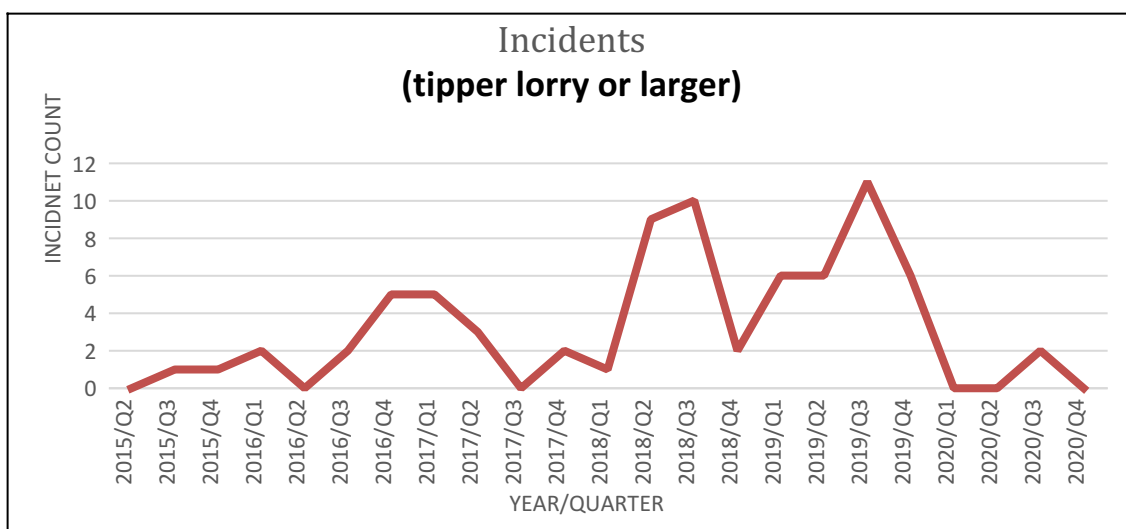
Fig.2 Composition of fly-tipped waste by Qtr.





- 2.13 Unsurprisingly, more fly-tipping is reported in more densely populated areas.
- 2.14 A recent 'Panorama' (BBC) investigation highlighted shortcomings in the waste licensing system and provided evidence that it was failing to achieve satisfactory controls over the waste industry which, as a result, suffered from the activities of 'organised crime'.
- 2.15 Evidence offered in support of this included data from DEFRA which showed significant increases in larger fly-tips, suggesting the commercialisation of the illegal waste disposal industry. That trend is broadly reflected across the East Suffolk district over the past 6 years, up to the commencement of movement restrictions associated with the Covid19 pandemic.

Fig.3 Large tips in the East Suffolk Geographical area since 2015



- 2.16 The same source reports a government source as stating that reforms to the waste licensing system are being planned.

The role of a Waste Regulation Authority

- 2.17 East Suffolk Council is a “Waste Regulation Authority” (WRA) and a “Waste Collection Authority” (WCA). The duties of a WCA are fairly self-evident and fulfilled on ESC by our contractor. The duties of a WRA include investigation and enforcement of waste offences, including the unauthorised disposal of waste, AKA ‘fly-tipping and this role s also fulfilled by our contractor.
- 2.18 Fly tipping is a criminal offence, punishable by unlimited fines and imprisonment. The standard of investigation and evidence required to see an unlawful fly-tipping incident through from discovery to investigation and conviction is the same as for any matter which finds its way to the criminal justice system. Evidence must be gathered in accordance with the relevant law and accompanying codes of practice. The principal legislation covering these areas is the Police and Criminal Evidence Act 1984 (PACE), the Investigatory Powers Act 2016 and the Criminal Procedures Investigations Act 1996 (all as amended) offered which proves the offender’s guilt ‘beyond reasonable doubt’.
- 2.19 Lesser offences involving first-time offenders tipping small quantities of relatively innocuous waste with minimal or easily reversible damage to the environment can be processed by a WRA by using a system of ‘Fixed Penalty Notices’ (FPNs). A FPN is issued, requiring the offender to pay a relatively small sum of money to the WRA. The correct terminology for this is *“an opportunity to discharge liability for prosecution, by payment of a fixed penalty”*. Payment of a FPN does not attach any criminal record to the offender, although, if the same offender is prosecuted through the courts for a similar offence within a reasonable time, previous FPNs may be cited after conviction and before sentencing, in support of securing stiffer penalties.
- 2.20 Fixed penalty offences available to ESC in respect of waste and related environmental matters waste matters are as follows:

Offence and Act	Payment time limits (days)	Full amount	Early payment amount	Maximum Fine on prosecution
Depositing litter - S. 87/88 EPA 1990	10/14 days	£80	£60	£2,500
Unauthorised deposit of waste (Fly-tipping) – S.33ZA EPA 1990	10/14 days	£200	£120	Unlimited
Failure to produce waste documents (Waste carrier licence) S 34(5) and Regulations made under it/34(6)/34A EPA 1990 16	10/14 days	£300	£180	Unlimited

Failure to produce authority to transport waste ("waste transfer note") - S.5/5B Control of Pollution (Amendment) Act 1989	10/14 days	£300	£180	£5,000
Graffiti and/or Fly posting S.43 Anti-social Behaviour Act 2003	10/14 days	£80	£60	Unlimited
Vehicle abandonment S2A(1) Refuse Disposal and Amenity Act 1978	10/14 days	£200	£120	£2,500
Nuisance parking – S. 6(1) CNEA 2005	10/14 days	£100	£60	£2,500
Failure to comply with a Public Space Protection Order (ASBC&P 2014)	10/14 days	£80	£60	£1,000
Breaching the terms of a Community Protection Notice S48 Anti Social Behaviour, Crime and Policing Act 2014	10/14 days	£80	£60	£2,500
Failure to comply with duty of care under S34(2A) (household waste) S.34ZA. EPA 1990	10/14 days	£80	£60	Unlimited

2.21 Role of the Environment Agency in relation to waste

- In addition to their role in licensing waste activities, the Environment Agency also have a role in enforcing against offenders. Their role overlaps with that of the district authorities. The overlap is managed by reference to a waste enforcement protocol, which represents broad terms of agreement about which agency is responsible for what types of activity. In broad terms, the Environment Agency take responsibility for larger waste offences, where organised crime may be involved; where is potential for significant pollution of water resources or where there are links to offenders across district and county boundaries suggesting the existence of a 'bigger picture'.

2.22 Collecting and collating data about waste

- In common with other WRAs and WCAs we are required by law to submit monthly returns to a national reporting process called "Waste Data Flow". This is achieved by logging on to a website and entering data in a tightly defined format. This process is common to all district authorities in England & Wales and the resulting data provides a foundation for central government policy decision.
- Gathering this data requires information about reported fly-tips to be categorised in a standardised way, hence, the methods of categorising the type and quantity of the wastes and the type of location where it was tipped are all reported and categorised according to a set of codes devised centrally.
- An audit of ESC data collection processes in 2019 identified differences between waste statistics from different sources, partly arising from differences in processes between the predecessor authorities. Having implemented all the actions relating to waste data required by the audit, we are now in a position where ESC data on fly-tipping is derived from a single reliable source which is being used for the process of internal and external reporting and for other enquiries such as from the press or through the Freedom of Information process.
- Having established a robust source of information for these purposes, we are working towards further improving those work recording methods with the aim of establishing an equally robust system of reporting for the purposes of performance monitoring and management.

2.23 In addition to the role fulfilled by ESC in specifically pertaining to waste collection and regulation, there are a range of other statutory functions created for purposes related to managing the cleanliness and tidiness of our living environment, or 'street scene'. These include provisions to deal with graffiti, flyposting, abandoned vehicles, 'nuisance parking', stray dogs and dog fouling. (NB 'nuisance parking' in this context refers specifically to selling and repairing vehicles on the street).

Education

- 2.24 The Greenprint Forum's Plastic Action campaign launched in 2018 has so far recruited over 70 volunteers to act as Plastic Action Champions. Their role is to encourage others in their networks through engagement, communication, and organising activities, to make positive changes on the three core themes of: reducing their dependence on single-use plastic (with a focus on plastic, but with flexibility to talk about resource consumption in general); improving the quality of recyclate placed in the kerbside recycling bins; and taking action when rubbish escapes into the environment as litter.
- 2.25 This has included the production of a Plastic Pollution learning resource kit for schools, which formed the basis of a programme of school visits by ESC officers in conjunction with Plastic Action Volunteers to deliver lessons in schools, with the resources also being made available online in order to be accessible to teachers and home educators during lockdown.
- 2.26 The Plastic Action Campaign also generated a Yellow Fish campaign which took place in Felixstowe, Lowestoft, and Woodbridge during 2019 to raise awareness that litter dropped in streets making its way via surface water drains to natural watercourses and beaches and encourage people not to use roadside gullies and drains as places to drop their litter. This campaign engaged directly with householders, businesses, and community groups.
- 2.27 ESC officers and/or Greenprint Plastic Action Champion volunteers also attend (when social distancing restrictions permitted) public events such as Suffolk Show, Siren, Art on the Prom, First Light Festival, Aldeburgh Food Festival, Latitude, Folk East, and various other smaller parish fairs and fetes to communicate the plastic action core messages through advice and conversation with adults and interactive fun learning activities for children. Larger events such as Latitude are often carried out in cooperation with the Suffolk Waste Partnership to maximise impact and scope of interactions and ESC officers continue to liaise closely with SCC waste officers to identify opportunities to develop collaborative resources and initiatives to communicate all relevant messages.

National and Cross-Boundary Campaigns

- 2.28 STAG the Suffolk Fly tipping Action Group is a joint agency group, replicated across the country (under a variety of abbreviations) comprising the Waste Regulation Authorities (Districts), The Waste Regulation Authorities (County) The Environment Agency and the Police. This group was initially set up through the Suffolk Waste Partnership and funded by DEFRA and also initially involved the NFU and the CLA in Suffolk.
- 2.29 This group's objective is to coordinate regulation and education approaches across the county and feed into to national campaigns where additional funding may be obtained. The normal attendance by the waste Regulation authorities is from the enforcement staff and staff involved in the operational side of waste. Such campaigns include SCRAP.



SCRAP – In Suffolk

- Project run by 'STAG' after £3,000 funding secured from the SWP
- The aim of the project was to raise awareness of flytipping and the importance of using registered waste carriers
- Campaign partners were approached and agreed their support
- Suffolk SCRAP campaign was intended to be predominately a social-media based project
- Success would be measured by the reach of the campaign

- 2.30 Presently East Suffolk's engagement is via an Environmental Protection Officer and a NORSE Waste Management Officer to agree on best enforcement approaches, however there is no or little input regarding educational campaigns such as SCRAP, production of statistics or discussing approaches to obtain funds for national campaigns such as the recent WRAP (Waste and Resources Action Programme) – grant scheme for litter bins.



Capital Grant Scheme Launches

Litter Bin Infrastructure - a capital grant scheme for the purchase of litter bins, open to local authorities in England - is launched today. Applicants are expected to have an existing litter strategy in place but can apply for grants of between £10,000 - £25,000. For more info and to submit an application for funding visit wrap.org.uk/bininfrastructure.

- 2.31 Our increased involvement in this group would mean a possible source of additional finance and resources for campaigns and emphasise our enthusiasm to tackle the fly tipping issue.

True costs to private landowners and to the local authority of the clear up

- 2.32 Waste Data Flow statistics (referred to above under "Collecting and collating data about waste") are used by central government to estimate the costs of fly-tipping. This is achieved by apportioning a centrally determined and nationally applied estimate of the costs of dealing with each incident reported and the actions taken in response. The national application of these estimates ensures that cost comparisons between different parts of England and Wales are calculated on the same basis and hence, represent a valid basis for comparison.
- 2.33 These figures are often quoted (and often disclosed in response to FOI enquiries). They are likely to differ from the "actual costs" collated & supplied by Norse. And different again to the contract amounts we might pay Norse for undertaking that service.
- 2.34 **The role of ESC colleagues in Waste Regulation functions**
- 2.35 Since 2006, ESC officers have had no formal role in ESC waste regulatory functions other than as "Contract Managers" and at the peripheries, where the waste activities impinge on core Environmental Health Legislation (nuisance, rats, detriment etc.) and Planning Enforcement matters (TCPA 1990).

ESC Environmental Protection team officers are being increasingly and frequently drawn into Waste Regulatory matters, providing significant expert advice, support and assistance to the individual Norse Waste Management Officers, since the required level of expert advice, support and assistance is not provided by Norse. These interactions

include:

- advice and support around the legal formalities required when undertaking criminal investigations (discussed above in *“The role of a Waste Regulation Authority”*),
- provision of equipment and support during the planning and conduct of recorded interviews.
- advice on availability and application of alternative statutory provisions for enforcement, including managing the interface between waste/‘street scene’ matters and wider Environmental Protection legislation.
- liaison with other ESC teams where appropriate (e.g., planning enforcement)
- conducting investigations and enforcement in-keeping with ESC enforcement policies
- ensuring records are maintained in a manner consistent with the law, good practice, the requirements of ESC.
- providing reliable reports on waste regulation activities carried out on behalf of ESC.

Supporting private landowners who are the victims of fly-tipping – providing a service to remove and store articles from private land for a period, prior to disposal.

- 2.36 Subject to the statutory controls outlined above (*“What isn’t fly-tipping”*) landowners are entitled to keep their possessions on their land without interference from the local authority. Removing such items without reference to some statutory power to do so could be unlawful and give rise to claims of theft, trespass, criminal damage etc. as well as civil claims for damages.
- 2.37 The effects are damaging to the environment in that it gives an impression of a run-down area and leads to copycat activities & a downwards spiral of lack of neighbourhood, pride, investment, environmental standards, anti-social behaviour, crime, poverty etc. (*“broken window syndrome”*).
- 2.38 Any unsightly or detrimental consequences of a landowner failing to act could be addressed through the statutory controls identified above, assuming resources allow.
- 2.39 Providing a service to remove waste, free of charge, would undoubtedly resolve many of the problems of fly-tipping and environmental consequences; however, it is likely that such an initiative would become the preferred route for all sources of waste, including (or especially?) significant commercial sources of the types of waste which are difficult and expensive to deal with. Any proposal involving providing free disposal routes for waste which fails to protect against this certain eventuality would be open to exploitation, inevitably becoming overloaded and unsustainably expensive to operate.

3 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?

Minimise waste, reuse materials, increase recycling.

- 3.1 We will minimise waste generated throughout the district, encourage the reuse of materials, and increase our recycling rates.

- 3.2 We want everyone to be proud of where they live and we will support this by helping communities come together around a shared sense of purpose, responsibility, place, care and respect for each other.

Review service delivery with partners

- 3.3 We will ensure the services we deliver through partnership and outsourcing arrangements are the most cost effective and streamlined way of delivering the service.

4 CONSULTATION

- 4.1 This report has been compiled in discussion with Norse Commercial Services.

APPENDICES	
Appendix A	Fly Tipping Incidents, 2020/21 Quarter 3
Appendix B	Fly Tipping Actions, 2020/21 Quarter 3
Appendix C	Fly Tipping Clearance, 2020/21 Quarter 3
Appendix D	Other Complaint Performance, 2020/21 Quarter 3
Appendix E	Written Questions by the Scrutiny Committee and Answers

BACKGROUND PAPERS
None

Fly-Tipping Incidents Reported and Estimated Costs

Print Date:
Agenda Item 4
ES/0712

{SRREC.SRRECTYPE} = "CONFLY" and
{SRREC.RECEPD} in DateTime (2020, 10, 01, 00, 00, 00) to DateTime (2020, 12, 31, 00, 00, 00)

Total number of incident actioned this period **520**

The data for this period has passed the location/size/type check

Number of Incidents by Land Type

Highway	178	Agriculture	16
Footpath/Bridleway	102	Private Residence	13
Back Alley	114	Commercial / Industrial	4
Railway	0	Water course / bank	5
Council Land	65	Other (unidentified)	23
		Total Number of Incidents By Land Type	520

Number of Incidents by Waste Type

Animal Carcass	1	Construction / demolition / excavation	15
Green	16	Black bags - commercial	8
Vehicle Parts	9	Black bags - household	102
White goods	13	Chemical drums, oil, fuel	3
Other electrical	18	Other household waste	285
Tyres	10	Other commercial waste	24
Asbestos	0	Other (Unidentified)	14
Clinical	2		
		Total Number of Incidents By Waste Type	520

Number of Incidents by Tip Size

Single black bag	13	x	£ 7.00	£ 91
Other single item	82	x	£ 29.00	£ 2,378
Carboot load or less	139	x	£ 29.00	£ 4,031
Small van load	256	x	£ 56.00	£ 14,336
Transit van load	29	x	£ 115.00	£ 3,335
				Subtotal: £ 24,171 ⁽¹⁾
Tipper lorry load	1	=		⁽²⁾
Significant / multiple loads	0	=		⁽³⁾
Total Number of Incidents By Tip Size	520			Estimated Total Cost sum of boxes (1), (2) & (3)

NB costs estimates are derived from nationally standardised unit costs provided by Waste Data Flow

----- end of report -----

Actions Taken in respect of Fly Tip Reports and Estimated Costs

ES/0712
Print Date:
17/02/2021

{XIVISIT.XIVTYPE} = "FLYINS" and
{XIACTION.ACTDATE} in DateTime (2020, 10, 01, 00, 00, 00) to DateTime (2020, 12, 31, 00, 00, 00)

Actions Taken

Number and estimated cost of actions taken this period

Investigation	145	x	£ 33.00	=	£ 4,785.00
Warning letter	41	x	£ 33.00	=	£ 1,353.00
Statutory Notice	2	x	£ 33.00	=	£ 66.00
FPNs for Fly-tipping	1	x	£ 33.00	=	£ 33.00
FPNs H/hold DOC	1	x	£ 33.00	=	£ 33.00
FPN for littering	8	x	£ 33.00	=	£ 264.00
All other FPNs	0	x	£ 33.00	=	£ 0.00
DOC Inspections	0	x	£ 33.00	=	£ 0.00
Stop & Search	0	x	£ 33.00	=	£ 0.00
Vehicles Seized	0	x	£ 33.00	=	£ 0.00
Formal Caution	1	x	£ 33.00	=	£ 33.00
Prosecution	0				
Injunction	0				

NB costs estimates are derived from nationally standardised unit costs provided by Waste Data Flow

----- end of report -----

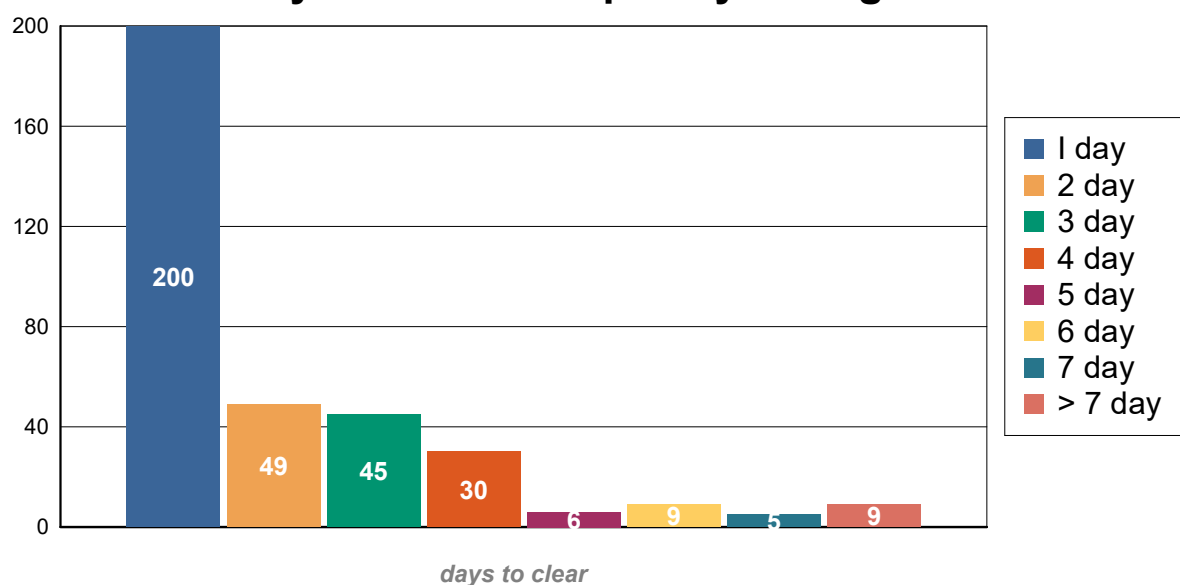
(NB Tips on Private Land fall outside the Council's obligation to clear and do not appear in these stats)

{XIACTION.XIACT} = "CLRTIP" and
{SRREC.SRRECTYPE} = "CONFLY" and
{XIACTION.ACTDATE} in DateTime (2020, 10, 01, 00, 00, 00) to DateTime (2020, 12, 31, 00, 00, 00)

Tips cleared by Norse this period = 351 of which:

Cleared within 1 day of receipt:	200	(57.0%)
within 2 days of receipt:	49	(14.0%)
within 3 days of receipt:	45	(12.8%)
within 4 days of receipt:	30	(8.5%)
within 5 days of receipt:	6	(1.7%)
within 6 days of receipt:	9	(2.6%)
within 7 days of receipt:	5	(1.4%)
cleared > 7 days of receipt:	9	(2.6%)

Days to Clear Frequency Histogram



----- end of report -----

Other Complaints Performance

{SRREC.ALLOCTO} in ["BABLET", "GHOLT", "NMACKA", "NNOODL", "SYOUNG"] and
{SRREC.RECEPD} in DateTime (2020, 10, 01, 00, 00, 00) to DateTime (2020, 12, 31, 00, 00, 00) and
{CNCODELIST.CATEGFIELD} = "SRKIND"

Abandoned Vehicle/parts

Summary for: Abandoned Vehicle/parts	116 jobs received
	112 with a response within target
	4 with a response out of target
	0 with no response recorded
97.0% against a target of X10	

Accumulation of Rubbish (Res.prem)

Summary for: Accumulation of Rubbish (Res.prem)	1 jobs received
	1 with a response within target
	0 with a response out of target
	0 with no response recorded
100.0% against a target of X10	

Bin Left in Street

Summary for: Bin Left in Street	22 jobs received
	21 with a response within target
	1 with a response out of target
	0 with no response recorded
95.0% against a target of X10	

Dead Animals (Not as Waste)

Summary for: Dead Animals (Not as Waste)	7 jobs received
	7 with a response within target
	0 with a response out of target
	0 with no response recorded
100.0% against a target of X10	

Dog Fouling

Summary for: Dog Fouling	20 jobs received
	13 with a response within target
	5 with a response out of target
	2 with no response recorded
72.0% against a target of X10	

Dog Not on Lead (PSPO)

Summary for: Dog Not on Lead (PSPO)	1 jobs received
	1 with a response within target
	0 with a response out of target
	0 with no response recorded
100.0% against a target of X10	

Duty of Care

Summary for: Duty of Care	10 jobs received
	10 with a response within target
	0 with a response out of target
	0 with no response recorded
100.0% against a target of X10	

Fly Tipping

Other Complaints Performance

{SRREC.ALLOCTO} in ["BABLET", "GHOLT", "NMACKA", "NNOODL", "SYOUNG"] and
{SRREC.RECEPD} in DateTime (2020, 10, 01, 00, 00, 00) to DateTime (2020, 12, 31, 00, 00, 00) and
{CNCODELIST.CATEGFIELD} = "SRKIND"

Summary for: Fly Tipping

100.0% against a target of X10

519 jobs received
508 with a response within target
1 with a response out of target
10 with no response recorded

Litter

Summary for: Litter

95.0% against a target of X10

24 jobs received
21 with a response within target
1 with a response out of target
2 with no response recorded

Nuisance Parking (sale/repair on street)

Summary for: Nuisance Parking (sale/repair on street)

100.0% against a target of X10

1 jobs received
1 with a response within target
0 with a response out of target
0 with no response recorded

Rats

Summary for: Rats

100.0% against a target of X10

2 jobs received
2 with a response within target
0 with a response out of target
0 with no response recorded

----- end of report -----

A review of all aspects of waste management in the district (Part 1)

Q1: (a&b Cllr Green, d&e Cllr Gooch)

(a) The online reporting form requires the user to register on the ESC portal. Can they not use the form without registering? Please can you share the form with the Scrutiny Committee at the meeting, please, to allow us to review the form. [How to report fly-tipping » East Suffolk Council](#).

Residents are required to set up a 'My East Suffolk' account to use any of our online services. A copy of the form can be found [here](#). However there are other methods of reporting issues – for example, via ward councillors, or over the phone with customer services.

(b) If the complainant chooses not to register, they can telephone in to report, however, the Contact Us page – A – Z does not list Fly Tipping. Please can you clarify the following:

- No telephone number provided either Norse out of hours or ESC Customer Service.
- The Out of Hours emergencies list 0800 440 2516 – can people use this for reporting Fly Tipping?

Fly-tipping is covered under '[Waste](#)' on the A-Z. If residents wish to report fly tipping over the phone, the main customer service number is to be used – 0333 016 2000. Residents telephoning this number outside office hours will hear a recorded message directing them to the relevant out-of-hours number to report emergencies. Fly tipping can be reported using the emergency out of hours number provided by this message.

(c) Please can you explain the processes once the report has been received? Is the online report monitored by ESC and/or Norse?

If the Fly Tipping is on the A12 or A14 laybys should this still be reported via the ESC portal or by telephone, or is this a Suffolk Highways issue and the caller will be re-directed?

Once an online report has been submitted, a copy is immediately sent directly through to Norse, copied to the Environmental Protection Team. All instances of fly tipping on a public highway are to be reported to the District Council, as it is the waste collection authority who has the responsibility to clear fly tipping on all public land. The Norse back-office team record the details of the fly-tip using the database software provided to them by ESC for that purpose. The same database software provides case management and reporting facilities to enable Norse Waste Management officers to record their activities in a consistent and structured way and to enable us to view information about their activities both in real-time and by running retrospective reports.

(d) Paragraph 2.22 regarding the formulation of a more robust system of reporting. Can more details be given, please, and by when is this expected?

Examples of the types of report it is possible to generate are given in the appendix and include time taken to achieve certain objectives in each case, numbers and types of activities undertaken in respect of fly tips and of course the breakdown of the type of waste, the type of location it has been deposited and the quantities involved. The availability of a reliable source for this information opens possibilities for including certain statistics as performance indicators, forming part of the contract.

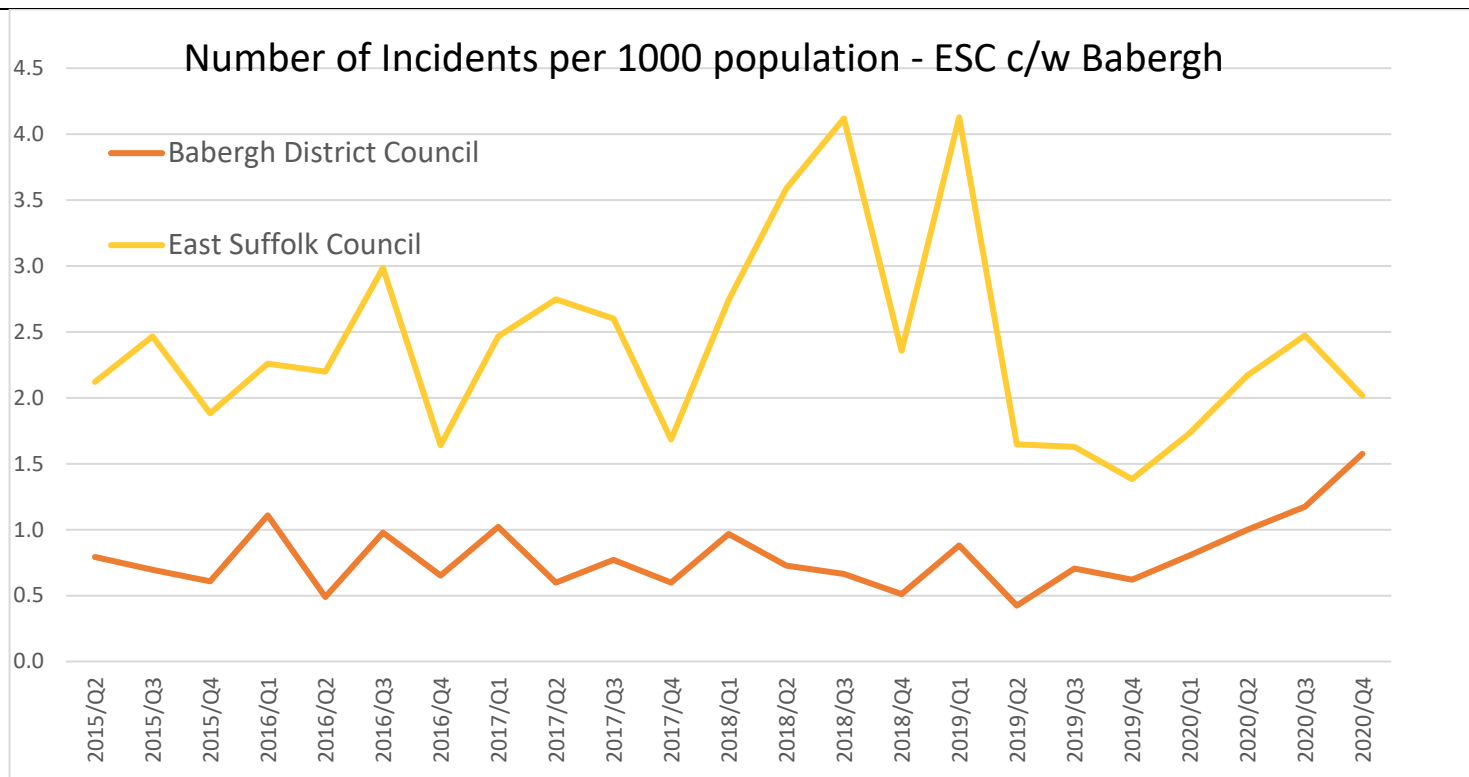
(e) Is ESC and Norse monitoring topographically the 'hot spots' for illegal waste? If so, what type of active monitoring is taking place? Could CCTV cameras be considered and if not, why not?

The database software used for capturing information about fly tipping also provides the facility for plotting incidents on a map. This does give a good indication of hotspots; however at present we do not use these maps for that purpose since information about hot spots, so far as we are able to plan any response to deal with them, is apparent to the Waste Management Officers from their daily exposure to the incoming work. There is no proactive monitoring of hot spots at present. CCTV is not being used to monitor hot spots at present. CCTV could be used, subject to resources being available to acquire the necessary equipment and training to be provided in its lawful use, however, our previous experience of mobile CCTV is that the cost benefits require careful consideration, since the costs of acquisition, maintenance and deployment are often high and the results uncertain.

Q2: Cllr Newton

(a) In an EADT article headlined "***Probe launched into Industrial Scale Fly-Tipping at beauty spot***" and dated 26 February 2021, Babergh and Mid-Suffolk claimed that, "**The team investigated and cleared 99% of the [Fly-Tipping] reports within our target of 48 hours**". Could you explain why Babergh and Mid-Suffolk's performance appears to be so much better than ours?

We can't comment on a newspaper article. It is significant to note that, over the "Waste Data Flow" data submitted over the past 6 years, the East Suffolk Council area has experienced more than double the number of fly-tipping incidents per head of population than Babergh. East Suffolk Council's geography and demographic is different to that of B&MS, with larger urban centres, higher levels of social deprivation and larger numbers of visitors. All of these contribute to a more significant issue with flytipping in East Suffolk – as evidenced by the graph below.



(b) How much of a problem is, what I would call, “Hard or impossible to dispose of waste?” This is waste that cannot be taken to a domestic waste sites or be placed in bins - for example paint and tyres.

There are categories of waste which Norse are unable to deal with, by virtue of the special hazards it presents and/or specialist equipment required to handle/transport it. For example, a specialist sub-contractor is appointed where we find asbestos that needs moving. This can occur up to 10 times a year.

(c) Does the income from fixed penalty notices come anywhere near covering the cost of the clearance and investigation? By how much?

According to ‘Waste Data Flow’, the estimated costs for clearing a tip comprising a “car boot load” of waste is £29 and the cost of issuing a fixed penalty notice is £33, making a total of £62. The amount of a fixed penalty for fly-tipping is currently set at £200 reduced to £120 if paid within 10 days. Hence, the amount recovered is at least double the estimated costs of the response.

Q3: Cllr Cloke

(a) With regard to dog mess in the street does the member of the public who wants to report the issue have to find out who's dog the culprit is? If this involves following or challenging the dog owner, what about their safety? This question has been posed to me in recent days by a constituent.

No. A member of the public reporting the issue does not have to identify the culprit. However, you will appreciate that it is impossible for the Norse Waste Management Officers to pursue an offender without positive identification evidence. It is also virtually impossible, to arrange for an enforcement officer to be present when the offence takes place, (and if it were possible, the presence of an enforcement officer would almost certainly ensure that the offence did not take place in the first place). When people contact us about dog fouling, they are usually concerned about an area local to them which raises the possibility that they may be able to recognise the culprit sufficiently to point the enforcement officer in the right direction for their further enquiries. If a dog is conveyed to a place in a motor vehicle where a dog fouling offence subsequently occurs, the enforcement officer may be able to trace the owner of the dog through the registered keeper of the motor vehicle. For this reason, the enforcement officer may ask the reporter for details of motor vehicles they have seen in connection with the incident they are reporting. Reporters are certainly never asked to intervene in person in anyway or to do anything which might compromise their safety.

(b) Could ESC introduce dog wardens to target offenders particularly on the district's beaches?

The term "dog warden" normally refers specifically to the responsibilities of local authorities in dealing with stray dogs as defined by s149 of the Environmental Protection Act 1990. This is separate and distinct from the role of an enforcement officer who might deal with dog fouling offences, although in some authorities, the role is combined. We do employ enforcement officers through our contract with Norse, who deal with dog fouling, wherever it happens, on beaches, streets, parks etc. The issue is that, through Norse, we have three Waste Management Officers to cover the whole of the East Suffolk district. Their role includes dealing with fly-tipping, littering, graffiti, abandoned vehicles, fly-posting, nuisance parking (i.e. repairing and selling motor vehicles on the street) as well as enforcing the Public Space Protection Orders currently in force in relation to dogs on leads, dogs in banned areas and failing to clean up after a dog. Where time permits, they do undertake patrols on the District's beaches during the summer season.

(c) Is there any way the Council would help a land owner remove fly tipping at no charge? In my Ward, there are large quantities of waste being tipped over a fence. I have spoken to the landowner. He is not sure who the perpetrator is but every time he has paid to have it cleared, more arrives, so last week he told me he would not clear it again.

It is not council policy to pay for removals of waste on private land. In practical terms, this would mean that the council would be financially liable for collecting and disposing of any waste material on private land, which is not financially viable for the authority. Neither does it encourage landowners to

meet the obligations that they have on their property. We will work with landowners to assist, where we can, with information about the correct disposal of waste, in particular where there are long-running issues, or where dumped waste is hazardous.

Q4: Cllr Beavan

(a) Can Councillors have a list of approved waste handlers, including those licensed by other bodies, in East Suffolk?

People and businesses who handle, transport, process and dispose of waste as part of a business are licensed by the Environment Agency. East Suffolk Council does not maintain any lists of people who are licensed by the EA for these purposes. The Environment Agency maintain a public register of licensed waste operators on their website, where anybody with access to the internet can check the credentials of anybody claiming to be licensed for these purposes. This list may be viewed here: <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers>

(b) Have any of these handlers been the subject of complaints, suspension of licence or prosecution in the last two years?

This would be in the domain of the Environment Agency. ESC do not hold this information.

(c) Can you clarify the role of the Environment Agency in terms of what do they deal with and what does the Council deal with?

In short, the EA deal with large-scale offending with possible links to organised crime. Local Authorities (inc. ESC) deal with smaller incidents.

(d) How often does the Council search fly tipping for clues as to the source and follow this up?

When they receive a report of fly-tipping, the Waste Management Officers make a judgement on whether it is worth investigating. For example, a report of half a dozen tyres in a lay-by is unlikely to yield evidence and so may be more likely to be referred to cleansing for removal without any visit/search than, (say) a bag of domestic waste in the same location – which might be expected to yield correspondence or other items linking the material present to an individual.

When a tip (on public land) is referred direct to cleansing for removal, the cleansing operatives are aware of the potential value of any evidence they may find and, if any is found, will pass it to the Waste Management Officers.

We (ESC) collect data on the number of incidents reported and the number of investigations carried out by Norse on our behalf. The data for the last three months is as follows:

	Number of Incidents Reported	Number of Incidents Investigated
December 2020	151	33
January 2021	176	50
February 2021	156	74

Q5: Cllr Gooch

(a) What is included in ‘other household waste’? (within the pie charts on the current pages 5/6).

The category “other household waste” is defined by the guidance published by ‘Waste Data Flow’ as “Any household waste not covered above (i.e. by any of the other categories) and could include the results of house or shed clearances, old furniture, carpets and the waste from small scale DIY works”

(b) Paragraph 2.30 regarding educational campaigns, can ESC look at an expansion of these not just aimed at school or college-age students but also at adults (of all demographics, especially those within wards of high deprivation – *I appreciate that this might come into the second report in June)?

We will cover the area of education (which is wider than flytipping) in the following scrutiny meeting.

(c) How is ESC working with town and parish councils to reduce incidents of fly-tipping and littering?

Norse has – in many cases – direct contracts for litter collection and grounds maintenance with town and parish councils. As a result, lines of communication with more local councils are generally reasonably strong. Whilst dealing with fly-tips remains a district council responsibility, those local relationships mean that in the majority of instances, town councils are able to feedback directly to Norse where a fly-tip has occurred.

(d) The Environment Agency has its Joint Unit for Waste Crime; PCC Tim Passmore stated recently at the Lowestoft Town Council Annual Assembly (Tues. March 3) that there is going to be greater multi-agency co-operation in Suffolk; could more details be given, please?

We have heard nothing about any proposals for greater multi-agency co-operation, either from the PCC or the Environment Agency.

(e) Is ESC working with Suffolk Wildlife Trust, the RSPB or CEFAS on education programmes on the detrimental effects of discarded waste?

We are not working with these organisations specifically on this subject, although if the opportunity arose to collaborate, then we would consider it. East Suffolk Council is part of the Suffolk Waste Partnership and funds a number of education campaigns through its contract for the operation of the Materials Recycling Facility. This includes outreach to schools, school visits and events through the year.

(f) How does ESC seek to protect private residents who report illegal waste disposal, and in doing so sometimes lay themselves open to unpleasant and intimidating reprisals?

The personal identifiers of all informants are protected by General Data Protection Regulations. Neither ESC nor Norse disclose the details of any alleged perpetrators or complainants except as permitted or required by the law. There comes a point in all legal proceedings when disclosure and presentation of evidence may require witnesses to be identified. This is unavoidable in most circumstances. The reluctance of a witness to commit to being identified in this way can narrow the range of available enforcement options.

(g) In *Panorama Rubbish Dump Britain* (BBC 1; February 24 2021), criminals were sometimes caught in the act by members of the public; what immediate support can be offered to residents in the event of such altercations?

In general, in terms of immediate support for people in the event of an altercation - none. This would be a matter for the police, and we would recommend that members of the public do not directly confront criminal activity but report it to the council to address.

(h) What advice is given to private landowners, especially farmers, to protect their property?

As part of the Tip-Off (Stop Fly Tipping in Suffolk) guide, advice for households, businesses and landowners is provided. In specific reference to landowners it suggests the following tips to protect their land:

- Installing gates or barriers, ideally in keeping with the natural environment.
- Making sure that gates are closed when not in use.
- Improving visibility so that fly-tippers are not hidden from view.
- Installing or improving lighting.
- Placing appropriate deterrent signage or dummy cameras.
- Swiftly clearing any waste that is dumped to discourage others adding to it.
- Report the incident to your local Council. Whilst they will not remove the waste free of charge, they may be able to investigate the incident.

In addition to this, the Waste Management Officers do offer advice on ways of preventing further incidents arising, such as preventing vehicular access, cutting down vegetation to increase visibility, improving lighting etc. as listed above.

(i) If people apply for a Waste Management Licence, is this registered with the local authorities, and if so, does ESC (or the Environment Agency) actively monitor to ensure these are genuine businesses?

No. The Environment Agency are responsible for all matters relating to the licensing of Waste activities. ESC has no input to this process

(j) *Panorama* also showed 'track and hook' undercover operations to ascertain the legality of waste disposal companies; does ESC ever work either independently or with other authorities in such operations?

We have no knowledge of any 'track & hook' undercover operations carried out either independently or in conjunction with other agencies.

(k) Is there any analysis of the people who perpetrate environmental crimes such that they can be monitored? Can some kind of education programme be designed (possibly with other authorities) by way of rehabilitation (rather like speed awareness courses)? Social media seems to be a good tool for 'shaming' those who commit environmental crime; is this considered by ESC?

We cannot use media social or traditional to name and shame offenders unless they have been convicted in the courts (i.e. we cannot name and shame those who have accepted a Fixed Penalty). We can and do name and shame those who have been convicted in the courts. E.g. Men found guilty of littering in Lowestoft » East Suffolk Council Dog owner fined for failing to clear up after pet » East Suffolk Council Saxmundham man lands criminal record for waste offence » East Suffolk Council. We do this by notifying the press officers when there is an outcome of a case which is worthy of reporting and they compile a press release and circulate to the various news outlets. We do not have any control over whether they choose to publish or the accuracy of what they publish, or the prominence they give it. Such cases are also publicised on social media.

(l) Mention is made by Cabinet Member Cllr James Mallinder of investigations into mixed resource bins to encourage recycling; please could more details be given?

East Suffolk Council has been trialling street bins with separate recycling and 'residual' compartments, in order to encourage people to recycle 'on the go'. Early results are mixed. Evidence locally and nationally indicates that it is significantly more difficult to encourage people to recycle correctly away from their home, and this has been the experience with recent trials in locations such as Aldeburgh. We continue to work to try to promote good recycling behaviours.