



REPORT TO:	Policy Development Panel
DATE:	6 th February 2024
SUBJECT:	Review of Litter and Fly-Tipping Engagement and Enforcement Strategy
PURPOSE:	That the Panel consider this report which provides a review of the implementation of the Partnership Litter and Fly-Tipping Engagement and Enforcement Strategy which was approved in February 2023.
KEY DECISION:	No
PORTFOLIO HOLDER:	Portfolio Holder for Public Protection
REPORT OF:	Christian Allen, Assistant Director - Regulatory
REPORT AUTHOR:	Donna Hall, Group Manager Public Protection
WARD(S) AFFECTED:	All Wards
EXEMPT REPORT?	No

SUMMARY

A South and East Lincolnshire Councils Partnership Litter and Fly-Tipping Enforcement and Engagement Strategy was adopted by the Cabinet of South Holland District Council on 14th February 2023. The strategy sets out the ambition of the Partnership to tackle litter and fly-tipping. It supports the commitment in the Partnership Annual Delivery Plan 2022/23 to implement a shared Enforcement contract for environmental crime, by promoting public engagement and providing transparency about enforcement.

The Policy Development Panel considered and made recommendations on the draft strategy in December 2022 and requested that it was brought back to the panel after a year for review.

RECOMMENDATIONS

That the Policy Development Panel consider the update contained in this report.

REASONS FOR RECOMMENDATIONS

The Panel requested an update on the Strategy after the first year, for their consideration.

OTHER OPTIONS CONSIDERED

Do nothing.

1. BACKGROUND

- 1.1 The Strategy, attached at Appendix A, was developed as a Partnership response to a general increase in incidents of environmental crime on a local and national level.
- 1.2 The Partnership Annual Delivery Plan 22/23 included a commitment to procure a joint environmental crime enforcement contract. A review of environmental crime enforcement delivery was undertaken and a joint contract for enforcement was awarded to an external company, taking effect on 14th March 2023. An objective of the Strategy was to support the implementation of this shared enforcement contract.

2. REPORT

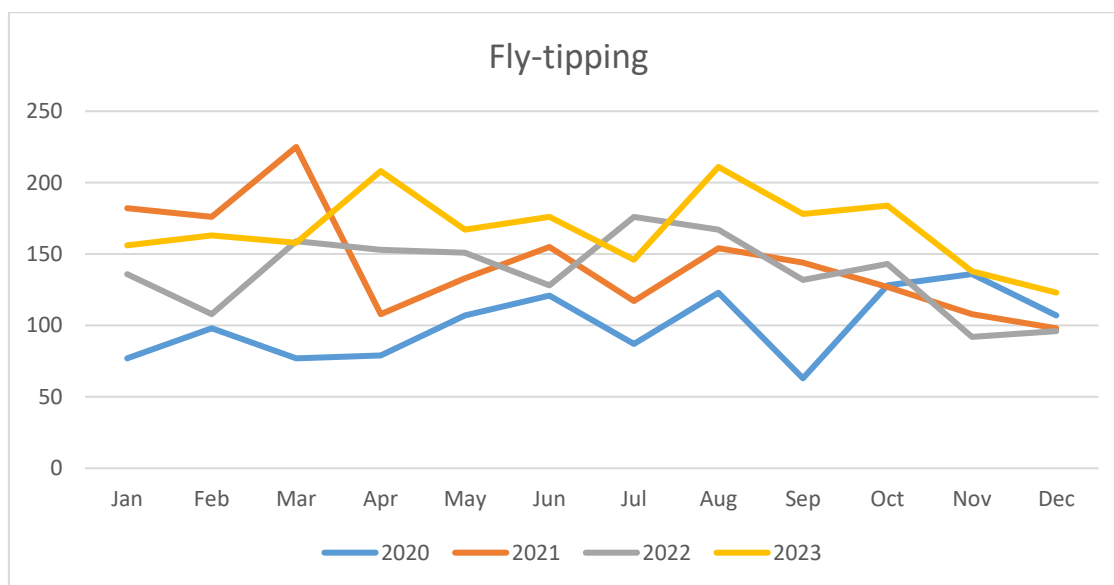
- 2.1 The Partnership Strategy demonstrates the commitment and ambition of each Council to tackling Littering and Fly-tipping. It promotes responsibility among residents, businesses, and visitors, whilst also recognising that education and enforcement are critical tools to support this. An Action Plan was developed to detail the specific steps that would be undertaken to effectively deliver the strategy. The Action Plan is attached at Appendix B.
- 2.2 The award of the enforcement contract for enviro-crime in March 2023 has been an important factor in tackling issues across the District. It was however recognised that effective enforcement should also be supported by engagement and education, and several actions were identified in the supporting Action Plan for 23/24 which was approved alongside the Strategy. The information below provides Members with a performance summary of enforcement by SHDC to date, as well as a review of performance against the agreed Action Plan.
- 2.3 The table below shows the number of FPNs issued by or on behalf of SHDC for enviro-crime offences including littering and fly-tipping:

Table 1 Fixed Penalty Notices Issued

PERIOD	TOTAL
April 2019- March 2020	226
April 2020 – March 2021	85
April 2021 – March 2022	105
April 2022 – March 2023	32
April 2023 – December 2023	932

2.4 Figure 1 below shows the numbers of fly-tipping reports received by SHDC. This shows a general increase in reports of fly-tipping, which follows local and national trends. It is possible that the localised communications and increased messaging on social media may have raised the profile and increased public reporting. The majority of fly-tips reported in 2023 were categorised as “other household waste” including furniture, mattresses, textiles, black bags and other household items.

Figure 1 Fly-Tipping Reports 2020 to 2023



2.5 Update on Enforcement Contract (April 2023 to December 2023)

Enforcement Summary

2.5.1 Fixed Penalty Notices (FPNs) have been issued across the District for enviro-crime offences including in Spalding, Holbeach, Long Sutton and Crowland.

Table 2 FPNs Issued

Offence	Number FPNs Issued (April to Dec 23)
Littering (inc spitting)	902
Fly-Tipping	30
TOTAL	932

2.5.2 Table 2 above provides the number of FPNs issued, the majority of which were by the enforcement contractor. Most of the FPNs have been issued for littering related offences witnessed by Officers. A number of FPNs have been issued for fly-tipping where there is clear evidence of the perpetrator, although this offence is notoriously harder to prove. Larger fly-tips or repeat offenders are usually dealt with via investigation and prosecution through the courts.

- 2.5.3 Offenders are provided with an opportunity to pay the FPN or make representations. After this period has elapsed, prosecution is usually commenced by SHDC for non-payment of the FPN through the single justice procedure in the magistrate's court. The majority of FPNS issued are paid and therefore prosecution is not required.
- 2.5.4 Since April 2023 there have been 34 prosecutions by SHDC for unpaid littering FPNs with most offenders being imposed a fine of £220, costs of £119 and a victim surcharge of £88. In 2023 there was one prosecution in relation to fly-tipping by SHDC where the defendant was fined £660, legal costs of £362 and a victim surcharge of £264.
- 2.5.5 A further 15 prosecutions for non-payment of FPNs are pending in the magistrate's court system, with more being followed up.
- 2.5.6 These figures support the strong stance that SHDC takes in relation to environmental crime. Numbers of prosecutions for fly-tipping remain low, although FPNs are also now being used for these offences. Fly-tipping is notoriously difficult to prove, and enforcement action can only be taken where there is direct evidence against the offender, and the Council can meet the burden of proof which is "beyond all reasonable doubt".

Performance Monitoring

- 2.5.7 To ensure the contract is operating effectively within the District the following performance monitoring steps have been in place since the contract commenced:
- Monthly review meetings with the contractor
 - Monthly reviews of FPNs issued
 - Quality checks on prosecution reports
 - Review of complaints/representations
 - Monthly Portfolio Holder reports
 - Quarterly updates for Partnership Performance Management Framework
- 2.5.8 The contract is performing well, despite some initial recruitment and retention issues during the early months of the contract. The SHDC Enviro-Crime Liaison Officer works alongside the contracted enforcement officers, monitoring intelligence and issues arising in the District, tasking investigations to the Officers when required, conducting complex or larger scale investigations, and working in partnership with the Boston and East Lindsey Liaison Officers.
- 2.5.9 The contract includes the option of using overt surveillance cameras to capture fly-tipping, and these have been used at two hot-spot locations in the District in addition to SHDC cameras which has also been deployed at other hot spot locations.
- 2.5.10 The Portfolio Holder for Public Protection, Councillor Casson, has undertaken several patrols with Officers across the District, to see the work that they do first-hand.

2.6 Review of Litter and Fly-Tipping Engagement and Enforcement Action Plan

- 2.6.1 To support implementation of the Strategy, an Action Plan was produced and approved at the same time, detailing a number of key areas that the Council would focus on. Table 3 below provides an update on how these actions have been successfully implemented.

Table 3 Update of Actions by SHDC from 2023 Action Plan

ACTION	UPDATE
<p>Mobilisation of new Partnership Contract for enviro-crime enforcement which was awarded in January 2023.</p> <p>Environmental enforcement is already delivered successfully under contract in Boston, and more recently East Lindsey but is being introduced as a new contract in South Holland.</p>	<p>Contract was mobilised in March 2023 in conjunction with Boston Borough Council and East Lindsey District Council.</p>
<p>Implementation of Communication and Engagement campaign.</p> <p>Use social media, websites, printed media, signage and consider accessible formats and community languages.</p> <p>Key messages:</p> <ul style="list-style-type: none"> • Explain impact of litter and fly-tipping • Promote “pride of place” • Explain residents and business responsibilities • Highlight correct disposal of waste • Be transparent about enforcement and penalties • Encourage reporting 	<p>A communication plan was enacted from March 2023, providing key messages on enviro-crime.</p> <p>A number of pro-active and reactive media releases have also been provided during the year including updates on successful prosecutions and numbers of enforcement actions.</p>
<p>Use of surveillance cameras and warning signs in fly-tipping hot-spot locations.</p>	<p>Cameras have been installed for surveillance at fly-tipping hot spot locations. These are overt and have proved to be a successful deterrent.</p>
<p>Undertake pro-active monitoring of business premises regarding their arrangements for waste disposal. Share intelligence internally and with other partners as required.</p>	<p>Enviro-crime and environmental health officers have been providing advice to businesses and work collaboratively to monitor problem premises and locations.</p>
<p>Undertake pro-active monitoring of areas where littering is prevalent, issuing on the spot Fixed Penalty Notices</p>	<p>A number of locations across the District have received regular foot patrols where littering is prevalent, resulting in a high number of FPNs being issued. Other areas of the District with less public footfall are also patrolled, often in response to specific issue such as dog fouling.</p>
<p>Review sanctions, fines and tools used to tackle litter and fly-tipping to ensure the most effective outcomes are being achieved. Investigate best practice used by other authorities.</p>	<p>A review of FPNs was undertaken in August resulting in the decision to increase fines for littering, fly tipping, graffiti, fly-posting and Household Duty of Care offences. The new fines took effect from 9th September 2023.</p>

	It is recommended that a further review of fines is undertaken in 2024/25 with a view to increasing them.
Gather and analyse intelligence about fly-tipping, including items, locations, size, seasonality, environment, offender. Use this information to inform an intelligence led approach to direct engagement, prevention and enforcement work.	Information is collected by Environmental Services on reported fly-tipping and has assisted in identifying areas to target for patrols, cameras and education work. Further work is planned in 24/25 to set up an internal working group to improve intelligence sharing and targeting of interventions across Council services.
Carry out performance management across the partnership to monitor and measure the impact of the strategy and share information with members and the public. These may include: Number of Fixed Penalty Notices issued Payment rates of Fixed Penalty Notices Number of Community Protection Warnings/Notices issued (if applicable) Prosecutions Number of complaints received Number of fly-tip incidents reported/collected	As detailed in section 2.5.7 of this report, monitoring of the contract and enviro-crime work in general is undertaken regularly and pro-actively.
Work collaboratively with colleagues, organisations and agencies to educate and engage with the public, improve enforcement, encourage reporting and bring about a reduction in litter and fly-tipping. These will include but not limited to: South and East Lincolnshire Councils Partnership Other local authorities Parish Councils Lincolnshire Waste Partnership Lincolnshire Enviro-Crime Partnership Environment Agency DEFRA Community and voluntary groups Keep Britain Tidy Police Schools and colleges	SHDC participates in the Lincolnshire Waste Partnership and Lincolnshire Enviro-crime Partnership, as well as working with colleagues across SELCP and other agencies. Further work is recommended in this area in 24/25 to include wider engagement with community groups, schools and colleges.
Carry out a full review of the PSPO in Spalding with public consultation. The current PSPO in Spalding covers from St Thomas's Road north to West Elloe Avenue, and from the railway station east to Commercial Road. The following activities are offences within the PSPO: failure to comply with an officer's request to stop drinking alcohol in a public space; spitting	A review of the current town centre PSPO is underway following public consultation in November 2023. It is anticipated that consultation will take place from March 2024 on the proposal for a PSPO to cover dog fouling across the District.

saliva or any other product of the mouth on to the ground; dropping litter; urinating or defecating.	
--	--

A consultation will also be undertaken to consider a separate PSPO to cover dog fouling across the whole District.	
--	--

3. CONCLUSION

3.1 The detail contained within this report demonstrates that South Holland District Council has prioritised the commitment made in the 2023 Litter and Fly-Tipping Engagement and Enforcement Strategy to tackle litter and fly-tipping by:

- Educating and engaging with the public and businesses to ensure it is seen as socially unacceptable
- Ensuring enforcement is used effectively and appropriately

3.2 It is recommended that the Action Plan is updated to build upon this work and assist in prioritising actions for 24/25. This will include:

- Implementing a dog fouling PSPO across the District subject to public consultation
- Developing further the Council-wide approach to intelligence sharing and focussed interventions through an Officer working group
- Carrying out further education and engagement work through targeted campaigns
- Reviewing FPN levels for litter and fly-tipping with a view to increasing penalties

4. EXPECTED BENEFITS TO THE PARTNERSHIP

4.1 The strategy was adopted partnership wide, aligning the principals and commitment to tackling littering and fly-tipping across the three Councils. It supports the Partnership wide environmental crime enforcement contract which promotes consistency and transparency in enforcement activities, whilst recognising the sovereignty of each Council in setting local policy and fines.

4.2 The shared communications strategy is an efficient way of promoting education across the sub-region and has been tailored to suit the needs of each area as required.

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

5.1.1 None

5.2 CORPORATE PRIORITIES

5.2.1 The proposed Strategy, at the time of introduction, supported the South Holland District Council Corporate Priority of “Your Place”:

- Working together with partners, businesses and local communities to re-establish the Pride in South Holland programme to improve the quality of public spaces to be cleaner, greener and safer.
- Working with our partners such as Lincolnshire Community Safety Partnership and Parish Councils to reduce and prevent crime and anti-social behaviour and protect the community and environment.
- Support Spalding and Holbeach to be attractive places that people want to visit, live and work while supporting all other towns and villages in the district to meet the needs of their communities

5.3 STAFFING

5.3.1 There are no additional staffing burdens arising from the report.

5.4 WORKFORCE CAPACITY IMPLICATIONS

5.4.1 None

5.5 CONSTITUTIONAL AND LEGAL IMPLICATIONS

5.5.1 There are no constitutional implications, and legal services were consulted.

5.6 DATA PROTECTION

5.6.1 The Strategy does not introduce any data protection implications.

5.7 FINANCIAL

5.7.1 The Strategy does not introduce any financial risk and has been delivered within existing resources.

5.8 RISK MANAGEMENT

5.8.1 There is a risk that a failure to undertake pro-active work to tackle litter and fly-tipping may lead to the Council failing to fulfil its statutory obligations. The strategy supports the continuing use of enforcement to tackle such issues.

5.9 STAKEHOLDER / CONSULTATION / TIMESCALES

5.9.1 Internal stakeholders, Portfolio Holders and Lincolnshire Enviro-Crime Partnership were consulted on the development of the Strategy.

5.10 REPUTATION

5.10.1 There is a reputational risk to each Council and the Partnership if work is not undertaken pro-actively to tackle environmental crime. The Strategy supports this approach.

5.11 CONTRACTS

5.11.1 There are no new contractual considerations arising directly from this report.

5.12 CRIME AND DISORDER

5.12.1 The strategy supports the use of enforcement, education and engagement to tackle criminality such as fly-tipping and littering.

5.13 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.13.1 There are no human rights and safeguarding implications arising from this report however these are covered more specifically within each Council’s Enforcement Policy.

5.14 HEALTH AND WELL BEING

5.14.1 It is recognised that environmental crime can have a negative impact on health and well-being. This strategy aims to support work being undertaken to tackle this.

5.15 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.15.1 The Strategy directly promotes a clean, safe and healthy environment by tackling littering and fly-tipping. Sustainability will be considered in any communications or education campaigns.

5.16 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

MISSIONS	
This paper contributes to the follow Missions outlined in the Government’s Levelling Up White paper.	
The Strategy promotes the ambition of improving living standards and closing the gap between areas.	
The Strategy supports the education of young people in schools to tackle environmental crime	
The strategy supports improvements in health and well-being by tackling environmental issues that can have a negative impact	
The strategy supports improvements in health and well-being by tackling environmental issues that can have a negative impact	
The Strategy strongly supports this mission by aiming to reduce litter and fly-tipping, promoting people’s satisfaction with their community and closing the gap between other areas.	
The strategy supports a drive to reduce neighbourhood crime such as fly-tipping and littering	

6. ACRONYMS

FPN – Fixed Penalty Notice

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Litter and fly Tipping Engagement and Enforcement Strategy Approved Feb 2023
APPENDIX B	Action Plan 2023/24

BACKGROUND PAPERS
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

The Strategy was originally considered at the following meetings:

Name of body	Date
Policy Development Panel	13 Dec 2022
Cabinet	14 Feb 2023

REPORT APPROVAL

Report author:	Donna Hall Donna.Hall@sholland.gov.uk
Signed off by:	Assistant Director - Regulatory Christian.allen@boston.gov.uk
Approved for publication:	CLlr Casson Portfolio Holder for Public Protection