

## IMPROVING PLACES SELECT COMMISSION

- Date and Time :-** Tuesday 1 February 2022 at 1.30 p.m.
- Venue:-** Town Hall, Moorgate Street, Rotherham.
- Membership:-** Councillors Atkin, Bennett-Sylvster, Burnett, C Carter, Cowen, Ellis, Havard, Hunter, Jones Keenan, Khan, McNeely, Pitchley, Reynolds, Sansome, Tinsley and Wyatt (Chair).
- Co-opted Members: -** Mrs. K. Bacon, Mrs. M. Jacques.

This meeting will be webcast live and will be available to view [via the Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

### AGENDA

**1. Apologies for Absence**

To receive the apologies of any Member who is unable to attend the meeting.

**2. Minutes of the previous meeting held on 14 December 2022 (Pages 3 - 7)**

To consider and approve the minutes of the previous meeting held on 14 December 2022 as a true and correct record of the proceedings.

**3. Declarations of Interest**

To receive declarations of interest from Members in respect of items listed on the agenda.

**4. Questions from members of the public and the press**

To receive questions relating to items of business on the agenda from members of the public or press who are present at the meeting.

**5. Exclusion of the Press and Public**

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

**6. Fly Tipping in Rotherham (Pages 9 - 42)**

**7. The Environment Act 2021 - Impact on Waste Services (Pages 43 - 56)**

**8. Work Programme (Pages 57 - 64)**

**9. Urgent Business**

To consider any item which the Chair is of the opinion should be considered as a matter of urgency.

**10. Date and time of the next meeting**

The next meeting of the Improving Places Select Commission will take place on Tuesday 22 March 2022 commencing at 1:30pm in Rotherham Town Hall.



Sharon Kemp,  
Chief Executive.

**IMPROVING PLACES SELECT COMMISSION**  
**Tuesday 14 December 2021**

Present:- Councillors Atkin, Burnett (Vice-Chair), Cowen, Ellis, Hughes, Jones, McNeely, Mills, Sansome, Tinsley and Wyatt (Chair).

Apologies for absence were received from Councillors Barley, Havard, Jacques, Khan, Pitchley and Whomersley and the co-optees Ms. Bacon and Ms. Jacques.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**37. MINUTES OF THE PREVIOUS MEETING HELD ON 2 NOVEMBER 2021**

**Resolved:-**

1. That the minutes of the previous meeting held on 2 November 2021 be approved as a true and correct record of the proceedings.

**38. DECLARATIONS OF INTEREST**

Cllr Hughes declared a personal interest in respect of the Allotments Self-management Update as a close family member was currently serving as Chair of the Rotherham Allotments Alliance. Cllr Atkin declared a personal interest in respect of the Town Centre Update as a close family member was currently attending the university.

**39. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

The Chair advised that there were no members of the public or representatives of media organisations present at the meeting to ask a question in respect of matters on the agenda.

**40. EXCLUSION OF THE PRESS AND PUBLIC**

The Chair advised that there were no items of business on the agenda that would require the exclusion of the press or public from the meeting.

**41. TOWN CENTRE UPDATE**

Consideration was given to an update presentation on delivery of developments in Rotherham Town Centre associated with the Town Centre Masterplan which was adopted by Rotherham MBC in 2017. This Town Centre Masterplan set out an exciting number of developments that will transform and revitalise the town centre, with a vibrant leisure scheme on Forge Island, attractive outdoor spaces, revitalised markets complex and high-quality riverside and urban living. The update presentation provided the latest updates on these projects.

In discussion, clarification was requested around plans to highlight and celebrate local heritage sites of interest and uniqueness, such as the chapel on the bridge. The response from officers indicated that consideration would be given to sites of note and thought given to how best to link up non-retail experiences in the Town Centre.

In view of some of the goals for sustainable and green objectives in the Town Centre shifting during the implementation phase, members suggested partnering with area organisations such as the university to help drive quality in the developments over time, and to continue to look for creative ways to achieve these green and clean energy solutions over the long term.

Members requested assurances that consideration would be given to the design of the university centre with a view to attracting students. The response from officers noted the use of modern methods of construction. The service monitored the progress of similar buildings being built as pilot sites for sustainable, net zero construction in neighbouring areas, with a view to implementing similar methods.

**Resolved:-**

1. That the update be noted.
2. That consideration be given to how best to highlight and link up non-retail experiences of cultural and historical significance in the Town Centre and throughout the Borough.
3. That consideration be given to highlighting and celebrating the chapel on a hill and other sites of local interest and uniqueness in the Borough.
4. That consideration be given to ensuring accessibility throughout the Town Centre including appropriate provision for parking to encourage visitors from outside the Borough who wish to travel by car.
5. That the service continue to look for creative ways to achieve green priorities and clean energy solutions in the Town Centre in the long term.
6. That the service continue to strengthen relationships with partners and organisations in the Town Centre with a view to cooperatively driving and sustaining quality.

**42. ALLOTMENTS SELF-MANAGEMENT UPDATE**

Consideration was given to an update report which outlines progress associated with the transfer of operational responsibility for the management of the Borough's allotments from the Council to a community benefit company, Rotherham Allotment Alliance (RAA). The update provided information regarding the recent achievements, activities, challenges and future steps for the management and administration of these allotments.

In discussion, Members requested clarification around the role of the Councillors who serve as directors of the RAA. The response from the Cabinet Member for Social Inclusion noted the need for a second Councillor representative to serve on the Board and welcomed any expressions of interest from Members of the Commission.

Further clarification was requested around the parameters of the Allotments Act. The response from the Cabinet Member and officers clarified the relationship between parish councils and the RAA to explain that allotments under the jurisdiction of parish councils were outside the scope of the update.

Clarification was requested around a particular allotments site. The response from the Allotments Administrator noted the ongoing efforts to educate plot holders, to put rents back into improvements despite COVID challenges, and to move forward using the Community Payback scheme and labour arrangements whereby the RAA provides a toilet and a skip for labourers who undertake the work themselves.

Given the health and wellbeing benefits associated with allotments, members expressed interest in opportunities for external funding. The RAA Administrator and Chair described various avenues for external funding beyond the Community Payback schemes, including Serenity which supports addiction recovery and mental health. The Chair of RAA expressed gratitude for Councillors who had contributed community leadership funds to support allotments by paying for security cameras.

Members requested clarification around the future of a further site. The response from the Cabinet Member and officer noted that under the Allotments Act, if land has historically been used for a substantial length of time as allotments, the land cannot be repurposed. Therefore, a Council-owned site that has previously been used as allotments is available to the RAA should there be future increase in demand.

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Members expressed interest in knowing more details around the process involved in making plots accessible. The response from the RAA Chair and Administrator described previous and ongoing efforts to retrofit existing plots for wheelchair access and to ensure new site plans are designed for accessibility. There was more work to do in this area, but progress had been made in respect of accessible allotments.

Toward promoting an inclusive and diverse culture among allotment holders, members inquired as to the availability of literature in multiple languages. The Administrator noted that no letters were posted out and that communications take place on social media, but that the use of multiple languages in these communications could be explored.

Members also expressed curiosity if there were any trends emerging in terms of complaints. The response from the Cabinet Member and officer noted that the Council had received no complaints from Allotment plot holders since the handover to self-administration. RAA Chair noted that any complaints received from the community are related to burning at the Rawmarsh site, which had been addressed. It was further noted that the particular site holder who had frequently been burning had discontinued leasing the allotment.

Regarding the unlet plots, Members requested clarification around efforts to improve these to a lettable condition. The response from the RAA described the ongoing efforts to improve the plots which have become unlettable due to flooding and/or overgrown conditions. When this is the case, the plot is let rent-free.

1. That the update be noted, and that the next update be presented in 12 months' time.
2. That consideration be given to how best to reach prospective allotment holders in more languages.

**43. FINDINGS FROM SPOTLIGHT REVIEW OF EXTERNAL FUNDING**

Consideration was given to a summary of Members' findings from the 12 November 2021 spotlight review of external funding sources for regeneration and transformation.

**Resolved:-**

1. That the findings and slide presentation be noted.
2. That the ambition of the service in submitting bids be commended.
3. That the feedback from the government regarding the Dinnington and Wath bids for Levelling Up Funds be circulated to Members when available.

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4. That the governance advisor liaise with the Regeneration Strategy Team to coordinate upcoming scrutiny work on markets with a view to this work feeding into the markets-related elements of future bids.
5. That efforts to ensure Rotherham receives its fair portion of gainshare or “single pot” funds from the Mayoral Combined Authority be noted.

**44. WORK PROGRAMME**

Consideration was given to an updated work programme schedule for the remainder of the 2021/22 municipal year.

**Resolved:-**

1. That the report and proposed schedule of work be noted.
2. That authority be delegated to the Governance Advisor in consultation with the Chair and Vice-chair to make changes to the schedule of work as appropriate between meetings, reporting any changes back to the next meeting for endorsement.

**45. URGENT BUSINESS**

The Chair advised that there were no urgent items of business requiring a decision at the meeting.

**46. DATE AND TIME OF THE NEXT MEETING**

The Chair announced the next meeting of the Improving Places Select Commission will take place on 1 February 2022, commencing at 1.30 pm in Rotherham Town Hall.

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**Committee Name and Date of Committee Meeting**

Improving Places Select Commission – 01 February 2022

**Report Title**

Fly Tipping in Rotherham

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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01709 823187 [Richard.Bramall@Rotherham.gov.uk](mailto:Richard.Bramall@Rotherham.gov.uk)**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report provides an overview of the national and local position in relation to fly tipping, with a focus on the prevention, investigation and enforcement of fly tipping offences.

**Recommendations**

That members note and comment on the work carried out by the Council to tackle fly tipping.

**List of Appendices Included**

Appendix 1 Government Fly-tipping statistics for England, 2020 to 2021

Appendix 2 Fly Tipping Enforcement Case Studies

Appendix 3 Equalities Screening Assessment

**Background Papers**

Government Fly Tipping Statistics 2020 - 21 ([Fly-tipping statistics for England - GOV.UK \(www.gov.uk\)](https://www.gov.uk))

The Environmental Protection Act 1990

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Fly Tipping in Rotherham

### 1. Background

- 1.1 The Environmental Protection Act 1990 provides powers to Councils to issue fines and/or prosecute offences relating to fly tipping, which is the illegal disposal of household, industrial, commercial or other 'controlled' waste. The waste can be liquid or solid. Controlled waste includes garden refuse and larger domestic items such as fridges and mattresses.
- 1.2 The most recent Government fly-tipping statistics for England 2019/20, demonstrate the scale of fly tipping nationally. For the 2019/20 financial year, local authorities in England dealt with 976,000 fly-tipping incidents, an increase of 2% from the 957,000 reported in 2018/19. The most recent national statistics relating to fly tipping are attached at Appendix 1.
- 1.3 Table 1 below describes the number of fly tips removed by the Council since 2017. Whilst the total number of fly tips removed has decreased since 2020, the number was 37% higher in 2021 than it was in 2017. However, it should also be noted that the number of fly tips removed proactively by the service has increased five-fold since 2017 due to improvements in the working practices within the service. Many more fly-tips are now identified and removed by the service without being reported by the public. As a result of this the level of fly tipping reported by the public has fallen each year following a peak in 2019 and is 3% lower in 2021 compared to 2017.

**Table 1 – Fly tips Removed 2017-2021**

<b>Fly tips Removed</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Reported by the Public (reactive)	4012	3401	5028	4046	3877
Identified by Council Officers (proactive)	332	2116	1164	2278	2100
<b>Total</b>	<b>4344</b>	<b>5517</b>	<b>6192</b>	<b>6324</b>	<b>5977</b>

- 1.4 Table 2 below describes the types of fly-tips being removed, categorised as to whether they are single items, e.g., bags of waste or a single mattress, or large fly-tips. As can be seen from the data the number of large fly tips has fallen since the peak in 2018 and by around 40% since 2017. The number of small fly tips has increased significantly over the period.

**Table 2 – Types of Fly tips Removed**

<b>Types of Fly tips Removed</b>		<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
1.5	Single Items, e.g. waste bags, single mattresses	1260	1903	2609	3752	4197
	Large or multiple items	3084	3614	3583	2572	1780
	<b>Total</b>	<b>4344</b>	<b>5517</b>	<b>6192</b>	<b>6324</b>	<b>5977</b>

- 1.6 Local authorities have powers available to investigate, clear and take appropriate enforcement action in relation to small scale fly-tipping on public land. The Environment Agency have responsibility for dealing with larger-scale fly-tipping, hazardous waste and fly-tipping by organised gangs.
- 1.7 It is noteworthy that with any fly tipping on private land, it is normally the responsibility of the landowner to remove the waste. The Council and the Environment Agency have legal powers to require landowners to clear fly-tipped waste from their land, along with powers to enter the land and clear it, potentially seeking reimbursement for costs related to it.
- 1.8 Regulation and Enforcement Services discharge the powers available under the Environmental Protection Act 1990 to issue fixed penalty notices or prosecute offenders. Fixed Penalty Notices to a value of £400 are issued to those caught fly tipping, generally of household items or smaller amounts. Where offenders fail to pay a fixed penalty fine, tip large amounts, or work on a commercial basis, then consideration of prosecution will be undertaken.
- 1.9 Where an individual is convicted by the Court, the Environmental Protection Act 1990 provides for unlimited fines and/or a custodial sentence up to 12 months and up to 5 years imprisonment when convicted on indictment.

The Council also has the powers to seize vehicles which have been used to commit fly tipping offences.

## **2. Key Issues**

- 2.1 Fly tipping impacts directly on the environment particularly on flora and fauna as well as affecting the quality of life of residents. Whilst urban areas tend to suffer more from household waste and items being deposited on streets, rural areas are impacted by large scale fly tipping of waste which on occasion blocks the highway.
- 2.2 There is inevitably a significant cost to the Council both reputationally and as a result of the actual financial costs of clearing, investigating and

disposing of fly tipping. The clearance cost for 2020/21 have been estimated at around £175,000 alongside an additional £67,509 related to disposal costs. Investigation of fly tipping accounts for an estimated 14% of the overall Regulation and Enforcement budget which equates to around £115,000 per year. It is reasonable therefore to estimate that the total cost of dealing with fly tipping in the borough is around £370,000 per year.

2.3 Whilst the number of reported fly tips has fallen in recent years there has been a 20% increase in the number of cases requiring investigation by Regulation and Enforcement which is due to a number of factors including evidential opportunities, increases broadly in the use of CCTV and of course fly tips proactively identified by officers still may require investigation. Whilst the increase since 2017 is noteworthy, it should also be noted that investigative levels have remained relatively consistent over the previous three years Table 3 below details the numbers of investigations carried out since 2017.

2.4

**Table 3 – Fly tipping reports to Regulation and Enforcement Services, 2017 to 2021**

	2017	2018	2019	2020	2021
<b>Fly tipping reports to Regulation and Enforcement for investigation</b>	1590	1337	1988	1897	1914

2.5

Prior to the Covid-19 pandemic, enforcement activities had been increasing however this has been impacted in recent years as can be noted from the table below. Whilst number did reduce during 2020, they are showing signs of recovery and the management team are focussed on increasing enforcement activity. Table 4 below provides a numerical representation of the actions undertaken.

2.6

**Table 4 – Fly tipping Enforcement actions 2017 to 2021**

	2017	2018	2019	2020	2021
<b>Small fly tipping FPNs issued</b>	12	5	21	3	6
<b>Large fly tipping FPNs issued</b>	6	15	30	81	34
<b>Fly tipping prosecution case files</b>	14	26	18	12	17
<b>Duty of care producers issued</b>	106	147	178	80	155
<b>Commercial Duty of Care FPNs</b>	37	51	63	20	10
<b>Domestic Duty of care FPNs</b>	0	0	1	8	2
<b>Duty of care prosecutions</b>	0	3	1	3	1
<b>Simple cautions Issued</b>	4	1	0	1	0
<b>Total Actions</b>	<b>179</b>	<b>248</b>	<b>312</b>	<b>208</b>	<b>225</b>

2.7

Whilst there has been an increase in the number of investigations

undertaken, there has also been significant, high level and complex investigations that have had a significant impact on staffing and resources. In particular the recent custodial sentence handed down following an intensive year-long highly complex investigation. Similarly, a developing investigation into potential illicit waste disposal, is highly likely to have significant staff and resources demand over a long period with no guarantee of an enforcement outcome.

2.8

Approximately 16.7% of Regulation and Enforcement investigations are fly tipping related. Each of these cases typically are time consuming and involve Officers visiting the incident, gathering evidence and collecting photos from the scene, conducting interviews under caution, issuing fines and preparing prosecution files for Court.

2.9

There is also an increasing reliance on CCTV as a tool to deter fly tipping as well as capture images of incidents and offenders. CCTV has proven to be very useful, although it should be recognised that it has limitations. If an offender cannot be identified or faces are obscured the Council may not have the evidence required to take action. Similarly, there is only a finite number of cameras that are available and consequently only a limited number of incidents can be captured. That said, the use of CCTV has proven very successful contributing to successful prosecutions (see case studies at Appendix 2), including two custodial sentences being handed down by the Court. Whilst positive, the increasing levels of CCTV assets also have resource implications in term of officer time and expertise to manage the associated systems.

2.10

The work undertaken in Rotherham is very well recognised by other Local Authorities regionally with five Councils having visited Rotherham over the past few years to learn the methods deployed here. The success is reflected in these Councils now utilising Rotherham's tactics to tackle fly tipping in their own areas of Barnsley, Doncaster, Manchester, Bradford and Wakefield.

2.11

### **Fly Tipping Action Plan**

The Council has recently reviewed how fly tipping is tackled across the Borough and how cleansing and enforcement interact to ensure the best possible outcomes. Areas of work reviewed were:

- Benchmarking against neighbouring Local Authorities
- Reviewing resources and equipment
- Process mapping
- Fly tipping hotspot identification
- The effectiveness of partnership working
- Data analysis to identify and monitor hotspots
- The effectiveness of campaigns and other communications

2.12

As a result of this work, the Council developed a fly tipping action plan. One

of the key aspects of the plan was to improve communication with the public to both increase detection of offences and prevent further offences or offenders by demonstrating the Councils appetite to take action.

- 2.13 One of the actions has led to an overarching campaign being developed called “Get Rid Reyt”, where images of offenders are published on the council’s website and social media and the public are encouraged to send any information about the person through to enforcement for investigation. Duty of care messages have also been used for waste and the correct disposal methods to help reduce the problem of fly tipping.

- Message example 1

*If you’ve got waste you want to get rid of, like a fridge freezer or an old washer, makes sure you #GetRidRate. Ask if the person helping you remove it is a licensed waste carrier, otherwise you’ll get fined too.*

- Message example 2

*Don’t dump your old doors in the wood #GetRidReyt and take it to your local household waste recycling centre. If you fly tip in Rotherham you will get caught and you will get fined #GetRidReyt*

- 2.14 In addition, improved partnership working in particular within the central area has led to greater involvement of the Police in identifying fly tipping offences and providing any associated evidence. Alongside this the Police have been trained in issuing littering tickets on behalf of the Council. During recent months, the Council has also undertaken a specific operation to target waste carriers resulting in a number of notices being served for follow up action.

- 2.15 Whilst full delivery of the action plan has been affected by the need to prioritise services such as Covid Enforcement. The action plan remains live and will be refreshed ahead of the start of the financial year to take account of the new Council plan and associated performance indicators.

- 2.16 Fly tipping remains a key priority for services. The Year Ahead Plan is clear that dealing with a fly tipping is a key priority for the Council, residents, and partners.

### **3. Options considered and recommended proposal**

- 3.1 This report is for the purposes of scrutiny and therefore members are asked to note and comment on the content.

### **4. Consultation on proposal**

- 4.1 No consultation is necessary at the stage; however, the Council is considering the creation of an Enviro-crime Strategy which, if developed will be consulted on during the next financial year.

**5. Timetable and Accountability for Implementing this Decision**

5.1 The update reflects the current position in relation to fly tipping.

**6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 Regulation and Enforcement costs are not recorded specifically in relation fly tipping, rather costs are associated with the wider enviro-crime work which includes littering for example. However, currently, the overwhelming majority of enviro-crime work relates to fly tipping. As the team carry out a range of enforcement and regulatory activities, enviro-crime being just one element, costs are apportioned to different strands of work. The cost of investigating fly tipping incidents currently is estimated to be approximately £115,000 per annum, based on an estimate that 14% of officer time is spent on this activity.

6.2 The exact costs for clearance and disposal by Environmental Services are not routinely available as the team now operate as a combined service covering Grounds and Cleansing and the Budget reflects this. However, estimated costs in 20/21 based on cost to clear 5814 Incidents would have been around £175000, with a further £67,509 disposal costs.

**7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 Section 33(1)(a) of the Environmental Protection Act 1990 details the offence of fly-tipping, including offences of 'knowingly causing' or 'knowingly permitting' fly-tipping.

7.2 Section 33(8) of the Environmental Protection Act 1990 states that anyone who commits an offence is liable to an unlimited fine and/or a custodial sentence of up to twelve months. On conviction on indictment [i.e. Crown Court] the custodial term increases to a maximum of 5 years

7.3 Section 33(ZA) of the Environmental Protection Act 1990 makes provision for the issuing of a fixed penalty fine, which upon payment discharges the liability to conviction for the offence to which it relates. In Rotherham the level of the fixed penalty fine is set to £400 with a reduced fee of £200 if the fine is paid within 10 days.

7.4 Section 34 of the Environmental Protection Act 1990 establishes a general duty of care. Anyone who produces, imports, keeps, stores, transports, treats or disposes of controlled waste must take all reasonable steps to ensure that waste is managed properly. It also applies to anyone who acts as a broker and has control of waste.

7.5 Section 34(2A) of the Environmental Protection Act 1990, inserted by the Waste (Household Waste Duty of Care) (England and Wales) Regulations

2005, places specific duty of care obligations on householders. Householders must ensure that household waste is properly disposed of. Household waste is defined in section 75(5) of the Environmental Protection Act 1990 and includes waste from domestic properties, caravans and residential homes.

- 7.6 Where offences are committed relating to the general and householder duty of care, Section 34(6) of the Environmental Protection Act 1990, those responsible are liable upon summary conviction, to a fine not exceeding the statutory maximum, and on conviction on indictment, to an unlimited fine.
- 7.7 The Council has the power to seize and dispose of vehicles used for fly tipping. Local authorities can stop, search and seize vehicles they suspect are being used for fly-tipping (this must be done in the presence of a police officer). Vehicles which have been used for fly-tipping can also be forfeited to cover the local authority's costs for investigation, enforcement and cleaning-up of any pollution caused by the fly-tipping. It is an offence to transport controlled waste without being registered under Section 1 of the Control of Pollution (Amendment) Act 1989. There is also a Fixed Penalty Notice of up to £300 for failure to produce registration documents on request.
- 7.8 The Council must remove and dispose of fly-tipped waste if it's on relevant land. Council's must also keep any Highway they are responsible for clean and clear from waste. Relevant land is land where all of the following apply:-
- it's open to the air on at least one side
  - it's under their direct control
  - it's publicly accessible (with or without payment)

## **8. Human Resources Advice and Implications**

- 8.1 Human resources implications are outlined within the report concerning the impacts on staffing capacity, capability and resources.

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 No implications.

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 A screening assessment is attached at Appendix 3.
- 10.2 A full impact assessment is not required at this stage as the report is a position statement of the work being currently undertaken by the Council

## **11. Implications for CO<sub>2</sub> Emissions and Climate Change**

- 11.1 There are no direct implications for climate change that are measurable in relation to fly tipped material. However, release of carbon into the environment from fly tipped material will add to the overall emissions where

otherwise the carbon might be captured through correct disposal or recycling.

- 11.2 There is significant risk from fly tipping that are linked to biodiversity and impacts on the denaturing of the Borough. This is particularly so with contamination of environments and habitats from a range of toxic chemicals impacting directly on the health of fauna and flora. Additionally, the trapping of small vertebrates and invertebrates in the waste impacts directly on populations along with reducing food available to predators.
- 11.3 Fly tipping adds plastic waste to the environment which enters the food chain both for predators and humans through ingestion by prey organisms.

## **12. Implications for Partners**

- 12.1 No implications at this stage.

## **13. Risks and Mitigation**

- 13.1 Failure to effectively tackle fly tipping will negatively impact on the Council's image whilst failing to deliver national and local priorities.
- 13.2 Failure to have robust capacity and capabilities to take action relating to fly tipping risks identifying the Borough as a place to attract fly tippers, consequently increasing the number and scale of incidents.

### **Accountable Officer(s)**

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Approvals obtained on behalf of:-

*Report Author: Richard Bramall***Error! Reference source not found.**

This report is published on the Council's [website](#).

# Appendix 1: Government Fly-tipping statistics for England, 2020 to 2021

Updated 8 December 2021

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2. [Background on data reporting and data caveats](#)
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This statistical notice provides statistics on fly-tipping incidents recorded by Local Authorities in England, for April 2020 to March 2021. It covers trends in the number of fly-tipping incidents, with a breakdown by land type, waste type and size. It also covers enforcement and prosecution actions undertaken for fly-tipping incidents. It excludes the majority of private-land incidents and large scale incidents dealt with by the Environment Agency.

The 2020/21 reporting period covers the first year of the coronavirus (COVID-19) pandemic. The COVID-19 pandemic may have impacted on the levels of fly-tipping seen in 2020/21.

## 1. Key points

- For the 2020/21 year, local authorities in **England** dealt with **1.13 million fly-tipping incidents, an increase of 16%** from the 980,000 reported in 2019/20.
- **As in the previous year, just under two thirds (65%)** of fly-tips involved **household waste**. Total incidents involving household waste were **737,000** in 2020/21, an **increase of 16%** from 635,000 incidents in 2019/20.
- The **most common place** for fly-tipping to occur was on **highways (pavements and roads)**, which accounted for **over two fifths (43%)** of total incidents in 2020/21, the same as in 2019/20. In 2020/21, the number of highway incidents was 485,000, which was an **increase of 16%** from 419,000 in 2019/20.
- The **most common size category** for fly-tipping incidents in 2020/21 was equivalent to a **'small van load'** (34% of total incidents), followed by the equivalent of a **'car boot or less'** (26%).
- In 2020/21, 39,000 or 4% of total incidents were of 'tipper lorry load' size or larger, which is an increase of 16% from 33,000 in 2019/20. For these **large fly-tipping incidents**, the cost of clearance to local authorities in England in 2020/21 was **£11.6 million**, compared with £10.9 million in 2019/20.
- Local authorities carried out **456,000 enforcement actions** in 2020/21, a **decrease of 18,000 actions (4%)** from 474,000 in 2019/20.
- The number of **fixed penalty notices** issued was **57,600** in 2020/21, a **decrease of 24%** from 75,400 in 2019/20. This is the second most common action after investigations and accounted for **13%** of all actions in 2020/21.
- The number of court fines issued **decreased by 51%** from 2,672 to **1,313** in 2020/21, with the value of total fines **decreasing to £440,000** (a decrease of 62% on the £1,170,000 total value of fines in 2019/20).

## 2. Background on data reporting and data caveats

These data are based on incidents and actions reported through WasteDataFlow. The intention is to capture all fly tipping incidents, whether reported by staff or customers, and enforcement actions taken by local authorities in response to fly tipping incidents.

Local authorities gather their data from a number of different sources, and data can often be collected and reported by separate teams. There is a level of discretion in applying the reporting guidance. This can lead to some differences in how local authorities record incidents. The nature of fly-tipping means that there can be relatively high variation between years and between local authorities. Changes in data collection and reporting over time mean that trends should be interpreted with caution.

We had been aware of a small number of local authorities who have switched to only reporting customer or staff reported fly-tipping incidents for the detailed breakdown by local authority. We had been able to capture/reflect/estimate all incidents in the total incidents figure for England to retain consistency of the national headline figure. In 2018/19, Detra were aware that four local authorities had provided figures based on customer reported fly-tips only.

To determine the extent of this and to improve the transparency in reported data, Detra undertook an exercise with all local authorities for their 2019/20 data to ask whether they were reporting the number of incidents for customer reported, staff reported or both customer/public and staff reported incidents.

This showed that the majority of local authorities are reporting all fly-tipping incidents, whether reported by staff or customers in 2019/20. Around 10% of local authorities reported that they were either just providing figures based on customer reported fly-tips only, or just those incidents reported by staff. In previous years, estimates were made for 'all incidents' for a very small number of local authorities where the figures provided were known not to be based on 'all incidents'; these estimated figures were included in the national incident totals.

From 2019/20, for those local authorities that are not reporting 'all incidents', no estimates have been made for 'all incidents'. This is due to the number of local authorities concerned and lack of data to make reliable estimates for 'all incidents'. The reporting basis for each local authority is available in the published [dataset \(/government/Statistical-data-sets/env24-fly-tipping-incidents-and-actions-taken-in-england\)](#).

## 2.1 Revisions

Revisions have been made to 2019/20 incidents data for Redcar and Cleveland and actions data for Hounslow and Swale. The 2019/20 reporting basis has also been updated to 'all incidents' for the following local authorities: Basingstoke and Deane, Cannock Chase, Canterbury, Cotswold, Hastings, Mole Valley, Tamworth, Thanet and West Oxfordshire. These revisions have been made due to new or revised data being received after publication. For more detail, please see the [revisions](#) section.

## 2.2 Assessing the figures

In assessing the figures, local authorities should not be ranked or classified as 'good' or 'poor' performers based purely on numbers of fly-tips. Direct comparison between local authorities is not appropriate and especially where the local authority may be reporting on staff and/or customer incidents. The situation is complex and can be influenced by population density, housing stock, demographics, commuter routes, the rigour with which local authorities identify incidents or encourage the public to report incidents, training of street crews, and increased use of more sophisticated methods for capturing and reporting incidents. Those reporting higher incident numbers are often those being more pro-active and rigorous in identifying incidents. Large authorities may have large enforcement teams using modern, sophisticated methods (e.g. covert surveillance, SmartWater etc.) to catch professional fly-tippers.

Trends over time for a particular local authority may be a fairer comparison and a time series of total incidents for each local authority is available for [download \(/government/statistical-data-sets/env24/fly-tipping-incidents-and-actions-taken-in-england\)](#). The detailed dataset makes clear the reporting basis for each local authority.

Cost data is only published for clearance costs for 'tipper lorry load' and 'significant multi load' incident categories and enforcement costs for 'prosecutions' and 'injunctions' action categories, which are reported directly by local authorities.

Please note that due to high numbers of incidents being reported as 'other unidentified' for land type and waste type in 2020/21, some caution is needed in the interpretation of year-on-year changes.

Percentage changes presented in this statistical notice are based on unrounded figures.

Further information about the data is available at the end of this release.

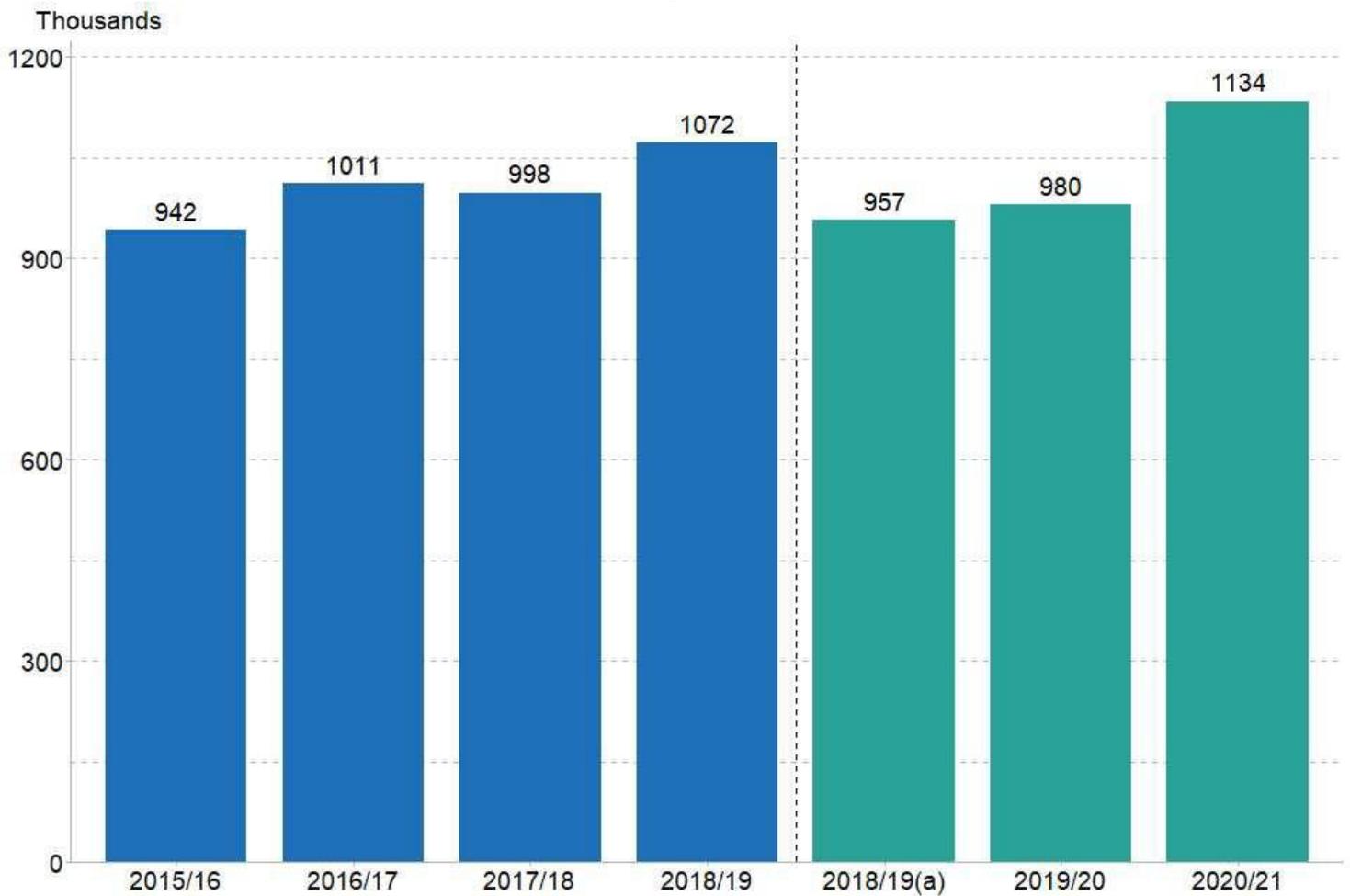
## 2.3 Impact of coronavirus (COVID-19) on fly-tipping

The 2020/21 reporting period covers the first year of the COVID-19 pandemic. The first national lockdown introduced in March 2020 led to some local authorities being unable to maintain collections of dry recyclates, with some suspending garden and bulky waste collections. There was also a widespread closure of household waste recycling centres (HWRCs). HWRCs were later re-opened following Government guidance on managing HWRCs in England during the COVID-19 pandemic but with some restrictions in place (e.g. booking system). These factors and other factors such as changes in household consumption, travel and leisure patterns may have contributed to the increases seen in the number of fly-tipping incidents reported for 2020/21.

Staff shortages, staff being furloughed, and staff being redeployed may also have impacted on the number of enforcement actions which were carried out during 2020/21. Courts were also closed at certain points of the reporting period which several local authorities reported impacted on the number of prosecution actions undertaken.

## 3. Total number of fly-tipping incidents in England

**Figure 1: Total number of fly-tipping incidents in England, 2014/15 to 2020/21**



Equivalent figures for 2007/08 to 2014/15 can be seen in the accompanying [dataset \(/government/statistical-data-sets/env24/fly-tipping-incidents-and-actions-taken-in-englan.d\)](#)

(a) Due to methodological changes, data for 2019/20 onwards is not comparable to earlier years. These methodological changes have been applied to 2018/19. For detailed information on these changes please see the [reporting basis](#) section.

[View the data for this chart](#)

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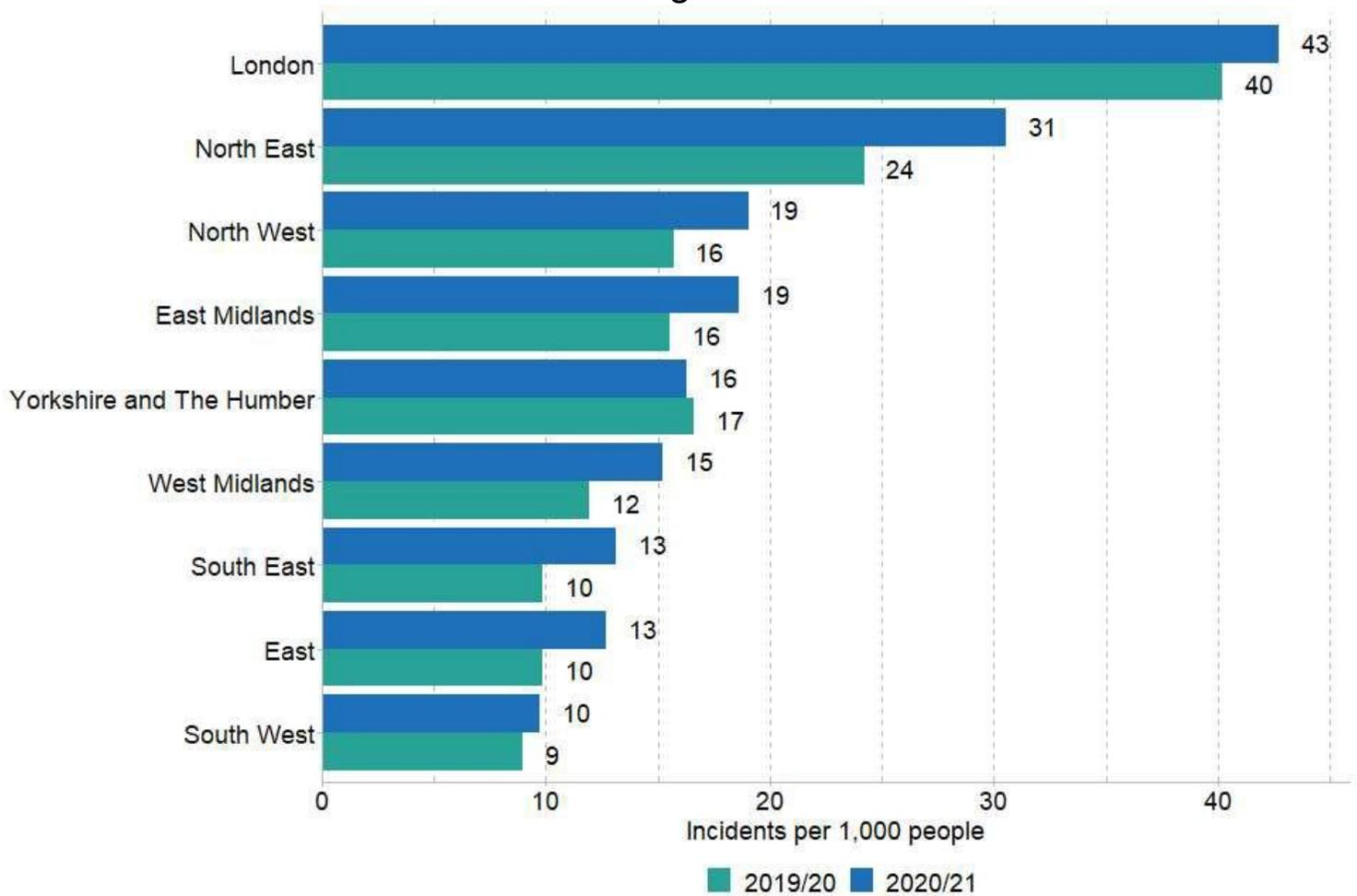
Please note that from 2019/20, the national totals for fly-tipping incidents are not comparable to previously published data, due to methodological changes. These methodological changes have been applied to the 2018/19 data to enable comparisons to be made.

In 2020/21 there were 1.13 million fly-tipping incidents reported, an increase of 16% from 980,000 in 2019/20.

Many local authorities have changed the way they capture and report fly-tips over the past few years, so the changes over time should be interpreted with some care. Detra is also aware that the definitions used to describe fly-tips in the guidance are interpreted broadly by local authorities.

Incidents involving the Environment Agency or cleared by private landowners are not included in this Notice. Details of the 151 incidents of large-scale, illegal dumping dealt with by the Environment Agency in 2020/21 are published separately. Please see the [dataset \(/government/publication/environment-agency-2020-data-on-regulated-businesses-in-england\)](#) published by the Environment Agency.

**Figure 2: Fly-tipping incidents per 1,000 people in England by region, 2020/21**



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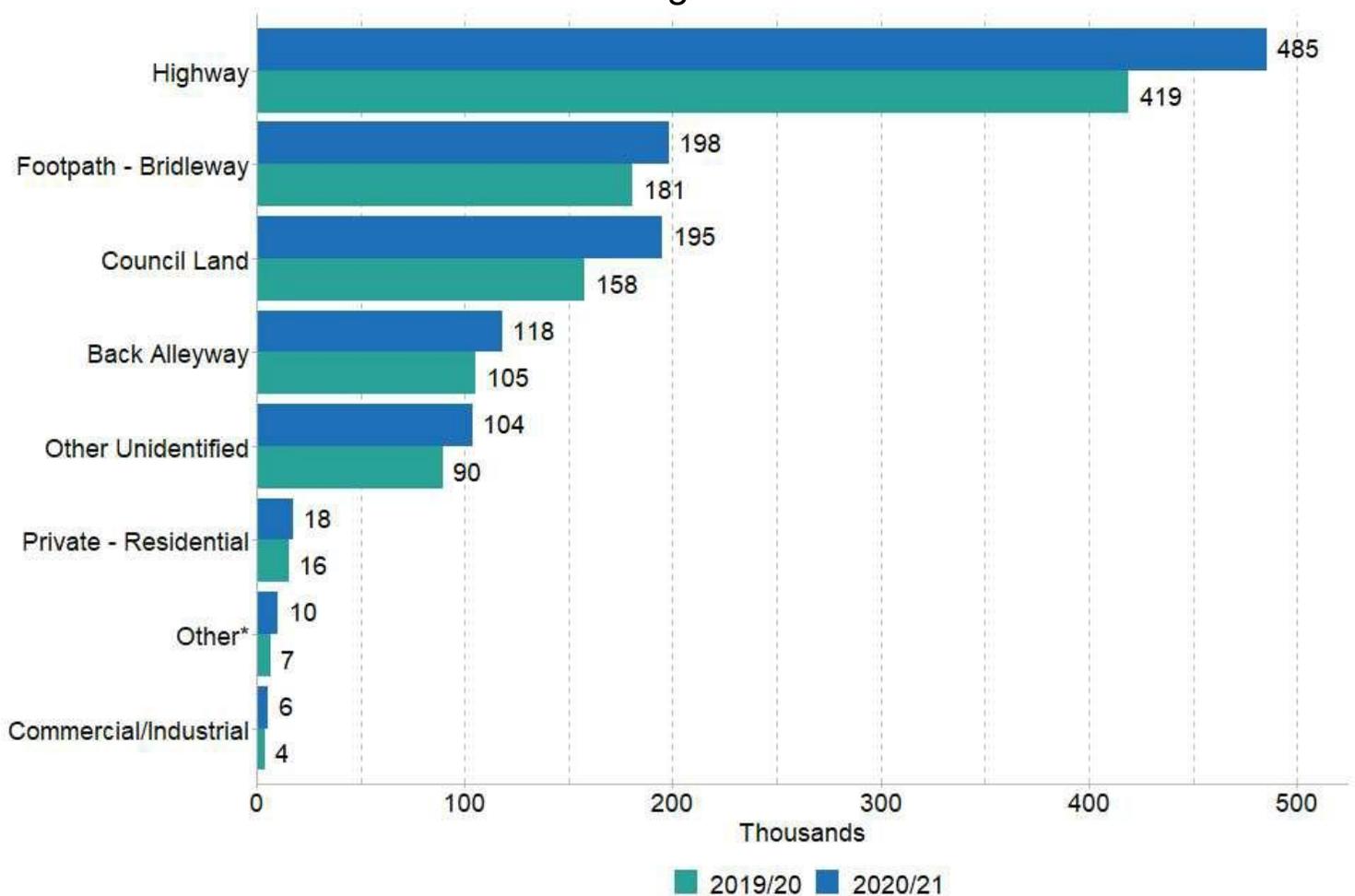
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In 2020/21 there were on average 20 fly-tipping incidents per 1,000 people in England. London had the highest average number of incidents per 1,000 people at 43, while the South West had the lowest at 10 incidents per 1,000 people.

#### 4. Fly-tipping incidents in England by land type

Figure 3: Fly-tipping incidents by land type in England, 2020/21, compared to 2019/20



\* **Other** includes agricultural, watercourse and railway.

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Highways (pavements and roads) have consistently been the most common land type for fly-tipping incidents over time, accounting for over two fifths (43%) of all incidents in 2020/21. In 2020/21 there were 485,000 incidents, an increase of 16% from 2019/20 (419,000 incidents).

Fly-tipping on council land, and 'footpaths and bridleways', each made up around 17% of all incidents in 2020/21. Incidents on council land such as housing estates, car parks, parks and offices increased by 24% to 195,000 incidents from 158,000. Footpath and bridleway' incidents increased by 10% to 198,000 from 181,000 incidents.

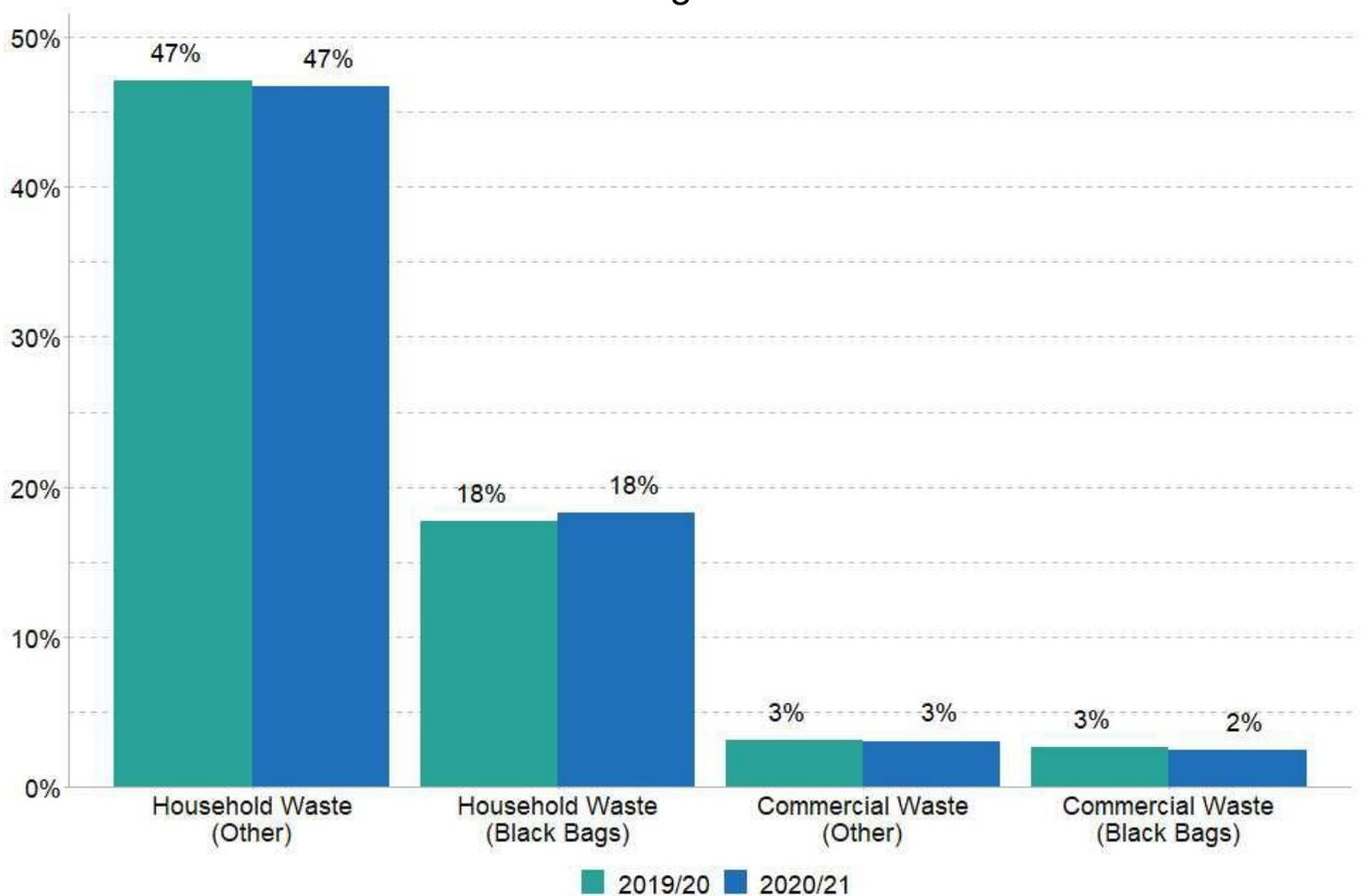
Fly-tipping incidents in back alleyways amounted to a further 10% of all incidents (118,000 incidents) in 2020/21, an increase of 12% from 105,000 in the previous year.

## 5. Fly-tipping incidents in England by waste type

Please note that due to high numbers of incidents being reported as 'other unidentified' for waste type in 2020/21, some caution is needed in the interpretation of year-on-year changes. In 2020/21, 127,000 incidents were reported as 'other unidentified'; this type of waste accounted for 11% of total incidents, similar to the 12% of incidents in 2019/20.

Most fly-tipping incidents are household waste (the sum of 'black bags' and 'other'), which in 2020/21 accounted for nearly two-thirds (65%) of all incidents. The majority of this was 'household waste (other)'.

**Figure 4: Household and commercial waste in England, 2019/20 and 2020/21 (% of total incidents)**



**Household waste (other)** could include material from house or shed clearances, old furniture, carpets and the waste from small scale DIY works.

**Commercial waste (other)** could include pallets, cardboard boxes, plastics, foam and any other waste not contained in bags or containers and not due to be collected.

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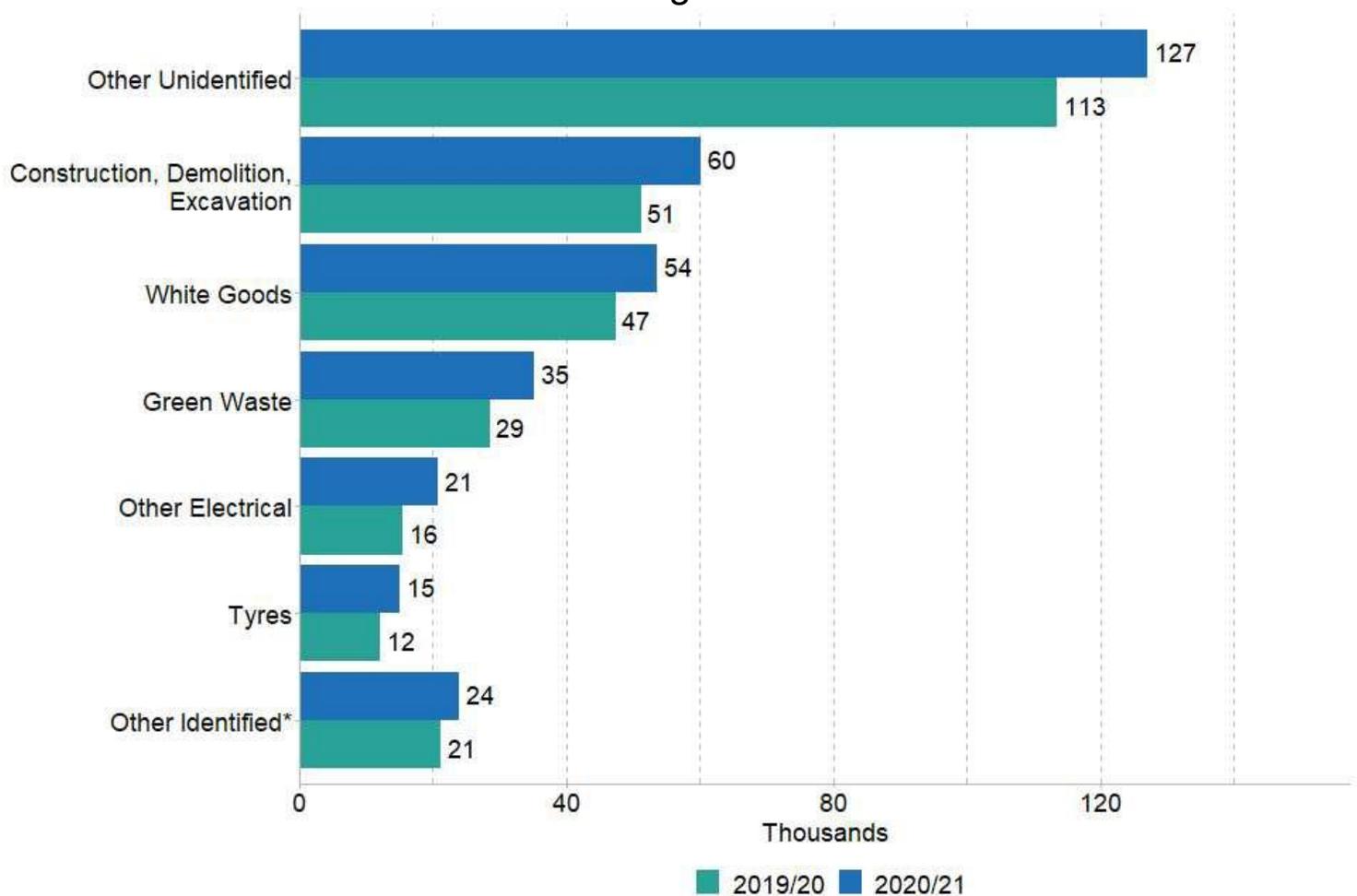
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Total household waste increased by 16% from 635,000 incidents in 2019/20 to 737,000 incidents in 2020/21. The household waste sub-categories, 'black bags' and 'other' increased by 34,000 incidents (19%) and 68,000 incidents (15%), respectively.

There were 61,000 incidents involving commercial waste in 2020/21, accounting for 5% of total incidents. This was an increase of 11% from the 56,000 incidents reported in 2019/20. There were 27,000 incidents of commercial waste in black bags and 34,000 incidents of other commercial waste in 2020/21.

Types of fly-tipping, other than household and commercial waste - which are construction, demolition and excavation; other unidentified; white goods; green waste; other electrical; tyres; vehicles parts; animal carcasses; chemical drums, oil and fuel; clinical; and asbestos - amount to 30% of all fly-tipping incidents. Within this, vehicle parts, animal carcasses, clinical waste, asbestos, and 'chemical drums, oil and fuel' incidents each account for less than 1% of total incidents.

**Figure 5: Types of other fly-tipping in England, 2020/21, compared to 2019/20**



\* **Other Identified** includes vehicle parts, animal carcasses, clinical waste, asbestos, and 'chemical drums, oil and fuel'.

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For some waste types, such as green waste or electrical goods, it is not always possible to tell whether they originated from households or businesses.

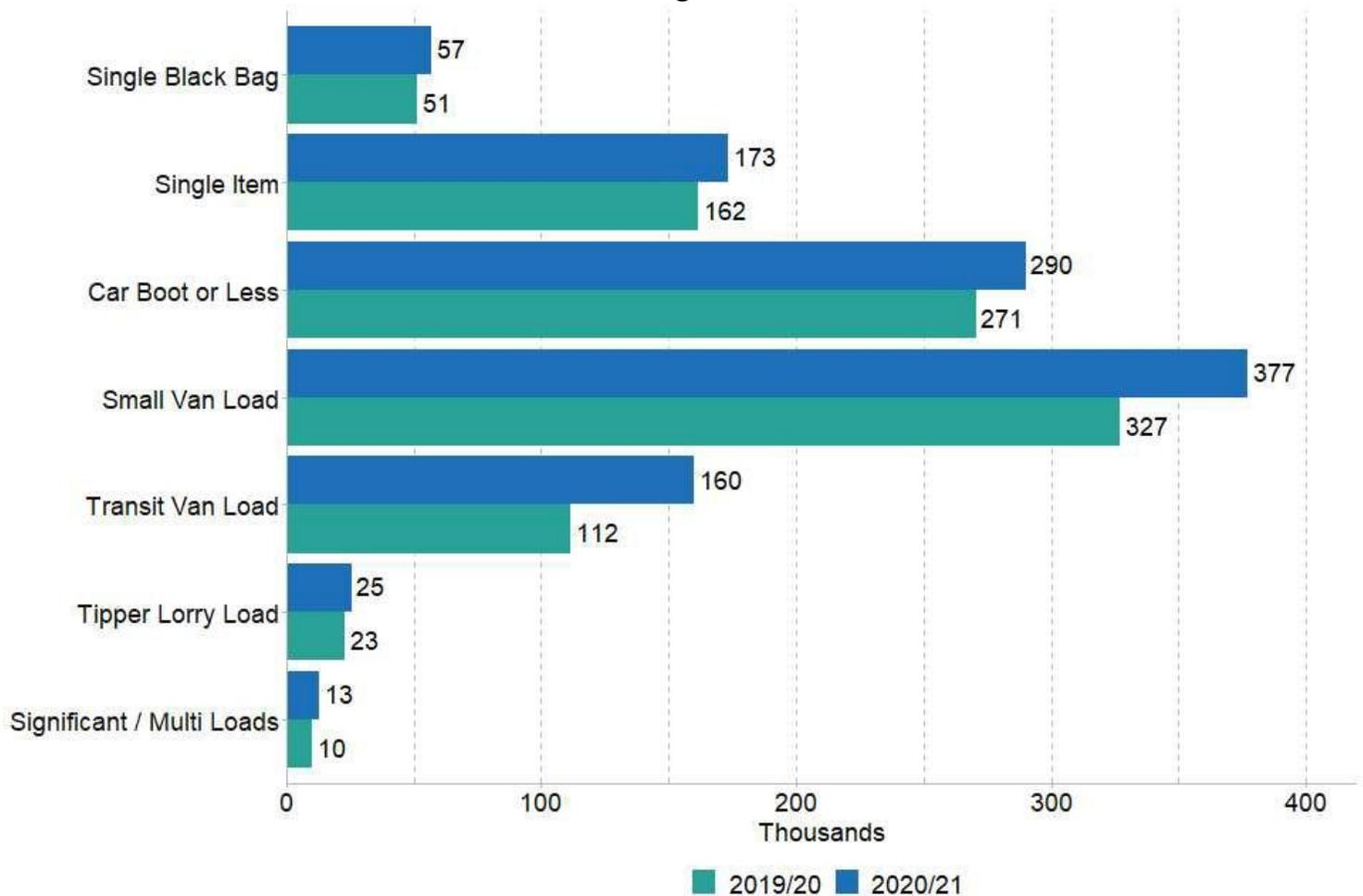
The number of white goods incidents in 2020/21 was 54,000, an increase of 13% from 2019/20 (47,000 incidents). White good incidents accounted for 5% of total incidents in 2020/21. Green waste accounted for 3% of total incidents in 2020/21. Tyre incidents accounted for around 1% of total incidents in 2020/21.

Incidents with construction/demolition/excavation material increased by 18%.

## 6. Fly-tipping incidents in England by size

Incidents recorded by size category relate to those investigated and cleared by the local authority. For a number of reasons, but primarily due to incidents on private land, which an authority may not clear, total incidents by size category may not match total incidents recorded by land type or waste type.

**Figure 6: Fly-tipping incidents by size in England 2020/21, compared to 2019/20**



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As in 2019/20, 'small van load' was the largest size category in 2020/21, with around a third of incidents (34% or 377,000 incidents) reported being this size, this is a 15% increase on 327,000 incidents in 2019/20.

The second-largest size category is equivalent to a 'car boot or less'. Fly-tipping incidents of this size increased by 7% from 271,000 incidents in 2019/20 to 290,000 incidents in 2020/21 and made up 26% of all incidents.

'Single items', such as furniture, mattresses etc. accounted for 16% of total incidents and have increased by 7%, from 162,000 incidents in 2019/20 to 173,000 in 2020/21.

In 2020/21 'Single black bag' size incidents accounted for 5% of total incidents and have increased by 11%, from 51,000 incidents in 2019/20 to 57,000 incidents in 2020/21.

In 2020/21 'Transit van Load' incidents accounted for 14% of total incidents and have increased by 43%, from 112,000 incidents in 2019/20 to 160,000 incidents in 2020/21.

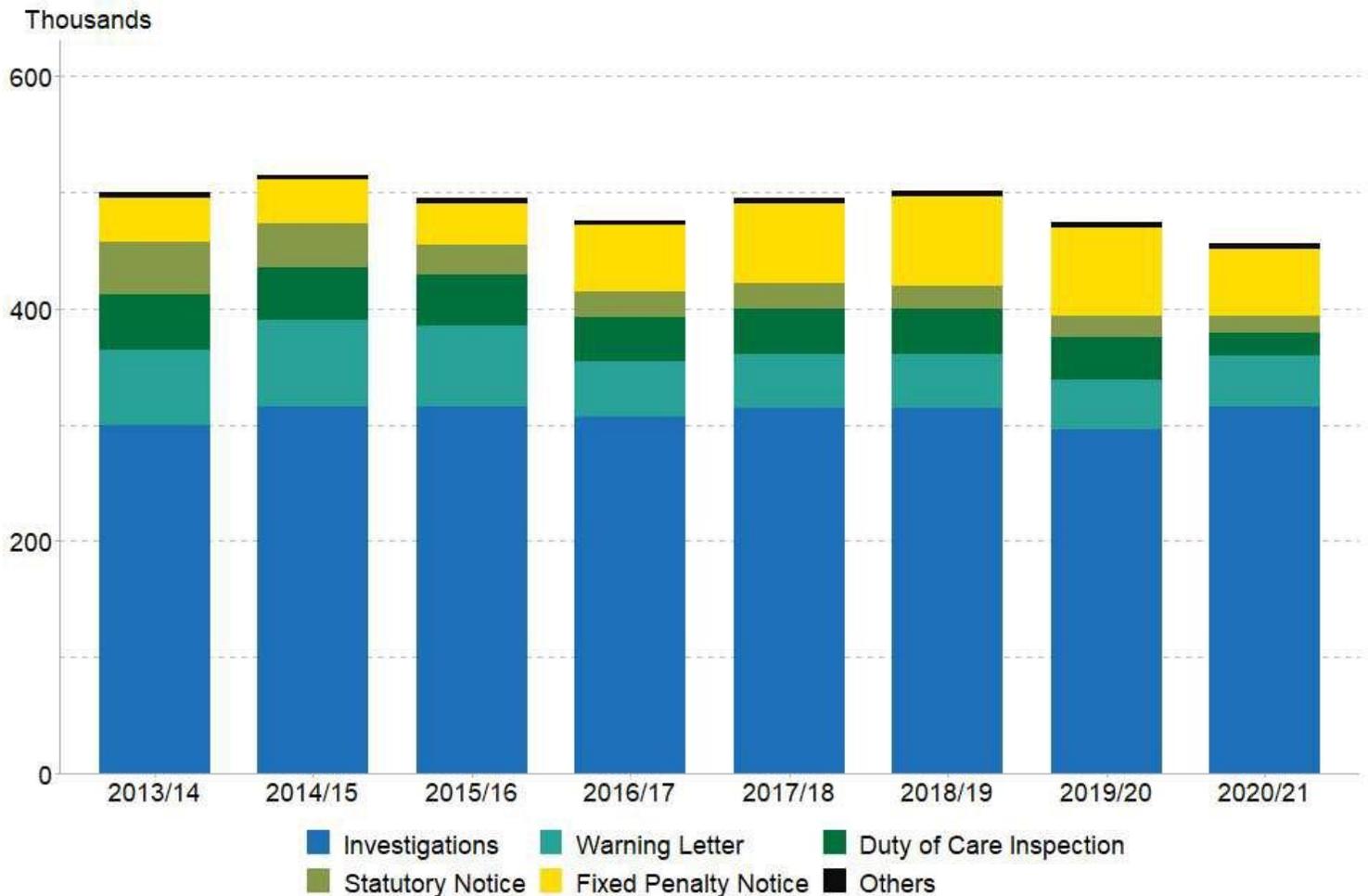
In 2020/21, 39,000 or 4% of total incidents were of 'tipper lorry load' size or larger, which is an increase of 16% from 33,000 in 2019/20. For these large fly-tipping incidents, the cost of clearance to local authorities in England in 2020/21 was £11.6 million, compared with £10.9 million in 2019/20.

As noted above, we no longer produce estimates of clearance costs for other size categories.

## 7. Fly-tipping enforcement and prosecution

As previously mentioned, from 2019/20 national totals for fly-tipping incidents are not comparable to earlier years due to methodological changes. However, data on enforcement and prosecutions actions are not affected so the full time series is presented in this section.

Figure 7: Fly-tipping enforcement actions in England, 2012/13 to 2020/21



'Other' is the sum of stop and search, vehicles seized, formal caution, prosecution and injunction

Equivalent figures for 2007/08 to 2012/13 can be seen in the accompanying [dataset \(/government/statistical-data-sets/env24-fly-tipping-incidents-and-actions-taken-in-england\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1038137/figure7.csv)

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There were 456,000 enforcement actions carried out in England in 2020/21, a 4% decrease (of 18,000 actions) from 474,000 enforcement actions since 2019/20. It should be noted that multiple actions can sometimes be carried-out on one particular incident.

Total enforcement costs have not been estimated for 2020/21 as accurate costs are not available for the majority of enforcement categories.

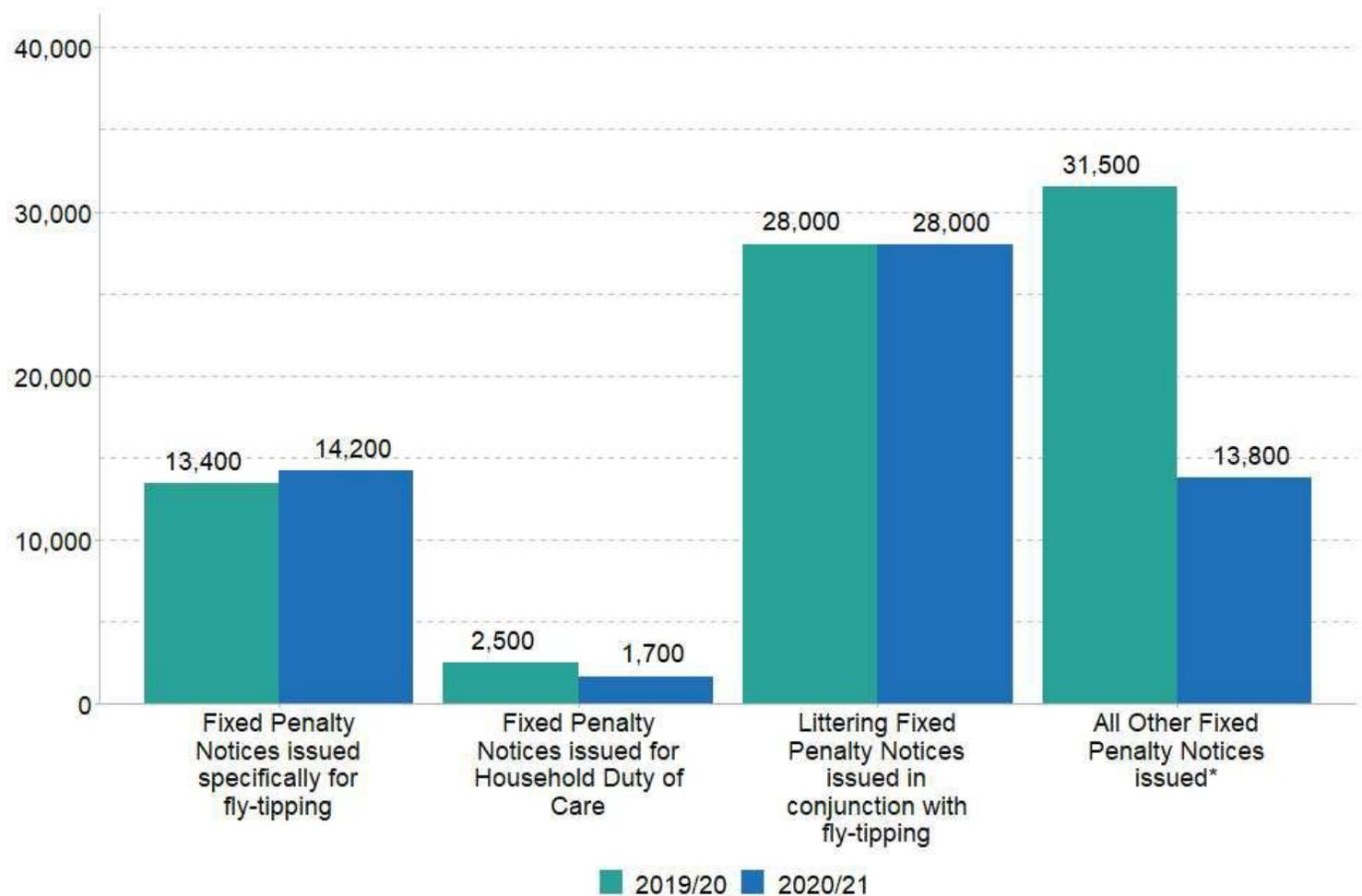
Investigations have consistently been the most common action taken against fly-tipping incidents over time, accounting for 69% of all actions in 2020/21, with 316,000 investigations in total. This is an increase of 7% from 2019/20, where 296,000 investigations were carried out.

In May 2016 local authorities in England were given the power to issue fixed penalty notices for small scale fly-tipping. Prior to this date, local authorities issued fly-tippers with fixed penalty notices in relation to littering, duty of care or anti-social behaviour. This fixed penalty notice gave local authorities a more specific fixed penalty notice type, an alternative to prosecutions and a more efficient and proportionate response to small scale fly-tipping. Local authorities are still using the previous fixed penalty notices as well as the new ones in appropriate circumstances.

Further enforcement powers were given to local authorities and the Environment Agency in January 2019, who can now issue fixed penalty notices for breaches of householder duty of care, where householders pass their waste to an unlicensed waste carrier.

Local authorities issued 57,600 fixed penalty notices in total during 2020/21 and these were the second most common enforcement action, accounting for 13% of total actions. The total number of fixed penalty notices has decreased by 24% from 75,400 in 2019/20.

**Figure 8: Number of Fixed Penalty Notices by type in England, 2020/21, compared to 2019/20**



\* These are FPNs which have been served in relation to fly tipping and other waste offences that are not captured by the other three categories.

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For 2020/21, 14,200 (25%) of fixed penalty notices were issued specifically for small scale fly-tipping, 28,000 (49%) in relation to littering, 1,700 (3%) in relation to household duty of care and 13,800 (24%) in relation to other waste offences.

The number of prosecution actions has decreased by 52%, from 2,900 in 2019/20 to 1,400 in 2020/21. Costs of prosecution actions decreased, by 58% from £1,172,000 in 2019/20 to £489,000 in 2020/21.

There were 43,000 warning letters issued in 2020/21, similar to 2019/20. Warning letters accounted for 9% of total enforcement actions in 2020/21.

The number of duty of care inspections fell by 45% in 2020/21, from 36,000 inspections to 20,000 inspections. This accounted for 4% of total enforcement actions in 2020/21.

A total of 15,000 statutory notices were issued in 2020/21, accounting for 3% of total enforcement actions. This was a decrease of 20% from the 19,000 statutory notices issued in 2019/20.

**Table 1: Fly-tipping prosecution outcomes in England, 2012/13 to 2020/21**

Year	Fines Issued	Absolute or Conditional Discharge	Other (successful outcomes)	Community Service	Custodial Sentence	Cases Lost	Total Prosecutions	Successful Prosecutions
2012/13	1,839	165	106	16	18	23	2,170	98.8%
2013/14	1,685	183	56	19	10	36	2,002	97.6%
2014/15	1,492	128	95	35	21	31	1,810	97.8%
2015/16	1,838	136	67	32	18	44	2,135	97.9%
2016/17	1,318	93	81	26	28	56	1,571	98.4%
2017/18	1,938	66	112	45	25	58	2,243	97.5%
2018/19	2,056	80	108	40	26	101	2,401	96.2%
2019/20	2,672	58	95	44	41	50	2,945	98.8%
2020/21	1,313	33	36	15	4	25	1,412	99.2%

**Other successful:** Any other positive results awarded by the court this period.

**Successful prosecutions:** Presented as a percentage of total prosecutions.

Equivalent figures for 2007/08 to 2011/12 can be seen in the accompanying [dataset \(/government/statistical-data-sets/env24-fly-tipping-incidents-and-actions-taken-in-england\)](#).

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The success rates for prosecution actions against fly-tipping are consistently very high over time. Over 99% of prosecutions resulted in conviction in 2020/21.

The majority of prosecution outcomes are fines, which were issued for 92% of the prosecutions taken against fly-tipping incidents in 2020/21. The number of fines issued decreased by 51%, from 2,672 in 2019/20 to 1,313 in 2020/21, with the value of total fines decreasing to £440,000 (a decrease of 62% on the £1,170,000 total value of fines in 2019/20).

The number of community service outcomes decreased 66% from 44 in 2019/20 to 15 in 2020/21.

## 8. What you need to know about this release

### 8.1 Contact details

Responsible statisticians: Katherine Merrett and Adele Storr

Email: [WasteStatistics@Defra.gov.uk](mailto:WasteStatistics@Defra.gov.uk)

Media enquiries: 0330 041 6560 (Defra Press Office)

### 8.2 Official Statistics

This is an Official Statistics publication. These statistics have been produced to the high professional standards set out in the Code of Practice for Official Statistics, which sets out eight principles including meeting user needs, impartiality and objectivity, integrity, sound methods and assured quality, frankness and accessibility. For more information, please see the [Official Statistics Code of Practice](#) (<https://www.statisticsauthority.gov.uk/code-of-practice/>).

## 9. About these statistics

Fly-tipping is the illegal deposit of waste on land, contrary to Section 33(1)(a) of the Environmental Protection Act 1990. Local authorities and the Environment Agency both have a responsibility in respect of illegally deposited waste. This includes local authorities and the Environment Agency collecting and reporting data on fly-tipping in their area. This statistical notice covers data reported by

local authorities in England.

## 9.1 User Statement

Data on fly-tipping is collected to inform policy making and to provide local authorities with a management tool that enables a problem solving approach to be taken. It records the number of fly-tipping incidents, the type of material tipped, location and size, together with enforcement action taken. The data are used by local and central government, researchers and the public.

## 9.2 Context

Fly-tipping is a crime, a significant blight on local environments; a source of pollution; a potential danger to public health; a hazard to wildlife, and a nuisance. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

Local authorities and the Environment Agency both have a responsibility in respect of illegally deposited waste with certain obligations set out in the Environmental Protection Act 1990. Local authorities have a duty to clear fly-tipped material from relevant land in their areas and consequently they deal with the vast majority of fly-tipping on public land, investigating these and carrying out a range of enforcement actions. The Environment Agency is responsible for dealing with large-scale, serious and organised illegal dumping incidents which pose an immediate threat to human health or the environment. Responsibility for dealing with fly-tipping on private land rests with private landowners and is not subject to mandatory data reporting.

Incidents involving the Environment Agency or cleared by private landowners are not included in this notice. Details of the 151 incidents of large-scale, illegal dumping dealt with by the Environment Agency in 2020/21 are published separately. Please see the [dataset \(/government/publications/environment-agency-2020-data-on-regulated-businesses-in-england\)](https://www.gov.uk/government/publications/environment-agency-2020-data-on-regulated-businesses-in-england) published by the Environment Agency.

## 9.3 Methodology

These statistics are based on the returns made to the Fly-tipping Module in the [WasteDataFlow \(https://www.wastedataflow.org/\)](https://www.wastedataflow.org/) database by local authorities in England from April 2019 to March 2020. The Fly-tipping Module is the national system used since 2015 to record the incidents and cost of clearing and enforcing against illegally deposited waste by local authorities and the Environment Agency. [Detailed guidance \(https://www.wastedataflow.org/documents/GuidanceNotes/Fly-tipping/GN64WDF\\_Fly-tipping\\_module\\_v1.0o.pdf\)](https://www.wastedataflow.org/documents/GuidanceNotes/Fly-tipping/GN64WDF_Fly-tipping_module_v1.0o.pdf) is available on the use of WasteDataFlow. Private landowners are not required to report fly-tips on their land, although some choose to do so voluntarily.

It should be noted that the private land data included in this notice do not reflect the full scale of fly-tipping on private land, as most cases go unreported.

The reporting system has been modified to allow more detailed information capture on the individual types of fixed penalty notices issued by local authorities. This has included fixed penalty notices specifically for small scale fly-tipping which were introduced in May 2016 and more recently fixed penalty notices for breaches of householder duty of care which came into force in January 2019.

Local authorities gather their data from a number of sources and departments. Incidents are reported by the public through call centres or online, operatives on the ground collecting and recording, Enforcement Officers, contractors and management companies. Many authorities await verification from investigations before recording public reports as fly-tips.

Data are requested in respect of incidents cleared or investigated by local authorities and, separately, the enforcement actions taken against fly-tippers. These can often be collected and reported by separate teams. Therefore, data can be entered onto the system by one or more persons within an authority. This may lead to some discrepancies and a level of uncertainty. Data verification and quality assurance is carried out by WasteDataFlow personnel and Detra. This is done by a quarterly check of specific aspects of the data to identify significant anomalies which would be queried with authorities.

Until 2017/18, estimate costs for the majority of clearance and enforcement categories were calculated based on typical unit costs for dealing with the different types of incidents/actions. Costs were provided by a small selection of local authorities between 2003 and 2006 when the Flycapture database was being set up. These were used to generate standard unit costs for the clearance and enforcement categories, which were then multiplied up by the numbers of incidents and enforcement actions respectively, in order to generate total cost estimates. The standard unit costs used are detailed in the accompanying notes to the published datasets.

In August 2015 Detra undertook an exercise to update the cost basis by surveying 100 local authorities that had previously indicated a willingness to participate. Unfortunately, both the quantity and quality of response data was insufficient to provide robust factors as replacements. During 2017, Detra carried out some preliminary investigations to source updated costs, but concluded that more targeted and detailed work is required to properly understand the complexities surrounding costs to local authorities. As the standard unit costs are now more than 10 years out of date, the decision has been taken to cease using these from the 2017/18 publication onwards. For the time being only costs for clearance categories 'tipper lorry load' and 'significant/multiloading', and enforcement categories 'prosecutions' and 'injunctions' (which are reported directly by local authorities) will continue to be published. Detra is currently considering the feasibility of updating the standard unit costs via research or alternative methodology, subject to resource and other priorities.

## 9.4 Detailed breakdowns

A breakdown of data for each local authority is available on the [Defra website \(/government/statistical-data-sets/env24-fly-tipping-incidents-and-actions-taken-in-england\)](#). In assessing the figures local authorities should not be ranked or classified as 'good' or 'poor' performers based purely on numbers of fly-tips. Direct comparison between local authorities is not appropriate, as there can be some differences in approach where there is a level of discretion in using the guidance on reporting. The situation is complex and can be influenced by population density, housing stock, demographics, commuter routes, the rigour with which local authorities identify incidents or encourage the public to report incidents, training of street crews, and increased use of more sophisticated methods for capturing and reporting incidents. Those reporting higher incident numbers are often those being more pro-active and rigorous in identifying incidents. Large authorities may have large enforcement teams using modern, sophisticated methods (e.g. covert surveillance, SmartWater etc.) to catch professional fly-tippers. Trends over time for a particular local authority may be a fairer comparison and a time series of total incidents for each local authority is available for download. There can be relatively high variation between years and between local authorities.

As part of enquiries made during the quality assurance process, several authorities reported that the increase in the number of incidents reported compared to previous years was a result of the introduction of new technologies; such as on-line reporting and electronic applications, as well as increased training for staff and a more pro-active approach to removing fly-tipping. These authorities have explained this as a factor in the increase in the number of incidents reported.

From 2019/20, incidents per 1,000 people for each local authority have been included in the published [dataset \(/government/statistical-data-sets/env24-fly-tipping-incidents-and-actions-taken-in-england\)](#)

## 9.5 Reporting basis

Under Section 71(4) of the Environmental Protection Act 1990 local authorities are required to report information on fly-tipping incidents and actions taken through WasteDataFlow. Details of all fly-tipping incidents, reports, and actions should be reported via WasteDataFlow, including customer reported and those reported by, and pro-actively cleared by staff and contractors.

We had been aware of a few local authorities who were not reporting all incidents or who had changed their basis of reporting.

For the 2019/20 reporting year, Defra undertook a check with all local authorities around the basis of reporting in order to improve transparency in the reported data. An additional question was added to WasteDataFlow to capture the reporting basis for each local authority. The question included was as follows:

The data entries in the Fly-tipping module is a record of fly-tipping offences under s33 of the Environmental Protection Act 1990. We want you to record information for all relevant incidents and actions covering both public reported and those pro-actively cleared by your own and contractor crews. Please select the description that best describes the coverage of your reporting of Fly-tipping incidents and actions:

1. All incidents i.e. customer/public reported and those reported by, and pro-actively cleared by, your own and contractor crews.
2. Customer/public reported only.
3. Staff/contractor and pro-actively cleared only.

This confirmed that the majority (286; 90%) of all local authorities, in 2019/20, were reporting all incidents; 29 (9%) were providing figures based on customer reported fly-tips only, 1 was providing figures based just on those incidents reported by staff and 1 local authority had changed their basis of reporting during 2019/20.

In previous years, estimates were made for 'all incidents' for a small number of local authorities where it was known that the local authorities reported figures were not based on 'all incidents'. These estimated figures were included in the national incident totals but not in the local authority level dataset.

For 2019/20 onwards, for those local authorities that are not reporting 'all incidents', no estimates have been made for 'all incidents'. This was due to the number of local authorities concerned and lack of data to make reliable estimates for 'all incidents'. This means that the national totals for 2019/20 onwards are not comparable to national totals from earlier years. In order to have comparable data for 2019/20 and 2018/19 we have removed the previous adjustments made to the 2018/19 national figures. These adjustments were made to those few local authorities that were known not to be reporting all incidents, but where the data was available to make the adjustments.

For the revised 2018/19 and the 2019/20 national totals onwards, these only include estimates for non-response and missing data.

The questions on reporting basis have been retained in WasteDataFlow to enable Defra to continue to monitor the basis of reporting. In 2020/21, 279 (89%) of local authorities were reporting all incidents; 30 (10%) were providing figures based on customer reported fly-tips only, 3 were providing figures based just on those incidents reported by staff and 2 local authority had changed their basis of reporting during 2020/21.

We will continue to encourage local authorities to make all reasonable efforts to report all incidents in future years.

Data on enforcement and prosecution actions is not affected by the methodological change and the time series is presented in this notice.

## 9.6 Non-response and estimation

In 2020/21, all 314 local authorities provided data on fly-tipping incidents and actions. In some earlier years this was not the case and estimates were made for missing returns.

For 2020/21, three of the 314 local authorities did not submit data on clearance costs for 'tipper lorry load' and/or 'significant multiload' incidents for some or all quarters. These were estimated by Detra based on previous quarters' data where the figures were consistent or using average 2020/21 unit costs from the known returns or otherwise using an average of previous years' data for these LAs. These three local authorities were Bristol, Folkestone and Hythe and Isle of Wight.

Estimates for clearance, enforcement costs and non-response are included in the national totals but are not shown in the local-authority dataset.

Due to higher levels of estimation made from the 2015/16 data, some caution is needed in the interpretation of year-on-year changes.

## 9.7 Feedback

We welcome feedback on the data from all users including how and why the data is used. This helps us to understand the value of the statistics to external users. Please see our contact details section of this notice.

## 9.8 Revisions Policy

Detra will provide information about any revisions made to published information in this statistics release and the associated datasets. Revisions could occur for various reasons, including when data from third parties is unavailable or revised data has been input to the Fly-tipping Module of WasteDataFlow.

Prior to the release of this publication, during quality assurance of the 2020/21 data a number of data errors were found in the 2019/20 data. Revisions have been made to 2019/20 incidents data for Redcar and Cleveland and actions data for Hounslow and Swale. The 2019/20 reporting basis has also been updated to 'all incidents' for the following local authorities: Basingstoke and Deane, Cannock Chase, Canterbury, Cotswold, Hastings, Mole Valley, Tamworth, Thanet and West Oxfordshire.

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## Appendix 2 – Fly Tipping Enforcement Case Studies

### Case study 1

#### Illegal deposit of waste (Fly tipping)

Alleged Offences contrary to section 33 (1) (a), Depositing controlled waste on land; Knowingly causing/ permitting controlled waste to be deposited on land.

The details of the case are as follows;

#### 062895 - S33 EPA Waste Offence – Long Lane, Treeton

The above matter was heard in the Sheffield Magistrates' Court on Tuesday 13/08/2019.

The Defendant appeared unrepresented, and pleaded guilty to the offence(s).

The Court imposed:

Penalty: £500.00

Costs: £398.98

Victim Surcharge: £50.00

The total, of £948.98 is to be paid by instalments of £50.00 per week, with the 1st Instalment within 7 days days.

The details of the case are as follows;

On the 15/02/2019, an Enforcement Officer, visited Long Lane, Treeton, Rotherham. He discovered ten bags of soil /rubble in a lay by alongside the highway.

While at the site the Enforcement Officer photographed the fly tipping. He also removed the hard drive to a hidden camera that had previously been installed with authorisation at that location to gather evidence of persons fly tipping.

The hidden cameras footage was reviewed and on Tuesday 12/02/2019 a white Vauxhall Vivaro was seen to arrive in the lay by at 15:12hrs, the male driver who was alone then removed nine black bags from the rear of the vehicle and deposited them in the layby before driving away

A check on South Yorkshire Polices vehicle database identified the current keeper/ insured of White Vauxhall Vivaro. On 1/03/2019, a letter was sent to the defendant, requesting that he attend a recorded interview, with reference to this matter.

On 13/03/2019, the defendant attended a recorded interview at Rotherham North Neighbourhood Team building, Green lane, Rawmarsh, Rotherham. In the interview he admitted to being the person filmed dumping the bags on the footage shown to him taken on 12/02/2019. He also stated that he ran a driveway design and

installation business. He accepted that the waste was commercial waste relating to his business.

### Long Lane Treeton



### Case study 2

#### Illegal deposit of waste (Fly tipping)

Alleged Offences contrary to section 33 (1) (a), Depositing controlled waste on land; Knowingly causing/ permitting controlled waste to be deposited on land.

The details of the case are as follows;

#### 062898 - S33 EPA Waste Offence – Back Lane, Nether Haugh and Bassingthorpe Lane, Munsbrough

The above matter was heard in the Sheffield Magistrates' Court on Tuesday 13/08/2019.

The Defendant appeared, represented by his/her solicitor, and pleaded guilty to the offence(s).

The Court imposed:

Penalty: £480.00  
Costs: £200.00  
Victim Surcharge: £48.00

The total, of £728.00 is to be paid by instalments of £5.00 per week, with the 1st Instalment within 28 days.

The details of the case are as follows;

On the 25th March 2019, an Enforcement Officer, visited Bassingthorpe Lane, Munsbrough, Rotherham. He discovered mounds of soil/ rubble that had been deposited on the highway there.

While at the site the Enforcement Officer photographed the fly tipping using a digital camera. He had previously installed a hidden camera at the location for capturing evidence of people fly tipping waste. He removed the hard drive and reviewed the footage taken.

Footage showed that on Saturday 23rd March 2019, a black Suzuki Swift, arrived at 15:40hrs and the male driver was seen to deposit several blue bags of soil/ rubble from the vehicle and empty them into the lay-by, before driving way. He burnt this footage to a disc to be used as evidence.

On 27th March 2019, the Enforcement Officer received an email from a Police Community Support Officer of Rotherham North Neighbourhood Policing Team which showed that the Police vehicle database had identified the keeper and insured driver of the Black Suzuki Swift.

On 27th March 2019, a letter was sent to the defendant, requesting that he attend a taped interview, with reference to this matter.

On the 8th April 2019, the Enforcement Officer visited Back lane, Nether Haugh, Rotherham. He found a box and bags of household waste that had been deposited at the side of the highway.

Footage showed that on Thursday 4th April 2019, a black Suzuki Swift, arrived at 18:03hrs and the male driver was seen to deposit a box and several black bin bags which contained household waste from the vehicle into the lay-by, before driving way. He copied this footage to a disc to be used as evidence.

On 10th April 2019, the defendant attended a recorded interview at Rotherham North Neighbourhood Team Building. In the interview the defendant admitted to being the person captured on CCTV depositing waste from Black Suzuki Swift at Bassingthorpe Lane, Munsbrough and on 4/04/2019 at Back Lane, Nether Haugh, Rotherham.

**Bassingthorpe Lane, Munsbrough**



## PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
<b>Title: Fly Tipping</b>	
<b>Directorate: Regeneration and Environment</b>	<b>Service area: Regulation and Enforcement</b>
<b>Lead person: Richard Bramall</b>	<b>Contact:01709823187</b>
Is this a:	
<input type="checkbox"/> <b>Strategy / Policy</b>	<input checked="" type="checkbox"/> <b>Service / Function</b>
	<input type="checkbox"/> <b>Other</b>
<b>If other, please specify</b>	

2. Please provide a brief description of what you are screening
<b>The report details a review of the Council's response to fly tipping enforcement.</b>
<b>Whilst enforcement actions and activity can impact on individuals with protected characteristics particularly those with disabilities. However, the Policy applies to legislation which has been nationally developed and</b>

**implemented; issues in relation to enforcement where disability issues are apparent are mitigated through case law and enforcement practice**

### 3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		X
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X

If you have answered no to all the questions above, please explain the reason

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

**4. Considering the impact on equality and diversity**

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

- **Key findings**

- **Actions**

Date to scope and plan your Equality Analysis:

Date to complete your Equality Analysis:

Lead person for your Equality Analysis  
(Include name and job title):

**5. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Richard Bramall	Community Protection & Environmental Health Manager	10 <sup>th</sup> January 2022

**6. Publishing**

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to [equality@rotherham.gov.uk](mailto:equality@rotherham.gov.uk) For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

<b>Date screening completed</b>	10 <sup>th</sup> January 2022
<b>Report title and date</b>	Fly Tipping in Rotherham 1 February 2022
<b>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</b>	1 February 2022
<b>Date screening sent to Performance, Intelligence and Improvement</b> <a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>	11 <sup>th</sup> January 2022

Public Report  
Improving Places Select Commission

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**Committee Name and Date of Committee Meeting**

Improving Places Select Commission – 01 February 2022

**Report Title**

The Environment Act 2021 - Impact on Waste Services

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

Barry Connolly, Head of Environmental Services  
barry.connolly@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

The Environment Act 2021 (the Act) received Royal Assent on the 9<sup>th</sup> November 2021 after a lengthy, two-year process.

The Act will set new legally binding environmental targets that will be monitored and enforced by a new body: the Office for Environmental Protection (OEP).

The Act requires the secretary of state for the Department of the Environment, Food and Rural Affairs (DEFRA) to set long-term legally binding targets on air quality, biodiversity, water, resource efficiency, and waste reduction. These targets must be of at least 15 years in duration, and be proposed by late 2022

The Act sets out specific legislation that is likely to have a significant impact on how waste and recycling are dealt with, and how Councils deliver Waste Services, in the future.

This report draws out the key issues stemming from the Act that will impact on the Council's Waste Services in the coming years.

**Recommendations**

1. That the Improving Places Select Commission note the significant changes that are proposed in the Environment Act 2021 and the implications for Waste Services.

2. That the Improving Places Select Commission comment on the content of this report.

### **List of Appendices Included**

Appendix 1 – Equality Screening Assessment

### **Background Papers**

- [Environment Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Resources and waste strategy for England - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Rotherham MBC Waste Strategy \(bdronline.co.uk\)](https://bdronline.co.uk)
- [municipal-waste-strategy \(bdronline.co.uk\)](https://bdronline.co.uk)

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

N/A

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

## The **Environment Act 2021 - Impact on Waste Services**

### **1. Background**

- 1.1 The Environment Act 2021 (the Act) received Royal Assent on the 9<sup>th</sup> November 2021. The Act creates a duty for the Secretary of State and Ministers to be guided by five internationally recognised environmental principles when making policy. These principles are:
1. Integration - policymakers should look for opportunities to embed environmental protection in other fields of policy that have impacts on the environment.
  2. Prevention - government policy should aim to prevent, reduce or mitigate harm.
  3. Rectification at source – if damage to the environment cannot be prevented, it should be tackled at its origin.
  4. The Polluter Pays - those who cause pollution, or damage to the environment, should be responsible for its mitigation or compensation.
  5. Precaution - where there are threats of serious or irreversible environmental damage, a lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- 1.2 The Act requires the Secretary of State to set long-term legally binding targets on air quality, biodiversity, water, resource efficiency, and waste reduction. These targets must be of at least 15 years in duration and be proposed by late 2022.
- 1.3 These targets will be monitored and enforced by a new body, the Office for Environmental Protection (OEP). The OEP was set up in an interim, non-statutory form in July 2021, providing independent oversight of the Government's environmental progress and accelerating the foundation of the full body. The OEP has not however yet been fully established and is not yet performing its statutory functions.
- 1.4 In particular, the Act sets out specific legislation that is likely to have a significant impact on how waste and recycling are dealt with, and how Councils deliver Waste Services in the future. These are detailed below. Much of the detail underpinning these proposals, for example the way in which schemes will be funded, are still to be fully finalised, with the results of consultation with Government expected to be published in February/ March 2022.

## 2. Key Issues

### The Waste Planning Framework

- 2.1 Prior to Brexit many of the legislative environmental protections in the UK came from EU law. EU law required that certain plans were in place and updated on a regular basis and although the UK has left the EU these plans are still relevant and have been updated and augmented to support the delivery of the environmental targets in the Act. The Act updated the Environment Act 1995 to ensure any gaps in environmental legislation because of leaving the EU are filled. The schematic below illustrates the plans relating to waste management that are in place:



- 2.2 A South Yorkshire Waste strategy covering the period from 2017 – 2021 is currently in place across the four South Yorkshire Local Authorities. This strategy has the circular economy at its heart and was drafted in anticipation of a revised Waste and Resource Strategy for England.
- 2.3 The passing of the Act into legislature will require a number of the above plans to be reviewed and updated. In particular the South Yorkshire Partnership recognise the need to review their achievements and progress to help inform any future strategy. Once the detailed consultation results are received a new Strategy will therefore be developed.
- 2.4 The Act sets out specific legislation that is likely to have a significant impact on how waste and recycling are dealt with, and how Councils deliver Waste Services in the future. This includes proposals for:
- Measures to reduce and prevent waste from homes and businesses.
  - Improving the consistency of household and business waste and

recycling collections including the introduction of separate food waste collections.

- Extended Producer responsibility to ensure the costs of disposal are borne by the producers of waste, e.g., packaging.
- Deposit return schemes to incentivise the recycling of certain types of packaging wastes, e.g., plastic bottles, drinks containers.

## **Waste Prevention**

2.5 Alongside the Environment Act, *the Waste Prevention Programme for England: Towards a Resource Efficient Economy* sets out priorities for action to manage resources and waste in accordance with the waste hierarchy - which means preventing waste through reuse, repair, and remanufacturing of products. This was consulted on by DEFRA between March and June 2021, and the feedback of this consultation is currently being analysed.

This draft programme focused upon:

- Products and design: Including eco-design and consumer information requirements, and Extended Producer Responsibility schemes.
- Systems: Including producer responsibility and related collection and take back services, encouraging reuse, repair, leasing businesses and supporting facilities, and encouraging greater transparency by local authorities and businesses.
- Information and data: including developing materials databases, product passports and encouraging voluntary corporate reporting.

2.6 The Council has a key role to promote the prevention and reduction of waste and the repair and reuse of items, through education of the public and work with the private and voluntary sectors to create opportunities for reuse to take place.

## **Consistency in Household and Business Collections**

2.7 The Act sets out the requirement for consistent recycling collections for all households and businesses in England. The following waste streams must be separately collected for recycling or composting, with a target date of October 2023:

- Glass
- Metal (potentially including foil and foil trays)
- Plastic (potentially including food/drink cartons and plastic film and flexible packaging by 2026/27)
- Paper and card
- Food waste (weekly as a minimum)
- Garden waste

2.8 Two or more recyclable waste streams may be collected together where:

- it is not technically or economically practicable to collect recyclable household waste in those recyclable waste streams separately, or
- collecting recyclable household waste in those recyclable waste

streams separately has no significant environmental benefit

- 2.9 At the present time, the changes made to recycling services in Rotherham in 2018/19 mean that the Council's domestic waste collection services are broadly compliant with this aspect of the Act, other than the provision of separate weekly food waste collections and the collection of plastic film and flexible packaging.

### **Separate weekly collection of food waste**

- 2.10 The introduction of separate food waste collections presents significant challenges to the Council. Additional staff and vehicle resources would be required to deliver the service, alongside budget for the disposal of the food waste collected.
- 2.11 Food waste requires treatment via technologies that are animal by-product legislation compliant. It cannot be sent to existing treatment facilities that solely process non-animal organic material such as garden waste. At present there is a national shortage of facilities that offer processing for separate food waste and disposal costs are very high even where capacity exists in the market. Significant investment in infrastructure will therefore be required in order to deliver food waste collections nationally.
- 2.12 Although the Act mandates separate food waste collection, Rotherham, Barnsley, and Doncaster are unique in the way residual waste is treated. Although collected in residual waste bins (pink lidded), residents' general waste is treated at the waste facility at Manvers using Mechanical Biological Treatment (Anaerobic Digestion). Modelling has shown that there may be very little carbon benefit from separate collection of food waste when compared to the current treatment facility performance. Any decision to implement separate food waste collections would therefore need to ensure that the environmental benefits of separate collections outweighed the significant costs incurred.
- 2.13 Given the technology in Rotherham, Barnsley and Doncaster, the Council are therefore currently discussing with DEFRA whether there may be potential to defer implementation of a separate food waste collection for long term contracts which use Mechanical Biological Treatment, where the Council assesses it is environmentally and economically the right thing to do.

### **Food and drink cartons, plastic film, and flexible packaging by 2026/27**

- 2.14 As with food waste, the recycling market for food/drink cartons and films and flexible packaging is limited at the current time. Technology such as chemical recycling that may be suitable for this type of material is still being developed. Separate collection of any material without a sustainable treatment outlet available could result in the material having to be sent to landfill.

- 2.15 Manufacturers are also looking at alternative methods of packaging their goods that may result in a move away from this material, which would be a more positive step, reducing the use of such plastics.

**Extended Producer responsibility (EPR)**

- 2.16 The Act introduces Extended Producer Responsibility (EPR) regulations that require packaging manufacturers to pay the full costs of managing and recycling their packaging waste, with higher fees being levied if packaging is harder to reuse or recycle. These levies are proposed to fund the collection and disposal of material by Local Authorities.

- 2.17 Government consulted on:

- Scheme design – what materials should be in scope, what level of recycling targets should be set for the various materials.
- Scheme governance – various models for Scheme Administration have been proposed, however this has yet to be finalised.
- Implementation timelines – during the consultation it was proposed to be implemented from 2023. There has been a delay in analysing the consultation responses so there is potential for the timeline to slip.
- How the scheme will be enforced – it is currently proposed that the Environment Agency will enforce the requirements.

- 2.18 Whilst the principles of the scheme are broadly welcomed there are a number of risks for the Council stemming from this proposal:

1. It is understood that the budget settlements that Councils receive for waste services will be linked to payments from packaging producers in the future. The level of payment to the Council to dispose of materials will be based on an assessment of the efficiency and effectiveness of the collection service and payments can be reduced if the services are not considered effective and efficient. If this efficiency assessment is not robust or does not take into account local differences in services that would affect efficiency, there is a risk that the payments would not fully cover the costs of collecting and disposing of these hard to recycle materials.
2. It is currently unclear how the scheme will be administered and by whom. A nationally administered scheme carries significant risks, as described above.
3. Producers are likely to introduce changes in packaging to avoid the levies. Whilst this would be positive, if services come to rely on levy payments, there is a risk that this would impact on income generated, and therefore create a financial risk to the Council.

## **Deposit Return Scheme**

- 2.19 The Act describes proposals for a Deposit and Return Scheme for drinks containers, supported by Local Authorities in terms of collection and, potentially, administration. The aim of this is to:
- Reduce littering of items in scope
  - Increase recycling
  - Improve the quality of recycling for the items in scope, supported by clear labelling.
- 2.20 Government consulted on:
- The types of materials to be included in such a scheme, e.g. the inclusion of disposable cups
  - How the scheme will be governed – a Deposit Management Organisation (DMO) is yet to be appointed.
  - The potential locations for return points, e.g. supermarkets, other buildings. Who/ how these will be managed is still to be confirmed.
  - Financial uncertainty– including how councils would be re-imbursed for items they collect and for, potentially, administering the scheme.
- 2.21 Again, whilst the principles of such a scheme are broadly welcomed, given the potential to reduce litter in public spaces, there are a number of risks for the Council, not least the current uncertainty around what materials will be included, or who will administer the scheme.
- 2.22 There is also a risk that there may be a detrimental impact on the kerbside service should residents decide to recoup their deposits from a system that is not managed by the Council, leading to poorer quality and lower value recycling materials being left for kerbside collections, and increasing disposal costs for Councils. The mechanism for administering and funding for Council's in terms of the management and impact of the scheme is therefore key.

## **3. Options considered and recommended proposal**

- 3.1 There are no options to be considered in this report.

## **4. Consultation on proposal**

- 4.1 From April 2021 to July 2021 the Council took part in Government consultations in support of the Environment Bill, on the following:
1. Consistency in collections
  2. Deposit return scheme
  3. Environmental Principles
  4. Extended producer responsibility
  5. Waste Prevention
- 4.2 The consultation was open for all private and public sectors, all Local Authorities in the region have taken part, as well as other relevant industries

in South Yorkshire.

The Government's response to the consultation process is expected in February / March 2022. The Council expect that this response will also include more detailed and specific information about the above proposals, to enable the Council to plan effectively for the future.

## **5. Timetable and Accountability for Implementing this Decision**

5.1 Key dates in the timetable for changes are as follows:

- Consultations on key principles April-July 2021
- Environmental Act 2021 received Royal Assent 9<sup>th</sup> November 2021.
- Response to the consultation due to be published between February-March 2022
- Elements of the Act that relate to the Waste service will need to be implemented on a range of timescales between 2023-2027.

5.2 Full public consultation will be required to take place to support the decision to make any significant changes to waste services.

## **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 There are considerable future financial implications for the Council stemming from the Environment Act 2021 (the Act) but not at this point. The Act set's out that future legislation will determine arrangements however not until a period of consultation has elapsed. The financial implications will be assessed further once full details of the outcome of the consultation is known.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 The Environment Act 2021 places a number of legal requirements on the Council in terms of the future delivery of Waste Services. The impact of the legislation needs to be fully worked through and thorough consideration needs to be given to legal requirements to ensure that the Council is complaint with the relevant provisions to reduce the risk of any legal challenge/action.

## **8. Human Resources Advice and Implications**

8.1 The report notes the impact and requirement for additional staffing resources, should any decision be taken to introduce separate food waste collections.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no implications for Children and Young People or Vulnerable Adults stemming from this report.

**10. Equalities and Human Rights Advice and Implications**

- 10.1 There are no Equalities and Human Rights implications stemming from this report. An Equality Screening Assessment has been undertaken and can be found at Appendix 1.

**11. Implications for CO<sub>2</sub> Emissions and Climate Change**

- 11.1 Whilst this report itself has no implications for CO<sub>2</sub> emissions and Climate Change, the disposal and treatment of waste has a significant impact on CO<sub>2</sub> emissions. The effective disposal of waste has the potential to deliver significant benefits in terms of reductions in CO<sub>2</sub>.
- 11.2 Any future proposals will be subject to a full assessment in terms of the impact on CO<sub>2</sub> and Climate Change.

**12. Implications for Partners**

- 12.1 There are no implications for partners stemming from this report.

**13. Risks and Mitigation**

- 13.1 There are no specific risks stemming from this report. The risks associated with the Environment Act 2021 are described in the main body of the report above.

**Accountable Officer(s)**

Tom Smith, Assistant Director, Community Safety and Streetscene  
Barry Connolly, Head of Environmental Services

*Report Author:* Barry Connolly, Head of Environmental Services  
barry.connolly@rotherham.gov.uk

This report is published on the Council's [website](#).

## PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
<b>Title:</b> The Environment Act 2021 - Impact on Waste Services	
<b>Directorate:</b> Regeneration and Environment	<b>Service area:</b> Community Safety and Streetscene
<b>Lead person:</b> Barry Connolly	<b>Contact:</b> Barry.Connolly@rotherham.gov.uk
Is this a:	
<input type="checkbox"/> <b>Strategy / Policy</b>	<input type="checkbox"/> <b>Service / Function</b>
	<input checked="" type="checkbox"/> <b>Other</b>
<b>If other, please specify</b>	

2. Please provide a brief description of what you are screening
This is a report to Improving Places Select Commission outlining the potential impacts on Waste Services in Rotherham from the Environment Act 2021. It does not seek any decisions in terms of any changes to services.

### 3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		X
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X

If you have answered no to all the questions above, please explain the reason

--

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

#### 4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

- **Key findings**

- **Actions**

Date to scope and plan your Equality Analysis:

Date to complete your Equality Analysis:

Lead person for your Equality Analysis  
(Include name and job title):

#### 5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Tom Smith	Assistant Director, Community Safety and Streetscene	14 <sup>th</sup> January 2022

#### 6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other**

**committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to [equality@rotherham.gov.uk](mailto:equality@rotherham.gov.uk) For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

<b>Date screening completed</b>	14 <sup>th</sup> January 2022
<b>Report title and date</b>	The Environment Act 2021 - Impact on Waste Services
<b>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</b>	
<b>Date screening sent to Performance, Intelligence and Improvement</b> <a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>	14 <sup>th</sup> January 2022

**Committee Name and Date of Committee Meeting**

Improving Places Select Commission – 01 February 2022

**Report Title**

Work Programme Update

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Jo Brown, Assistant Chief Executive

**Report Author(s)**Katherine Harclerode, Governance Advisor  
01709 254532 or katherine.harclerode@rotherham.gov.uk**Ward(s) Affected**

Borough-Wide

**Report Summary**

To provide an update on the Work Programme of the Improving Places Select Commission.

**Recommendations**

1. That the report and proposed schedule of work be noted.
2. That authority be delegated to the Governance Advisor in consultation with the Chair and Vice-chair to make changes to the schedule of work as appropriate between meetings, reporting any changes back to the next meeting for endorsement.

**List of Appendices Included**

Appendix 1 Work Programme – Improving Places Select Commission

**Background Papers**Agendas of Improving Places Select Commission during the 2020/21 Municipal Year  
Minutes of Improving Places Select Commission during 2020/21 Municipal Year**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Not applicable

**Council Approval Required**

No

**Exempt from the Press and Public  
No**

## **IPSC – Work Programme Update**

### **1. Background**

- 1.1 The remit of the Improving Places Select Commission (IPSC) is to undertake scrutiny activity in respect of all matters pertaining to the borough of Rotherham as a place. In broad terms, this remit relates to business and economic development, employment, emergency planning, environment, housing, climate change, leisure, culture and tourism, transport and highways, as well as regulatory services such as trading standards and environmental health. The breadth of functions and services that fall within the Commission's remit is significant.
- 1.2 The way in which the Commission discharges its scrutiny activity is a matter for itself, having regard to the provisions of the Constitution and any direction from the Overview and Scrutiny Management Board. The IPSC has chosen to scrutinise a range of issues through a combination of pre-decision scrutiny items, policy development, performance monitoring, information updates and follow up to previous scrutiny work.
- 1.3 The IPSC has eight scheduled meetings over the course of 2021/22, representing a maximum of 20 hours of scrutiny per year – assuming 2.5 hours per meeting. Members therefore must be selective in their choice of items for the work programme. The following key principles of effective scrutiny are considered in determining the work programme:
  - Selection – There is a need to prioritise so that high priority issues are scrutinised given the limited number of scheduled meetings and time available. Members should consider what can realistically and properly be reviewed at each meeting, taking into account the time needed to scrutinise each item and what the session is intended to achieve.
  - Value-added – Items had to have the potential to 'add value' to the work of the council and its partners.
  - Ambition – the Programme does not shy away from scrutinising issues that are of greatest concern, whether or not they are the primary responsibility of the council. The Local Government Act 2000 gave local authorities the power to do anything to promote economic, social and environmental wellbeing of local communities. Subsequent Acts have conferred specific powers to scrutinise health services, crime and disorder issues and to hold partner organisations to account.
  - Flexibility – The Work Programme maintains a degree of flexibility as required to respond to unforeseen issues/items for consideration during the year and to accommodate any further work that falls within the remit of this Commission.
  - Timing – The Programme has been designed to ensure that the scrutiny activity is timely and that, where appropriate, its findings and recommendations inform wider corporate developments or policy development cycles at a time when they can have most impact. The Work Programme also helps safeguard against duplication of work undertaken elsewhere.

### **2. Key Issues**

- 2.1 Members are required to review their work programme at each meeting during the 2021/22 municipal year to give focus and structure to scrutiny activity to ensure that it effectively and efficiently supports and challenges the decision-making processes of the Council, and partner organisations, for the benefit of the people of the borough.
- 2.2 A revised draft of a work programme for Improving Places Select Commission is appended to this report.

### **3. Options considered and recommended proposal**

- 3.1 Members are recommended to discuss potential areas of scrutiny work to be added to the work programme.

### **4. Consultation on proposal**

- 4.1 The work programme is subject to consultation with the Chair and Members of the IPSC. Regular discussions take place with Cabinet Members and officers in respect of the content and timeliness of items set out on the work programme.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 The decision to develop a work programme is a matter reserved to the Commission and will be effective immediately after consideration of this report.
- 5.2 The Statutory Scrutiny Officer (Head of Democratic Services) is accountable for the implementation of any decision in respect of the Commission's work programme. The Governance Advisor supporting the Commission is responsible on a day-to-day basis for the Commission's work programme. Members are recommended to delegate authority to the Governance Advisor to make amendments to the programme between meetings.

### **6. Financial and Procurement Advice and Implications**

- 6.1 There are no direct financial or procurement implications arising from this report.

### **7. Legal Advice and Implications**

- 7.1 There are no direct legal implications arising from this report.
- 7.2 The authority of the Select Commission to determine its work programme is detailed within the Overview and Scrutiny Procedure Rules and Responsibility for Functions parts of the Constitution. The proposal to review the work programme is consistent with those provisions.

### **8. Human Resources Advice and Implications**

- 8.1 There are no direct human resources implications arising from this report.

### **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 There are no implications for children and young people or vulnerable adults arising from this report.

### **10. Equalities and Human Rights Advice and Implications**

- 10.1 Whilst there are no specific equalities implications arising from this report, equalities and diversity are key considerations when developing and reviewing scrutiny work programmes. One of the key principles of scrutiny is to provide a voice for communities, and the work programme for this Commission has been prepared following feedback from Members representing those communities.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 There are no implications for CO2 emissions or climate change arising from this report. Members will have regard to the Climate Emergency when selecting potential items for scrutiny.

## **12. Implications for Partners**

12.1 The membership of the Commission includes co-opted members from RotherFed who contribute to the development and review of the work programme. Where other matters are being considered for inclusion on the work programme, relevant partners or external organisations are consulted on the proposed activity and its timeliness.

## **13. Risks and Mitigation**

13.1 There are no risks arising from this report.

## **14. Accountable Officer(s)**

Emma Hill, Acting Head of Democratic Services and Statutory Scrutiny Officer

*Report Author: Katherine Harclerode, Governance Advisor*

*01709 254532 or [katherine.harclerode@rotherham.gov.uk](mailto:katherine.harclerode@rotherham.gov.uk)*

This report is published on the Council's [website](#).

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## Improving Places Select Commission - Work Programme 2021/22 Municipal Year

Meeting Date	Agenda Items
29 June 2021	Initial Work Programme 2021/22
	Aids and Adaptations Tenant Scrutiny Review
20 July 2021	Rough Sleeper Strategy Update
	Revised Work Programme 2021/22
7 September 2021	Cold Spaces
	Flood Alleviation Update
	Bereavement Services Annual Report
2 November 2021 (Reports 22 October)	Thriving Neighbourhoods Annual Report
	Progress on Library Strategy and Action Plan
November/December 2021 Spotlight Review	External Funding for Regeneration and Development
14 December 2021 (Reports 3 December)	Planning White Paper
	Rotherham Town Centre Update
	Allotments Self-Management Update
	Outcomes from External Funding Spotlight Review
2 February 2022 Spotlight Review	Cultural Strategy (with Improving Lives Select Commission)
1 February 2022 (Reports 21 January)	Environment Bill – Waste Management
	Fly Tipping Update
March 2022 Spotlight Review	Market Service – Recovery and Future Engagement
22 March 2022 (Reports 11 March)	Planning White Paper
	Active Travel Update
	Clean Air Zone Update
	Highways Service Update

	Outcomes from Cultural Strategy Spotlight Review
19 April 2022 (Reports 8 April)	Re-deployable CCTV Update
	Tree Management Strategy Update
	Antisocial Behaviour Policy Update
	Outcomes from Market Service Spotlight Review
April/May 2022 Spotlight Review	Housing Repairs Service Review
Items to be scheduled	Housing Strategy – Progress Report