

ENVIRONMENT SCRUTINY PANEL

**Venue: Council Chamber, Town
Hall, Moorgate Street,
Rotherham**

Date: Thursday, 26 August 2004

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Questions from members of the public and the press.
4. Declarations of Interest.

FOR INFORMATION

5. Tenants' Insurance Scheme - Progress Report (Pages 1 - 3)
- report of Head of Housing Services
6. Declaration of Air Quality Management Areas (Pages 4 - 32)
- report of Head of Environmental Health
7. Fly Tipping Review (Pages 33 - 74)
- report of the Review Group presented by Councillor Hall
8. Strategy for Disinvestment in Non-Traditional and Miscellaneous Acquired Housing Stock (Pages 75 - 85)
- report of Head of Housing Services

FOR MONITORING

9. Minutes of meetings of the Cabinet Member of Housing and Environmental Services held on 30th July and 6th August, 2004 (attached) (Pages 86 - 98)

MINUTES - FOR INFORMATION

10. Minutes of Scrutiny Panel held on 29th July, 2004 (attached) (Pages 99 - 107)

**Date of Next Meeting:-
Thursday, 23 September 2004**

Membership:-
Chairman – Councillor Atkin
Vice-Chairman – Councillor Hall
Councillors:-Burke, Clarke, Hodgkiss, Jackson, McNeely, Nightingale, Rushforth, P. A. Russell, Vines
and The Mayor (Councillor F. Wright)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. **Meeting:** Environment Scrutiny Panel
2. **Date of Meeting:** 26 August 2004
3. **Title:** PROGRESS REPORT ON THE TENANTS' INSURANCE SCHEME
4. **Originating Officer:** Simon Bell
Rent Recovery Officer
Tel Ext 2670
5. **Issue:**
To give the current position in relation to the Tenants' Home Content Insurance scheme.
6. **Summary:**
The Tenants' Home Contents Insurance service started in July 2002 with the appointment of AON as the broker and Norwich Union as the scheme underwriter. The scheme is now reaching its second anniversary and 1,299 tenants (6%) currently hold home contents insurance policies with the Council.
7. **Clearance/Consultation:**
Approval was given by Members in April 2002 to appoint AON as the Council's Insurance Broker for its Home Contents Insurance scheme. This report was presented to Cabinet Member for Housing & Environmental Services on 19 July 2004.
8. **Timing:**
The report gives the latest position regarding the Insurance Scheme, which has now reached its second anniversary.
9. **Background:**
 - 9.1 The Tenants Insurance Scheme started in July 2002 to meet the need for a reasonably priced affordable policy that did not discriminate against tenants living in high-risk areas. The Council issued a tender for a home content insurance policy that had a flat rate across the Borough, irrespective of postcode. It also required the scheme to have policy options for customers including standard and accidental damage cover at two rates, one for under 60's the other for pensioners.
 - 9.2 AON was the broker who won the tender, offering competitive rates combined with the advantage that their premiums could be paid weekly with the rent. The contract was based on the assumption that the Council would administer the scheme and any cost associated with this would be funded from the commission the Council generated. The appointment of our own Insurance and Finance Officer, who administers the scheme, is one of the contributing factors to its undoubted success.
 - 9.3 The Home Contents Insurance Scheme has seen an increase in numbers over the past two years. There are currently 1,299 tenants who hold insurance through the scheme - 6% of all tenants. To ensure continual growth we are actively publicising the benefits of the scheme by advertising on the rent card, repairs slip, in Open House and by mail shots. Negotiations are ongoing with Rotherham Connect to have them telephone canvass potential new customers. With AON, we intend to see if the Insurance Scheme can be opened up to include tenants who have exercised the Right to Buy.

10. Argument:

The scheme is financially independent of the Housing Service with income exceeding expenditure. The insurance service offers an affordable high quality service that is customer focused. This is reflected in excellent customer satisfaction levels and the fact that no formal complaints have been received relating to this part of the Service.

The Council insurance scheme contributes to making tenancies more sustainable. Tenants have a choice of home content policies at competitive rates that can be paid weekly. This not only gives added value to the Housing Service, but it also helps reduce tenant poverty.

11. Risks and Uncertainties:

There is minimal risk associated with the Insurance Scheme, as it is already viable and financially independent. Income last year was in the region of £19,000 with expenditure of £18,000 comprising wages at Scale 3 and costs for stationary and postage.

The contract with AON is due to expire in July 2005. The broker has already given an assurance that premiums will remain the same up to the renewal date. This means tenants have enjoyed fixed premiums for the 3-year duration of the current scheme.

In April 2005 the insurance scheme will be evaluated and a further report will be presented to Cabinet with suggestions to either enter into another long-term arrangement with AON, or to test the market with another tender.

In January 2005 the Financial Services Authority (FSA) will regulate the insurance industry. This may have an impact on the Council's Insurance Scheme, as it could be subject to regulation if it continues to be administered by (what will then be) the ALMO from April 2005 onwards. The broker is consulting with the FSA and will advise the Council regarding the impact the legislation may have on the Scheme.

12. Finance:

A financial appraisal of the Tenant Home Contents Insurance Scheme for two years:

Income	July 02/March 03	April 03/March 04
Premium collected	£51,524	£98,524
Premium to AON	£41,140	£79,140
Commission	£9,675	£18,947
Loss ratio bonus	£4,078	0
Total benefit	£13,723	£18,947
Expenditure		
Salary Scale 3	£12,700 (pro-rata)	£17,458
Administration	£500	£500
Balance	£523	£989*

*Excludes staff slippage of £4,364 due to vacancy

13. Sustainability:

The scheme contributes to the objective of developing sustainable communities by encouraging tenants to remain in areas, which may otherwise be affected by either prohibitive insurance premiums or lack of availability of insurance at all. The premium is standard to any part of the Borough, so are 'postcode blind'.

14. Wards Affected:

All

15. References:

None

16. **Presentation:**

The report clearly shows the Insurance scheme has been successful. It is financially independent and does not rely on subsidy from the Housing Revenue Account. It provides an affordable Insurance Service to the tenants of Rotherham.

17. **Recommendations:**

TO NOTE THE REPORT

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. **Meeting** **Environment Scrutiny Panel**
2. **Date of Meeting** **26th August 2004**
3. **Title** **Declaration of Air Quality Management Areas**
4. **Originating Officers** **Mark Parry, Principal Environmental Health Officer
Julie Kent, Scientific Officer.**

5. **Issue**

A Detailed Assessment of Air Quality in Rotherham has been completed by Environmental Services, which has identified new areas of poor air quality.

6. **Summary**

The Environment Act 1995 requires the Council to declare new Air Quality Management Areas in areas of poor air quality identified along Fitzwilliam Road, Wellgate and Wortley Road in Kimberworth before 31st August 2004.

7. **Clearance/Consultation**

Department of Food, Environment and Rural Affairs has recently accepted the Council's findings of the Detailed Assessment of Air Quality, which was completed by the deadline of 30th April 2004. A three month consultation period is allowed for determining the most appropriate boundaries. Environmental Services will be consulting with Planning and Transportation Services as the major source of the pollution is road traffic on Local Authority controlled roads. Newly elected ward members for Boston Castle, Rotherham East and Rotherham West wards will be consulted.

8. **Timing**

The Environment Act 1995 and guidance issued by the Secretary of State requires that the Council declares the new Air Quality Management Areas before 31st August 2004.

9. **Background**

The Council has declared two Air Quality Management Areas in Rotherham to date. They cover an area affected by emissions from the M1 in Brinsworth, Catcliffe, Hill Top, Whiston and Wales, and an area affected by domestic solid fuel burning in Brampton Bierlow. The declaration of an Air Quality Management Area requires the development of an Action Plan, with the aim of improving air quality for the affected residents.

10. **Argument**

The declaration of the Air Quality Management Areas will enable the Council to work towards improving local air quality.

11. **Risks and Uncertainties**

None

12. **Finance**

To be contained within existing budgets. The Department of Food, Environment and Rural Affairs have made available a supported capital expenditure (revenue) allocation to the Council to support the purchase of additional monitoring equipment.

13. Sustainability

Any improvement in air quality improves the sustainability of our communities.

14. Wards Affected

Wards 2 (Boston Castle), 12 (Rotherham East), 13 (Rotherham West).

15. References

- Environment Act 1995
- National Air Quality Strategy 2000

16. Presentation

The Council's vision aims to make Rotherham a prosperous inclusive and attractive borough, where people choose to live learn and work. Improvement in air quality works towards this vision.

17. Recommendations

1. That four Air Quality Management Areas be declared:

- 1. Fitzwilliam Road from St Ann's roundabout to Mushroom roundabout for the pollutant nitrogen dioxide (annual average)**
- 2. Fitzwilliam Road from St Ann's roundabout to Mushroom roundabout for the pollutant PM₁₀ (fine particles) 24 hour mean**
- 3. Wellgate from the junction with Badsley Moor Lane to the junction with Mansfield Road**
- 4. Wortley Road in Kimberworth from the junction with Wilton Gardens to the junction with Old Wortley Road**

Detailed Assessment of the Air Quality of Rotherham PM₁₀



Report

Rotherham MBC

Environmental Services

April 2004

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Review and Assessment of the Air Quality in Rotherham

*The National Air Quality Strategy-Detailed Assessment of the Air
Quality of Rotherham PM10*

Rotherham MBC
Environmental Health

Report Authors:

Julie Kent

Scientific Officer

Mark Parry

Principal Environmental Health Officer

April 2004

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Consultation

The Local Authority is seeking comments about this Detailed Assessment (PM₁₀) report.

Comments should be forwarded to the contacts detailed below before 13th August 2004.

Please do contact us if you wish to raise any concerns or contribute further to the review and assessment processes.

The persons to contact are

**Mark Parry, Principal Environmental Health Officer, or
Julie Kent, Scientific Officer,**

on **(01709) 823172** or Email **aqm@rotherham.gov.uk**

Or, if you prefer, complete the form below and post it to the address shown.

**ROTHERHAM MBC
AIR QUALITY REVIEW AND ASSESSMENT
FAO Mark Parry/Julie Kent**

Rotherham MBC,
Environmental Services
Howard Building
College Lane
Rotherham, S65 1AX.

Name _____
Address _____

I would like to make the following comments on the Detailed Assessment for PM₁₀.

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Detailed Assessment of PM₁₀

Introduction

The principal aim of this review of air quality is to ascertain whether people are resident in areas of the borough where exposure to levels of PM₁₀ are predicted to be greater than the objectives for the target year (2004).

The object of this detailed assessment of PM₁₀ is to identify areas within Rotherham which are at risk of exceeding the air quality objectives for PM₁₀. If the risk is found to be high, the Authority is obliged to declare an Air Quality Management Area.

The objectives for PM₁₀ are a maximum of 50µg/m³ as a 24 hour mean to be exceeded on no more than 35 times a year and 40µg/m³ as the annual mean, both to be achieved by 31st December 2004.

The findings of the Review and Assessment process for PM₁₀ in 2000 in Rotherham found insufficient evidence of a risk of exceeding the above objectives and Rotherham MBC has not declared an AQMA for either of the PM₁₀ objectives to date.

In Rotherham, the conclusion of the Updating and Screening Assessment for PM₁₀ (2003) was that it was likely that not all the possible hot spots had been identified and a new monitor was ordered. This was commissioned in February 2004.

Use of the Highways Agency DMRB model had indicated that one particular road in Rotherham, next to a major roundabout could be likely to lead to exceedences of the PM₁₀ 24 hour objective in 2004. Receptors are located within 5m of the kerb.

Approach to Detailed Assessment

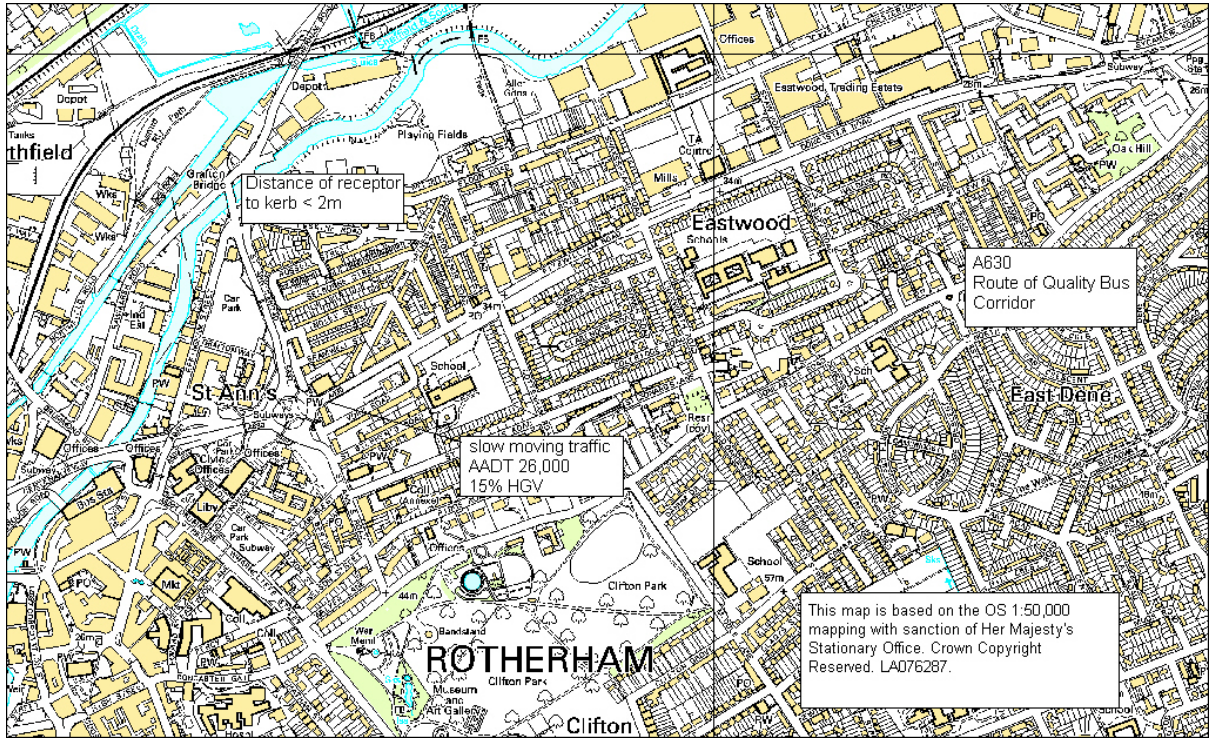
An investigation of the newly identified area of potentially high levels of exposure to PM₁₀ began recently. Our approach to the assessment has been to begin a monitoring survey with real time equipment (TEOM). The monitoring results from the TEOM have been used to determine whether there are areas where it is likely that the objectives will not be met relevant in target years or beyond. Dispersion modelling of PM₁₀ has also been carried out.

Area of Rotherham

The area under investigation is the A630 from St Ann's roundabout, through Eastwood towards Dalton.

The area is shown in Map 1. Terraced housing borders the road and the facades of the properties are less than 2m from the kerb in several places. There is a fairly high HGV component to the traffic flow. The route is part of Rotherham's Ring Road.

Map 1 A630 and St Ann's Roundabout



The route is local authority managed road within 1 mile of Rotherham town centre.

Monitoring for PM₁₀

Monitoring with TEOM analysers

Monitoring for PM₁₀ with TEOM analysers currently takes place at 5 locations in Rotherham. Results for the years 2001-2003 are shown in Table 1.

Table 1 Annual average results for PM₁₀ 2001-2003

Station	Annual average PM ₁₀ ug/m ³ 2001	Annual average PM ₁₀ ug/m ³ 2002	Annual average PM ₁₀ ug/m ³ 2003
Treeton	34	29	36
Howarth	38	42	36
Brinsworth	27	30	31
St Ann's	Not operational	Not operational	Not operational
Brampton	23	26	25
Wales	Not operational	Not operational	(2 months)

A summary of information regarding these stations is shown in Table 2.

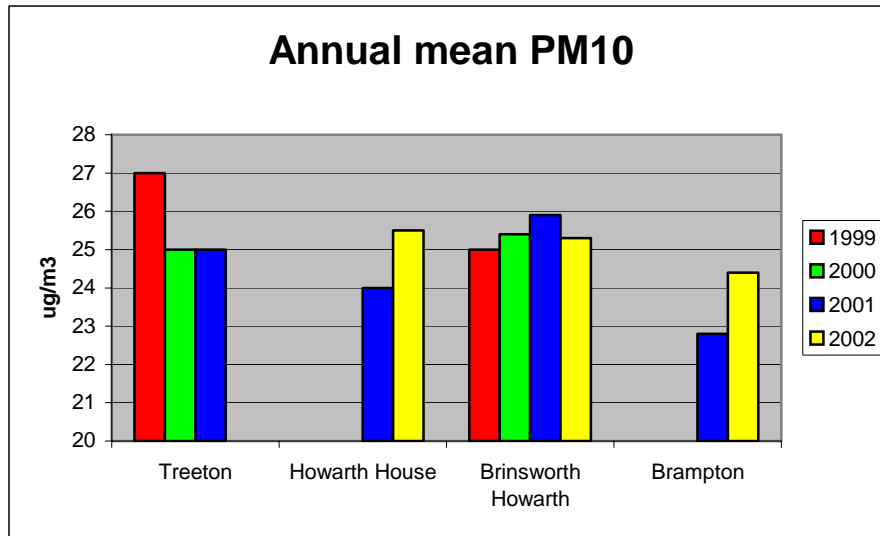
Table 2

Station	Grid Ref	Site Information	Operational dates
Treeton	443021 387682	Village location 400m from major opencast site	1994- present
Howarth	442993 389129	Brinsworth Howarth J&I School, 73m from M1 hard shoulder	1999- present
Brinsworth	442003 390177	Howarth House, Brinsworth, background 1km from M1 motorway NO ₂ AQMA. Background site.	April 2001- October 2003
St Ann's Fitzwilliam Road	443349 393397	1.5m from kerb, 100m from roundabout	February 2004 - present
Brampton	441409 401859	Brampton J&I School, 105m from nearest B road. Background location. SO ₂ AQMA	2001- present
Wales	447368 382900	Located on B6059 20m from where it crosses the M1. NO ₂ AQMA	October 2003- present

The focus of this review is the monitoring at St Ann's, Fitzwilliam Road, which was instigated after the Updating and Screening Assessment highlighted the area as a potential hot spot.

The timetable for the review and assessment process only allows for a 12-month period between completing the Updating and Screening assessment and completing the Detailed Assessment for a particular pollutant. If monitoring equipment is already in situ, this presents no particular problems but if new equipment has to be ordered, it is impossible to collect a full year's data as recommended in the Guidance.

In this case, although new monitoring equipment was ordered in July 2003, delays by the supplier meant that the equipment was not delivered until December 2003 and not commissioned fully until February 2004.

Figure 1 Trends in PM₁₀ 1999-2002

This figure shows trends in PM₁₀ at Rotherham's long term monitoring sites.

The number of exceedences of the 24-hour objective of 50ug/m³ at the monitoring sites around the borough are shown in Table 3.

Table 3 Number of exceedences of 50ug/m³ objective for PM₁₀ 2001-2003

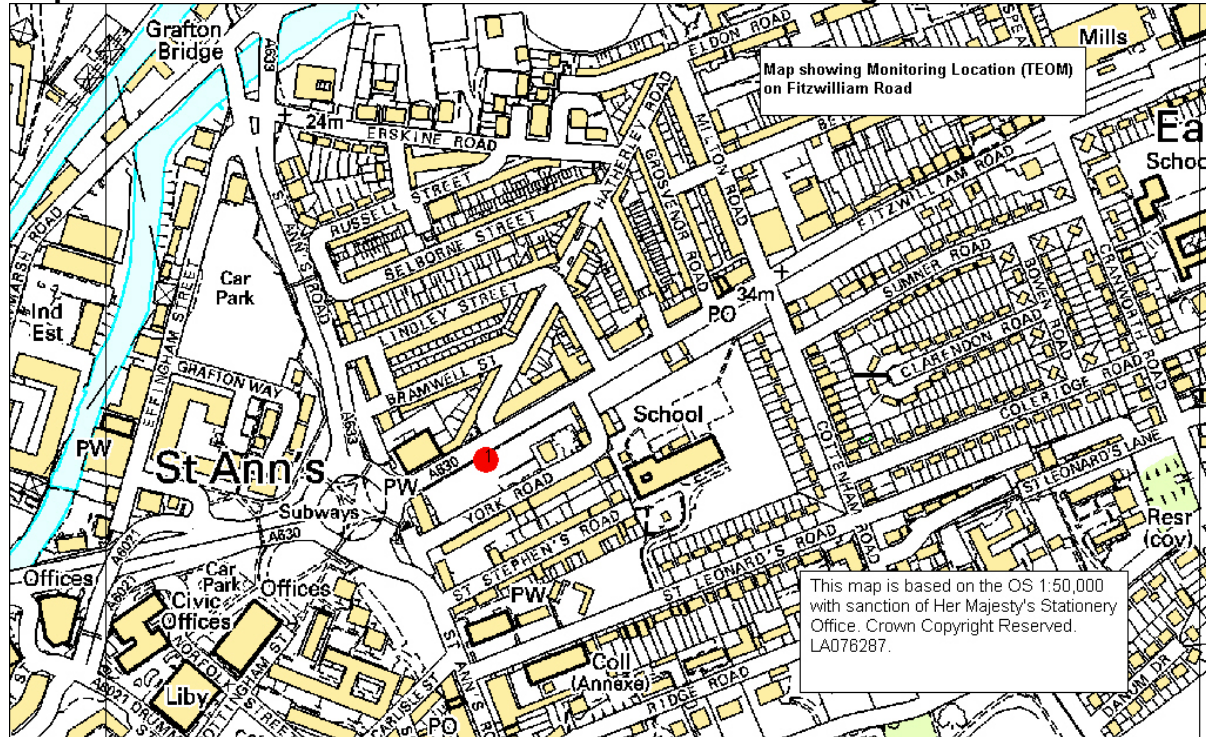
Station	No of exceedences of the 50ug/m ³ 24 hour average for PM ₁₀ ug/m ³ 2001	No of exceedences of the 50ug/m ³ 24 hour average for PM ₁₀ ug/m ³ 2002	No of exceedences of the 50ug/m ³ 24 hour average for PM ₁₀ ug/m ³ 2003
Treeton	9	1	24
Howarth	14	15	33
Brinsworth	6	17	34
Brampton	4	18	42

The above sites, with the exception of Brampton, which is monitoring emissions from domestic solid fuel burning, are effectively background sites, all of which are located more than 50m from any relevant source. The meteorological year 2003 was exceptional in terms of periods of dry weather for the UK. This lead to a greater number of exceedences of the 50 ug.m³ 24 hour objective in 2003.

St Ann's/Fitzwilliam Road

Results are presented here for the area around St Ann's roundabout. The following map shows the location of the St Ann's monitoring station.

Map 2 St Ann's roundabout / Fitzwilliam Road monitoring site



Although monitoring has begun relatively recently, the results from the St Ann's (Fitzwilliam Road) monitor show that levels of PM₁₀ were significantly higher at this location than at any of the other monitoring locations for PM₁₀. The monitoring location is representative of exposure to PM₁₀ by residents as it is positioned at a similar distance from the road as the residential dwellings.

Table 3 Results for PM₁₀ Monitoring at St Ann's for the period 17/2/04-17/04/04

Site	Maximum 24 hour PM ₁₀ (gravimetric) between 17/2-17/4/04	Mean PM ₁₀ (gravimetric) 17/2-17/4/04	No of exceedences of 50ug/m ³ (gravimetric) 24 hour objective between 17/2-17/4/04	Maximum hourly PM PM ₁₀ (gravimetric) between 17/2-17/4/04	Predicted no of exceedences of 50ug/m ³ (gravimetric) 24 hour objective (2004)
St Ann's, Fitzwilliam Road	90	38	10	185	60

Modelling

The use of dispersion modelling for PM₁₀ on a local scale is limited in accuracy. This is because of the variability of the background component on a day to day basis and the ability of the model to be able to replicate this.

Initial model runs showed significantly lower levels of PM₁₀ in the St Ann's area than those being monitored. A re-suspension component of the total PM₁₀ was added to the Emissions Database for the area under investigation (after Bexley Council Stage 4, 2003). A background value typical of the local area was added (25ug/m³).

Modelling results indicate that the annual average maximum will be 35ug/m³. The modelling predicts that the 90th percentile of the 24-hour mean will be 41ug/m³, which means that the objective is likely to be breached in 2004. This is in keeping with our monitoring results, although, even with the re-suspension component, it appears that the model under-predicts the levels of PM₁₀ to some extent.

Conclusions

At the time of writing (April 2004), two months of monitoring results were available to inform our conclusions. Our predictions based on monitoring results are that there are likely to be 60 days on which the 24 hour 40 ug/m³ objective will not be met during 2004 (This is 16% of the time). If an area where people are exposed is unlikely to meet the Air Quality Objectives, then the Council is obliged to declare an Air Quality Management Area. The criterion for PM₁₀ is that the objective should not be exceeded more than 35 times a year. Dispersion modelling predicts that the 24-hour PM₁₀ objective will not be met during the target year of 2004. The annual average PM₁₀ is predicted to be between 35 and 38 ug/m³, which would not result in a breach of the relevant objective.

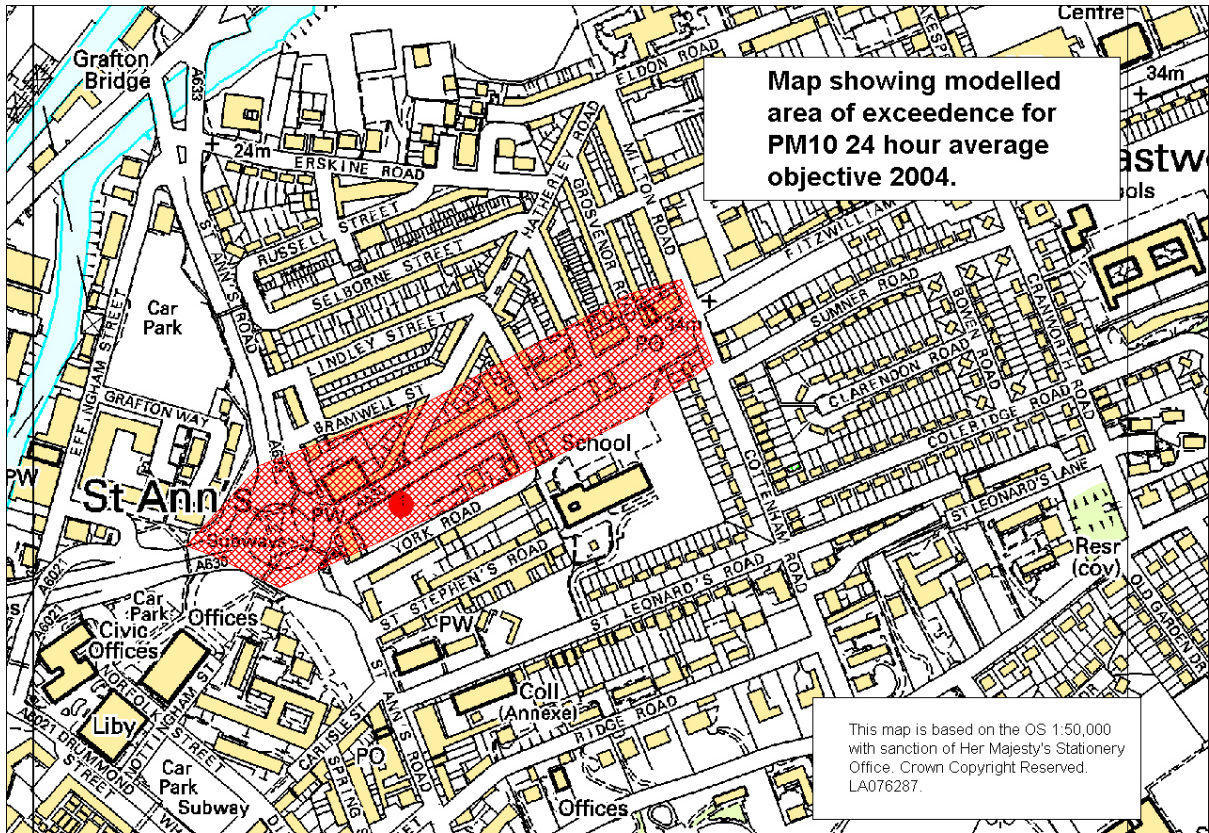
A detailed assessment for nitrogen dioxide has also been carried out on this area of Fitzwilliam Road. It is predicted that the annual average objective along this route will not be met in 2005. (See Detailed Assessment for Nitrogen Dioxide, Rotherham MBC, 2004).

This is an area which has many properties located immediately next to the road. The residents are exposed to levels of PM₁₀ and nitrogen dioxide, which are currently above the NAQS objectives and are likely to remain so in the relevant target years (2004 and 2005). The likely area of exceedence is shown in Map 3.

Recommendations

1. A consultation process should be begun on the boundary of any future Air Quality Management Area for PM₁₀.
2. Monitoring should continue at the St Ann's site.
3. If considered appropriate, after the consultation process, and taking account of further monitoring results, an Air Quality Management Area for PM₁₀ should be declared by the Council.

Map 3 Likely Area of Exceedence for PM₁₀



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Appendix 1- QA/QC of Monitoring for PM₁₀

1.1 Fine Particles (PM₁₀)

Fine Particles (PM ₁₀)	Automatic Tapered Element Oscillating Microbalance (TEOM).
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PM₁₀ particles have been monitored for the purposes of the detailed assessment by using automatic techniques.

Real Time Monitoring of PM₁₀

The main report details the results of real time monitoring undertaken using automatic Tapered Element Oscillating Microbalances (TEOM). This section details the QA/QC requirements. The location and equipment details of the monitors are given below:

Table A.1

Station	Analyser Model	Logging System	Air Conditioning	Service contract	Third party Audit
Brinsworth Howarth (73 m from M1)	Rupprecht and Patashnick TEOM	Odessa DSM3260 (+ telemetry)	Yes	2 x 6 monthly service,	NPL audits
Brampton Bierlow (suburban)	Rupprecht and Patashnick TEOM	Odessa DSM3260 (+ telemetry)	No	2 x 6 monthly service,	NPL audits
Wales	Rupprecht and Patashnick TEOM	Odessa DSM3260 (+ telemetry)	Yes	2 x 6 monthly service	NPL audits
Treeton Miners Welfare	Rupprecht and Patashnick TEOM	Own internal logging system (+telemetry)	Not necessary as it is within a large building	2 x 6 monthly service	NPL audits
St Ann's	Rupprecht and Patashnick TEOM	Envidas logging system (+telemetry)	Yes	2 x 6 monthly service	NPL audits Audited on 8/4/04

The TEOM is AURN type approved, and basic details of the generic calibration procedures used by Environmental Health in Rotherham for all analysers and external auditing given in the table below:

Table A3.12

<p>Daily downloading and scrutiny of the data is undertaken, in order to ensure that faults are quickly identified, and action taken to rectify the problem, therefore ensuring the minimum of downtime.</p>
<p>The TEOM filter is changed in accordance with manufacturer's specification and AURN procedure.</p>
<p>The TEOM is serviced at six monthly intervals by either the equipment suppliers or Air Monitors Ltd. At service a calibration of the TEOM is performed using filters of known weight. The deviation is then compared against the DETR AURN specification of +/-2.5%. Results have consistently been found to comply with this value. All service sheets are kept.</p>
<p>Audits of the TEOM and system set up have been undertaken on a six monthly basis by NPL. The audits include an independent verification of the calibration constant. Generally, performance of the TEOMs have been satisfactory, and verification of the calibration constant was satisfactory.</p>
<p>Prior to publication of the data, a data ratification process is undertaken in order to ensure that the final data set is free of erroneous data, has been correctly scaled, and log term drift has been accounted for. In undertaking this procedure, Rotherham MBC has taken the advice contained within the Air Quality Monitoring Handbook: A Guide for Local Authorities.</p>

Data Capture – TEOMs

For 2002 and 2003, the following data capture rates were achieved:

Treeton	68%	85%
Brinsworth Howarth	95%	83%
Brampton	96%	98%

Treeton (2002) includes a period when the TEOM had to be sent away for repair, hence low data capture rate.

Detailed Assessment of the Air Quality of Rotherham

Lead



Report

Rotherham MBC

Environmental Services

April 2004

Review and Assessment of the Air Quality in Rotherham

***The National Air Quality Strategy-Detailed Assessment of the Air
Quality of Rotherham***

Lead

Rotherham MBC

Environmental Health

Report Authors:

Julie Kent

Scientific Officer

Mark Parry

Principal Environmental Health Officer

April 2004

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Preliminary Detailed Assessment of Lead

Introduction

The object of this detailed assessment of lead is to identify areas within Rotherham, which are likely to exceed the National Air Quality Strategy objectives for lead. If the objectives are unlikely to be met, the Authority is obliged to declare an Air Quality Management Area.

The objectives for lead pollution are $0.25 \mu\text{g}/\text{m}^3$ as the annual mean to be achieved by 31st December 2008 and $0.5\mu\text{g}/\text{m}^3$ as the annual mean, to be achieved by the end of 2004.

The main source of lead since the abolition of leaded petrol nationally is industry. Rotherham has a large leaded steel producer, Corus Engineering Steels. Emissions of lead depend on the volume of production of leaded steel, which varies from year to year. Corus Engineering Steels is located at Aldwarke, to the east of the centre of Rotherham.

The findings of the first round of Review and Assessment process for lead in 2000 in Rotherham found no evidence of a risk of exceeding the 2004 annual mean objective. However, the objective for 2008 is considerably more stringent. The Updating and Screening Assessment for lead produced by Rotherham in April 2003, concluded that a detailed assessment would be necessary.

The principal aim of this review is to ascertain whether people are resident in areas of the borough where exposure to levels of lead over a 12 month period are predicted to be greater than the objectives for the target year (2005).

Approach to Detailed Assessment

As Corus is regulated by the Environment Agency, they were consulted in planning the work of the detailed assessment. Corus also carry out their own monitoring as part of their obligations under a permit issued under the Pollution Prevention and Control Regulations 2000. Their permit was issued in October 2002. Rotherham Council Environmental Health and the Environment Agency were involved in planning the Corus monitoring strategy for the year 2003.

Lead compounds are released in two forms, as particulates and in the vapour phase. The particulate fraction of the lead release accounts for about half of the total emissions according to information provided by Corus. The largest sources of lead emissions on the site are the Re-heat furnaces. Ambient air monitoring using the standard methods for lead can only determine the particulate fraction.

The purpose of detailed assessment is to ascertain whether there is relevant exposure of people to a level of pollution greater than the objective for the appropriate time period. It was decided that ambient monitoring needed to be

undertaken by Rotherham MBC in areas of the borough where the monitoring results would be representative of the exposure to lead of the local population.

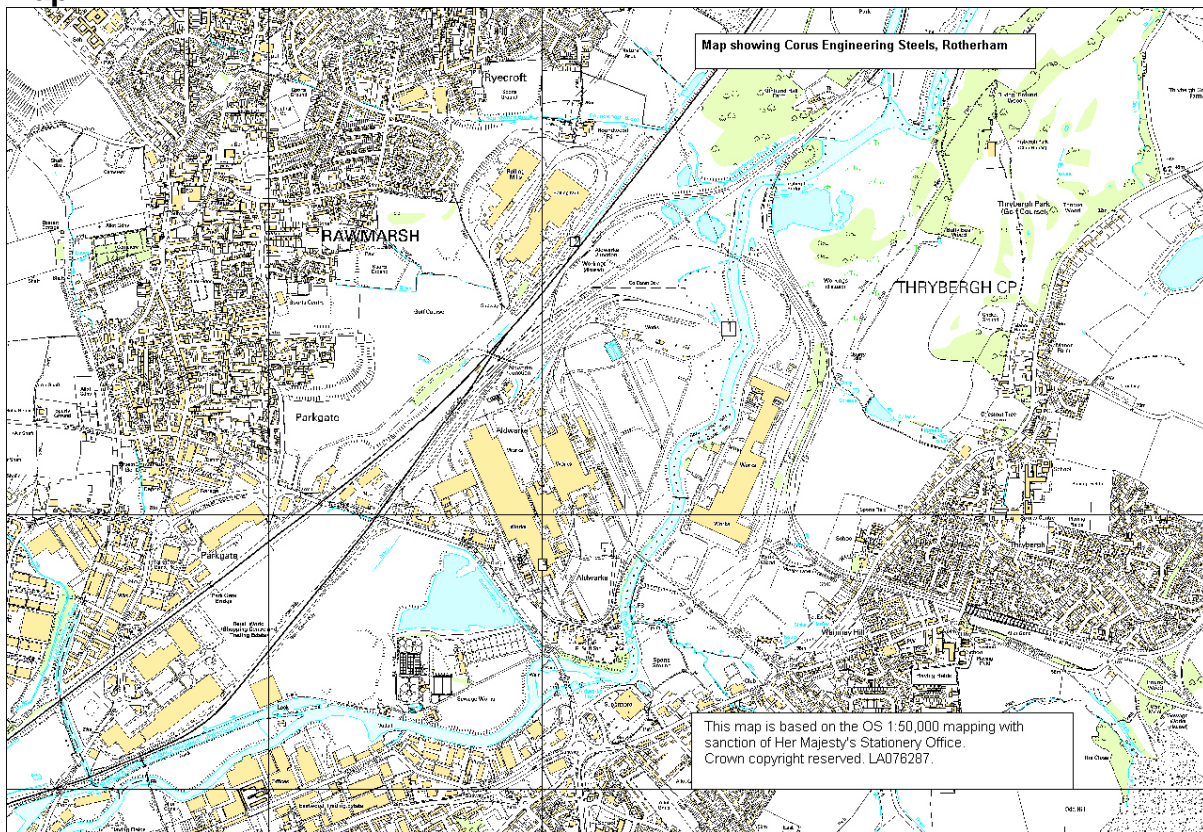
Monitoring results would establish the current situation regarding levels of leads in air and would allow bias adjustment of the dispersion modelling results. Once modelling results have been bias adjusted, it is possible to determine whether it is likely that the 2008 target for lead (0.25 ug/m^3 annual average) will be met. An adjustment to account for the under prediction of total lead levels using the gravimetric method will also be possible using dispersion modelling.

It has been assumed that the emissions from Corus will be the major contributor to the exposure of nearby residents.

Area of Rotherham

The area under investigation is Aldwarke in Rotherham where Corus Engineering Steels is located and the surrounding area. The area is shown in Map 1. The closest housing is 0.8km from the centre of the site.

Map 1



Monitoring for Lead

Monitoring with gravimetric samplers

Sampling for lead is carried out by capturing fine ambient particulate matter onto a suitable filter medium for analysis. The two types of monitor commonly used for lead sampling are the 'M' Type sampler and the low volume gravimetric sampler. Glass fibre or membrane filters are used. This method will not capture vapour phase lead compounds and therefore the results represent an underestimate of the total respirable lead in air.

Local authority monitoring for lead with M-Type samplers started at 2 locations in Rotherham in December 2003. Fortunately, two golf courses are situated on the borders of the site and they kindly allowed us to site the equipment in the grounds. Four months data was available for the production of this report. It is intended to complete at least 12 months monitoring, and this will continue if it is found likely that the 2008 objective will not be met and an AQMA will need to be declared.

It took several months from the beginning of the detailed assessment work to begin monitoring so only three months of monitored data is available at present.

A summary of information regarding these sites is shown in Table 1.

Table 1

Site	Grid Ref	Site Information	Commissioning date
Rotherham Golf Club, Thrybergh	443300 393300	Downwind of Corus site Approximately 2km from major source.	February 2004
Roundwood Golf Club, Rawmarsh	444300 396005	Upwind of the Corus site Approximately 1km from major source.	December 2003

Available results are shown in Table 2

Table2 Monthly average results for lead December 2003-February 2004

Site	Pb in air ug/m ³ December 2003	Pb in air ug/m ³ January 2004	Pb in air ug/m ³ February 2004
Rotherham Golf Club, Thrybergh			0.041
Roundwood Golf Club, Rawmarsh	0.218	0.109	0.017

Monitoring carried out by Corus

A description of the monitoring sites on the Corus site follows in Table 3. Osiris monitors are used. (See Map 2).

Table 3

Site	Description
Location 1	Next to railway line, Roundwood Bar Mill (on site)
Location 2	Next to scrap yard (on site)
Location 3	Office Roof near boundary of site

Results for lead monitoring for 2002 and 2003 are shown in Table 4.

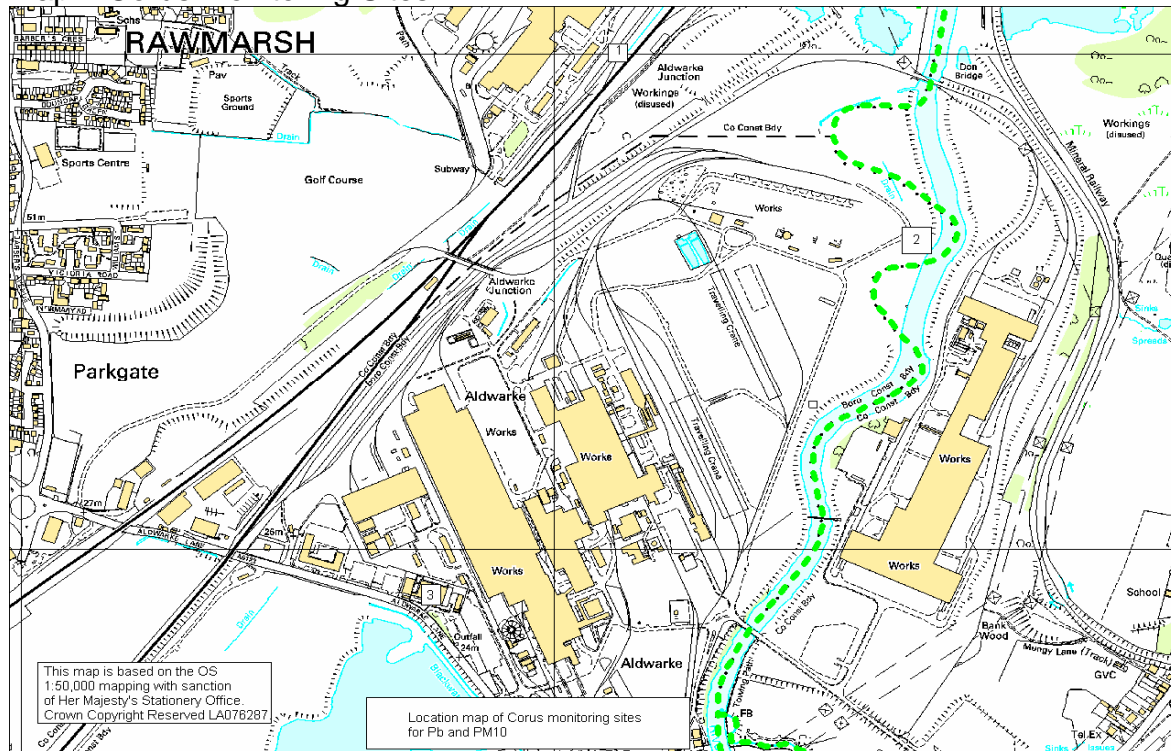
Table 4 Monitoring carried out by Corus during 2003.

Site	Start date	Finish date	Monitored Pb in air ug/m ³	Modelled (Airviro) Pb conc ug/m ³
Location 1	8/10/03	21/11/03	1.19	1.19
Location 2	17/10/03	21/11/03	0.95	0.90
Location 3	8/10/03	14/10/03	0.36	0.34

The modelled results are remarkably close to the monitored results for this period.

The following map shows the locations of the three of the on-site monitoring locations.

Map 2 Corus Monitoring Sites



The monitoring sites are numbered 1-3 and refer to those specified in Tables 3-4.

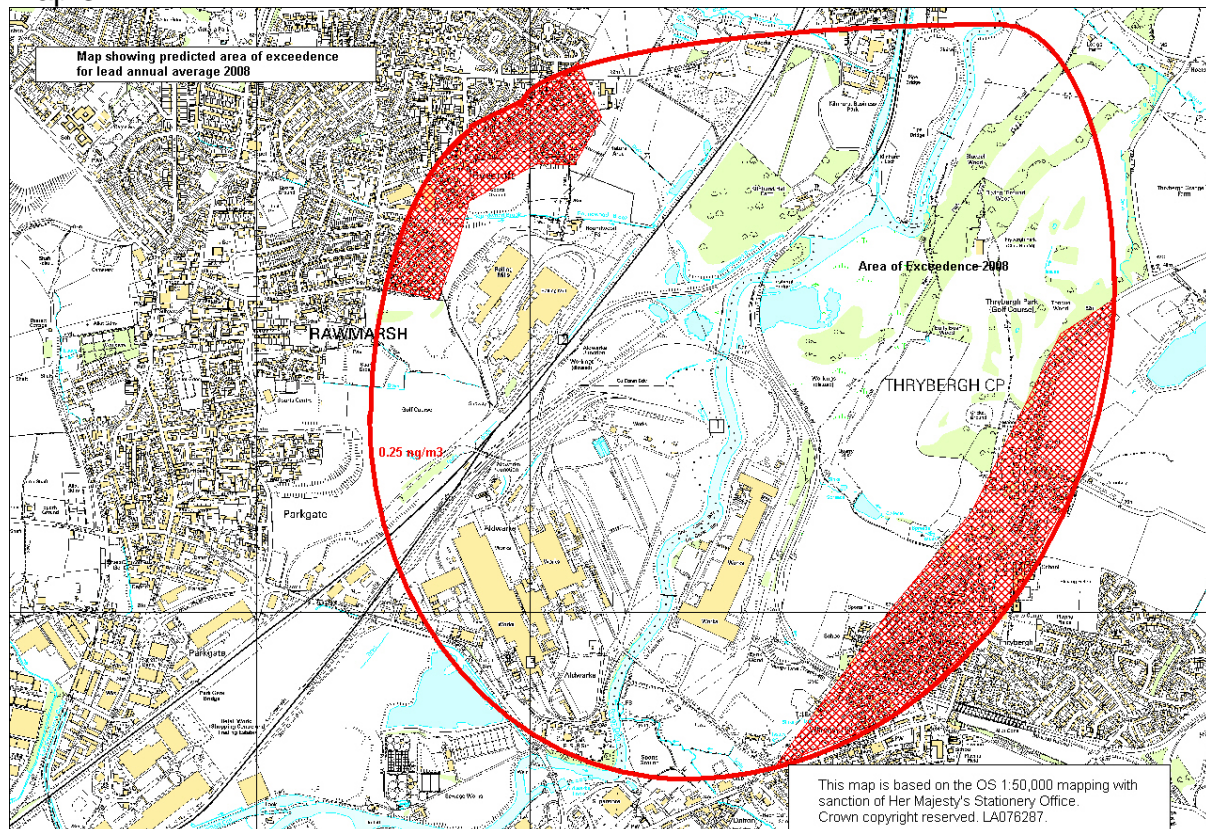
Modelling of Lead Emissions

Dispersion modelling was carried out using Rotherham's Airviro system. Sources and emission data were taken from the most recently available data from Corus. During 2002, the total lead emissions were given as 7.9 tonnes and during 2001, 11.6 tonnes. The emissions are obviously dependent on the production of leaded steels. During 2002, it was announced by Corus that a nearby plant in Stocksbridge, Sheffield would be shutting down in the next three years and transferring production to the Aldwarke site in Rotherham. This raises the possibility that production of leaded steel in Rotherham will increase before the target year of 2008.

Modelling was undertaken using the worst case figure of 12 tonnes of lead as an annual output. The model accounts for shift patterns and shut down weeks using the best information we have. The weather year chosen for the modelling was 1999 because it has a high level of data capture and is representative of typical weather conditions. Lead emissions are treated as gaseous by the model.

Map 3 shows the initial modelling results.

Map 3



The red shading indicates residential areas.

Comparison of the modelling results with the monitoring results obtained to date, indicates that the model is giving results in which we can have some confidence. As stated above, there has been no consideration of the vapour phase component of the emissions to date, but a further assessment of these will be made.

Further modelling will be carried out over the next few months when additional monitoring results are available.

Conclusions and Recommendations

At the time of writing, insufficient monitoring evidence had been obtained to enable model validation and bias adjustment to take place. Therefore no definite conclusions have been drawn.

Further work will be carried out before the end of 2004. A final detailed assessment report will be submitted to the Department for Environment, Food and Rural Affairs on completion, probably early in 2005.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. **Meeting:** Environment Scrutiny Panel
2. **Date of meeting:** 26 August, 2004
3. **Title:** Final draft of the Fly Tipping Scrutiny Review Group
4. **Originating Officer:** Bronwen Moss, Scrutiny Adviser, extn 2790

5. Issue:

This is the final report (attached as Appendix A) from the working party set up by the Environment Scrutiny Panel.

6. Summary

The report sets out the findings and recommendations of the review group. The Panel agreed to the setting up of a scrutiny review of Fly Tipping, following concerns that fly tipping was having a negative impact on the quality of life for residents and tenants across the Borough.

7. Clearance/ Consultation:

The report has been circulated to all agencies/individuals that participated in the review to check for factual accuracy and for their comments.

8. Timing:

For immediate consideration.

9. Background:

Members' concerns about the level of fly tipping across the Borough were raised as a result of increasing reports of tipping via Council Surgeries and Area Assemblies, giving rise to a perception that fly tipping is increasing.

This issue is also high on the agenda at both national and local level. Locally, the Council launched Clean Sweep Rotherham in 2002 which documented a Council-wide approach to dealing with all aspects of street cleansing. Streetpride was created in April 2003 to oversee all street cleansing activities including fly tipping.

In February 2004, the Government issued two consultation documents focussing on joint working between the various agencies with an interest in fly tipping; changing existing legislation to be more effective and introducing further measures to enable better prevention, investigation and enforcement of fly tipping.

The review looked at the current arrangements within the Council for reporting fly tipping and how we respond to those reports; how are responsibilities for fly tipping shared across the Council Departments and whether resources are adequate to meet demand.

The review identified a number of potential service improvements, which include:

- Improvements to joint working arrangements on all issues relating to Enviro-crime through the Neighbourhood Management Strategy
- Create a Streetpride Accord between Programme Areas setting out the roles and responsibilities of all parties involved in fly tipping

- Consider setting up a dedicated Environmental Streetpride Team at Rotherham Connect to deal with all reports and concerns relating to environmental crime at one point
- Urgently review how the Environmental Wardens and Neighbourhood Wardens will continue to be funded into 05/06 and future years
- Undertake an increased number of activities in relation to the marketing and publicity of waste management issues including the negative impact of fly tipping
- Ensure that all strategic documents align to each other to reflect the Council's commitment to tackling Enviro-crime
- Develop further services available on the Council's website in relation to the ease with which a user may retrieve environmental information and the reporting of environmental issues.

10. Argument:

The Council has a statutory duty to respond to incidents of fly tipping and is committed to the provision of a fast and effective service in the removal of fly tipping. This report gives an overview of the current Council service provision and highlights potential service improvements.

11. Risks and Uncertainties:

The review highlighted a trend both locally and nationally toward an increase in fly tipping incidents. The number of incidents reported need to be used as a basis for planning the Council's prevention strategy in relation to the anticipated levels of fly tipping in the future. In addition, the Council need to ensure that reporting and monitoring mechanisms are robust and effective in order to provide the highest standard of customer service.

12. Finance:

A number of the review recommendations may have financial implications if adopted. This would require further exploration by the Corporate Management Team on their cost/benefits to the Borough.

13. Sustainability:

This report outlines measures to promote the Council's Community Strategy – creating safe and inclusive communities for all, and ensuring that individuals and communities enjoy a better quality of life.

14. Wards Affected:

All

15. References:

To be provided

16. Presentation:

The scrutiny review process enables Elected Members to add value to the processes for addressing fly tipping throughout the Borough. It is envisaged that the recommendations made by the review group will facilitate service improvements which will benefit the residents of Rotherham.

17. Recommendations:

- 1. That the Environment Scrutiny Panel receives the report and its findings.**

2. That the report is forwarded to the Corporate Management Team (CMT) to identify the risk/ benefits of implementing the proposals.
3. That CMT respond with their comments to September's Scrutiny Panel for Members consideration.

FLY TIPPING REVIEW

EXECUTIVE SUMMARY

The review group examined the issue of fly tipping following concerns raised at the Councils Environment Scrutiny Panel, ¹Council Ward Surgeries and Area Assemblies.

Members were also concerned about the cost of fly tipping clearance to the Council.

Whilst the review focused on fly tipping, they recognised that fly tipping is part of a wider agenda including Waste Management and Anti-Social Behaviour and other Enviro-crime issues.

Nationally, the Government have been building over a period of time a series of tool kits and strategies that we are now seeing embedded in legislation² and that supports the work undertaken by local authorities to combat fly tipping. Specifically, the government issued two consultation documents in February 2004, relating to fly tipping and the unlawful disposal of waste.³

The aim of the review is:

“To consider the current arrangements for dealing with fly tipping in Rotherham with a view to reviewing whether current arrangements are efficient and effective. Where appropriate, make recommendations to strengthen departmental and operational arrangements.”

The review group was made up of the following members of the Environment Scrutiny Panel.:

- Chair – Cllr Fred Wright
- Cllr David Hall
- Cllr Jeb Nightingale
- Cllr Paddy Burke
- Former Cllr Keith Goulty

During the review, members invited representatives from The Environment Agency and EnCams to give evidence. Cllr Sue Ellis, Cabinet Member for Housing and Environmental Services and Cllr Gerald Smith, Cabinet Member for Economic and Development Services contributed to the review, as did officers from the aforementioned programme areas and Green Spaces in Education, Culture and Leisure. Their help and cooperation with the review is gratefully acknowledged.

The role of scrutiny during the course of the review was challenging and asked some hard questions about the processes designed to manage fly tipping.

Throughout the review, members welcomed the constructive response by officers and acknowledge that many of the emerging issues have now been addressed.

The problems identified by the review and the proposals or action taken to resolve these are reflected throughout the report.

¹ Environment Scrutiny Panel – 13 November 2003.

² Living Places: Powers, Rights and Responsibilities – 2002, Anti-Social Behaviour Act 2003.

³ Fly Tipping Strategy - DEFRA 2004 and Consultation on statutory directions to the Environment Agency and waste collection authorities on the unlawful disposal of waste – DEFRA February 2004.

Corporate Management Team have considered the report and fed back their comments that have been incorporated into the report. Overall the recommendations have generally been supported; it is important to note however, that some of the recommendations will need to have more in depth cost benefit analysis. Subsequently, those recommendations will be considered as part of the base budget review and the budget process when the Council are determining the priorities for service provision.

SUMMARY OF FINDINGS

- There is an increasing pattern of fly tipping in Rotherham and this reflects the national picture.
- The review group found that working relationships across the departments were generally very positive. However, a lack of clarity existed in the way services were provided by Rotherham Connect to Housing and Green Spaces.
- The Review Group acknowledge that since the completion of the report, improvements have been made to the processes operating between Rotherham Connect, HES and Green Spaces by virtue of a Change Request to RBT. Rotherham Connect now accept all fly tipping reports as 'in scope' and these are progress checked for monitoring purposes.
- The external customer facing service provided by Rotherham Connect was found to be seamless and the recording of customer details efficient. In addition, we found that the Rotherham Connect Team were consistent in passing queries to the relevant department.
- The Review Group considered that within HES there are currently a number of service groups doing a similar task – the Group are aware of the proposals to restructure HES and are optimistic that this will streamline further the way in which environmental issues are managed.
- The Review Group also considered the 'ownership' of the concept of Streetpride. This currently lies with EDS. The Review Group thinks that the Streetpride concept should be extended to cover all the services provided in relation to all environmental and cleansing activity.
- In order to improve alignment between services, the council need to ensure that strategic documents relating to the wider issues of environmental crime, including fly tipping, complement each other. For instance, the Environment Action Strategy 04 - 07, the Crime and Disorder Strategy, the Anti-Social Behaviour Strategy and so on.
- Members are concerned that funding for the Environmental Wardens ceases in March 2005 and would very much like to see this service continue. Members would also support the continuation of funding to provide sustainability to the service provided by the Neighbourhood Wardens.
- The Review Group considered that the educational role could be developed further with Education, Culture and Leisure.
- The Waste Management function has over the last 12 months increased recycling provision to the public and is generally performing well in terms of providing opportunities for people to dispose of waste legally. However, the Review Group consider that the withdrawal

of community skips was based on budgetary considerations alone and was not in the public interest.

- Finally, the review group attempted to draw out the cost of fly tipping to the Council. This was an extremely difficult task given that so many costs are hidden and unaccounted for. However, this section of the report does highlight that the cost to the Council is far greater than the cost of the dedicated Streetpride fly tip cleansing teams alone.
- It would be realistic to conclude therefore, that attention needs to be focused on how these resources might be redistributed, given that the national picture indicates an increase in fly tipping.

RECOMMENDATIONS

- Improvements to joint working arrangements on all issues relating to Enviro-crime through the Neighbourhood Management Strategy
- Create a Streetpride Accord between Programme Area's setting out the roles and responsibilities of all parties involved in fly tipping
- Consider setting up a dedicated Environmental Streetpride Team at Rotherham Connect to deal with all reports and concerns relating to environmental crime at one point
- Urgently review how the Environmental Wardens and Neighbourhood Wardens will continue to be funded into 05/06 and future years
- Undertake an increased number of activities in relation to the marketing and publicity of waste management issues including the negative impact of fly tipping
- Ensure that all strategic documents align to each other to reflect the councils commitment to tackling Enviro-crime
- Develop further services available on the Council's website in relation to the ease with which a user may retrieve environmental information and the reporting of environmental issues.

1. Original Concerns – why Members wanted to look at the Issue

- 1.1 The Review Group examined the issue of fly tipping following concerns raised at the Council's Environment Scrutiny Panel⁴, Council Ward surgeries and Area Assemblies. It is also evident from a range of media reports that fly tipping has a negative impact on the quality of life of tenants and residents across the Borough.
- 1.2 Members have expressed concern relating to a perceived increase in the incidence of fly tipping especially in rural areas. The cost of clearance to the council was also highlighted as an area for the review to focus on.
- 1.3 A related concern arises from the cost to householders of the Bulky Items Collection Service provided by the Council specifically by the Waste Management Service based Housing and Environmental Services.
- 1.4 The review has looked at the current arrangements that are in place to deal with fly tipping, how the Council respond to reports of fly tipping and how responsibilities are shared across services.
- 1.5 The review group also looked at the level of resources that are available to the Council to tackle this problem.
- 1.6 Whilst the group focussed on fly tipping, they recognised that fly tipping is part of a wider agenda including Waste Management, Anti-Social Behaviour and other Environmental Crime such as dog fouling, graffiti and fly posting. The Democratic Renewal Scrutiny Panel is currently considering the wider issues of anti-social behaviour and may wish to look at fly tipping within this context.
- 1.7 The review into fly tipping has been timely given the Government's Consultation Document on Fly Tipping issued in February 04. This is supported by the Anti-Social Behaviour Act 2003 which includes a section giving the Secretary of State the power to ensure all local authorities have a strategy for dealing fly tipping.⁵

2. Terms of Reference

- 2.1 At its initial meeting held on 11 December 2003, the Fly Tipping Review Group established the following terms of reference:

To consider the current arrangements for dealing with fly tipping in Rotherham with a view to reviewing whether current arrangements are efficient and effective. Where appropriate make recommendations to strengthen departmental and operational arrangements.

3. The Context of the Review

The review has been undertaken in acknowledgement of the links with a number of the Council's and Borough wide objectives and priorities.

⁴ Environment Scrutiny Panel – 13 November 2003.

⁵ Fly tipping Strategy – February 2004 – A Consultation Document issued by DEFRA

3.1 Community Strategy⁶

Creating safe and inclusive communities for everyone and ensuring that individuals and communities enjoy a better quality of life.

3.2 Corporate Plan⁷

A Place to Live

“We will create a clean, safe and sustainable environment and develop and maintain the Borough’s public places, buildings and homes to a quality that our citizens can take pride in and fully enjoy”. We will focus on the following:

- Our Streetpride initiative brings together services that affect the street scene in Rotherham to improve the state of our local environment
- Improving the quality of housing
- Improving household waste recycling targets

3.3 Environment Action Strategy⁸

- Reducing Waste
- Streetpride
- Actively Reducing Pollution

4. Scope

4.1 At their first meeting the Review Group set out specific questions to around which the review is based. These are:

- What are the current arrangements for the reporting of fly tipping
- What are the processes for responding to complaints of fly tipping?
- Are “hot spot” fly tipping areas known and are special measures undertaken to tackle these areas?
- How are responsibilities for tackling fly tipping shared between Housing and Environmental Health Services and Economic and Development Services?
- What resources are currently committed to responding to fly tipping? Are these resources adequate to meet demand?
- What systems are in place to monitor the effectiveness of responding to reports of fly tipping?
- Are there opportunities for making the response to fly tipping more effective, either through streamlining existing practices or learning from models of best practice?

⁶ Rotherham Community Strategy 2002 – 2007

⁷ Corporate Plan 2003 – 2006

⁸ Environment Action Strategy 2003 - 2006

- 4.2 The group agreed to extend the scope of the review to include the relationship of Fly Tipping to Waste Management.

5. Methodology

- 5.1 At the November 03 meeting of the Environment Panel, a Review Group was set up under the Chairmanship of Cllr Fred Wright. The membership of the group is as follows:
- Councillor Keith Goulty
 - Councillor David Hall
 - Councillor Jed Nightingale
 - Councillor Paddy Burke
- 5.2 Although the initial meeting of the review was in December 03, the investigative part of the review was carried out between February and June 04.
- 5.3 The approach used to gather information included oral evidence from witnesses, written evidence and reports and a questionnaire issued to Housing Area Offices.
- 5.4 A range of officers from different service sections gave information and Cabinet Members Sue Ellis (HES)⁹ and Gerald Smith (EDS)¹⁰ contributed to the review. A visit to Rotherham Connect also took place to look at how the reporting process worked.
- 5.5 The Environment Agency and Encams presented information on the national perspective of fly tipping and offered advice to the Review Group on how to deal with the problem.

6. Overview of Policy Framework

6.1 National Level

- 6.1.1 Alun Michael comments, "It is important to ensure that the enforcement bodies have a range of tools available to tackle the full range of fly tipping problems. The Government is committed to addressing this unsightly, costly and potentially dangerous activity. By doing so, we can bring about significant improvements in the quality of our public space and the quality of peoples lives".¹¹
- 6.1.2 Proposals to tackle fly tipping were included in the consultation document, 'Living Places: Powers, Rights and Responsibilities published in 2002. The document sets out a series of options for reform that would strengthen local authority powers, give them more flexibility, more strategic responsibility and enhance communication and the sharing of best practice.

Some of these measures were taken forward in the Anti-Social Behaviour Act 2003,¹² which focussed on the toolkit of powers available to local authorities to tackle fly tipping.

⁹ HES – Housing and Environmental Services

¹⁰ Economic and Development Services

¹¹ News release from DEFRA – 23 February 2004. Local Environment Quality Minister – Alun Michael.

¹² Given royal Assent on 20 November 2003

6.1.3 The Act has led to joint working between DEFRA, the Environment Agency and local authorities to develop a database ¹³ which will collate data, provide a source of national statistics and be used to assess the effectiveness of national and local policies.

6.1.4 In February 2004, two consultation exercises were outlined by Alun Michael, which will inform the Government's action on tackling fly tipping.

The first consultation seeks to develop effective joint working between the various agencies with an interest in fly tipping prevention.¹⁴

The second consultation ¹⁵ focuses on:

- Changes to existing legislation to make it more useable and effective;
- Introduce further measures that would be implemented through secondary legislation or voluntary action.

6.1.5 The Governments objectives are to:

- Ensure better prevention, investigation and enforcement of fly tipping;
- Make existing legislation more useable and effective;
- Extend the range of powers available, to increase flexibility when dealing with fly tipping;
- Ensure the Environment Agency and local authorities can do their job as effectively as possible;
- Ensure that waste producers take responsibility for having their waste legally managed

6.1.6 Environment Minister Elliot Morley has departmental responsibility within DEFRA for the Governments fly tipping policy and importantly, this is seen as a waste management issue.

6.2 Local Level

6.2.1 In August 2001, the Council established a full time resource based within the Engineering Service, dedicated to the removal of fly tipping.

6.2.2 In 2002 the council launched 'Clean Sweep Rotherham' ¹⁶ which documented a council wide approach to dealing with all aspects of street cleanliness, fly tipping and graffiti.

Clean Sweep Rotherham sets out a series of objectives:

- To provide a dynamic lead in delivering a cleaner environment;
- To take tough action against those who do not comply with the laws in respect of litter, dog fouling, fly tipping and fly tipping.
- To promote greater public awareness and education in relation to the above;
- To continually strive to improve the state of our built and natural environment and;

¹³ See Item ?

¹⁴ Consultation on statutory directions to the Environment Agency and waste collection authorities on the unlawful disposal of waste – February 2004. DEFRA

¹⁵ Fly Tipping Strategy – Feb 2004

¹⁶ The Plan for Encouraging Pride in and Improving the Cleanliness of our Borough – August 2002.

- When all else fails, remove or enable the removal of, litter etc quickly and efficiently.

6.2.3 As part of the Clean Sweep initiative, a second dedicated fly tip team was established in January 2003 to deal with smaller scale tips and difficult to access sites.

6.2.4 In April 2003, the Streetpride Community Delivery Team was established to oversee all street cleansing activities including fly tipping.

6.2.5 In Rotherham, the Council's approach to dealing with Fly Tipping is recognised by ENCAMS (the Keep Britain Tidy organisation) as an example of good practice in their Fly Tipping Module Support Pack and is available for use by all local authorities.

The current Streetpride approach for fly tipping has several key elements:

- Rapid response provided by 2 teams dedicated to the removal of fly tipping
- A dedicated Streetpride call centre team
- Implementing boundary control measures to prevent access to 'hot spots'
- Enforcement through the Environmental Wardens using fixed penalty notices and prosecutions
- Training other service groups involved with fly tipping to look for evidence to support legal action
- Increasing publicity and public awareness
- Focused neighbourhood/area response by the Neighbourhood Wardens and Housing Area Caretakers

7. Legal Framework

7.1 There is a range of European and domestic legislation already in place to tackle fly tipping:

EEC Directive 91 / 156 Article 4 requires that:

“Member States shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.”

- Has it handled by a private or public waste collector, or by an undertaking which carries out the operations listed; or
- recovers or disposes of it himself in accordance with the provisions of this Directive

Environment Protection Act 1990. Section 33¹⁷ makes it an offence to:

- Deposit or permit the deposit of controlled waste without a waste management licence; or
- Treat, keep or dispose of controlled waste, except in accordance with a waste management licence; or treat, keep or dispose of controlled waste in such a way that it is likely to cause pollution of the environment or harm to human health
- This is supplemented by Section 87, which makes an offence of leaving litter where enforcement can include the service of Fixed Penalty notices to discharge the offence (section 88)
- These powers are supplemented by the overall “Duty of Care” provisions laid out in Section 34 and the ability of local authorities to serve notices under Section 59 to require occupiers of land to clear unlawfully deposited waste.
- Amendment to strengthen these provisions is suggested in DEFRA’s Fly tipping Strategy.

7.2 There is a range of other domestic legislation that gives local authorities powers to deal with fly tipping. Details can be found in Appendix 1.

- Refuse Disposal (Amenity Act) Act 1978
- Highways Act 1980 Section 148
- Refuse Disposal (Amenity) Act 1961 Section 34
- Town and Country Planning Act 1990 Section 215

7.3 Anti Social Behaviour Act 2003

Under the terms of this Act, local authorities will be able to stop, search and if necessary seize any vehicles suspected of being used for fly tipping. A police constable must be present to stop a vehicle on the road. They will have the power to investigate incidents to help track down and prosecute those responsible.¹⁸

In addition, the Act gives the Secretary of State powers to issue statutory directions that will:

- formalise the divisions of responsibility between the Agency and local authorities
- ensure all local authorities have a strategy for dealing with fly tipping
- and require monthly returns to be made to DEFRA so that national statistics can be compiled.

¹⁷ Section 33 has been amended to ensure that any reference to the deposit of waste shall also refer to the recovery and disposal as defined by the Waste Framework Directive.

¹⁸ Fly Tipping Strategy – the Government is carrying out further consultations to make these powers more effective. The legislation covering these powers is ‘Control of Pollution (Amendment) Act 1989 and the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991.

7.4 The Legal Penalties for Fly Tipping

Section 88 of the Environment Protection Act allows local authorities to serve Fixed Penalty Notices in relation to small scale fly tipping (littering). Offences are discharged by the payment of £50.00.

The penalties for anyone convicted of an offence under section 33 can be fined a maximum of £20,000 or 6 months imprisonment if convicted in a Magistrates Court. The sentence can be up to 5 years imprisonment if the offence involves hazardous waste.

It is recognised that Enviro-crime in general and particularly fly tipping, have had low sentencing penalties when cases have been brought into Magistrates Courts, often with relatively low level fines being issued. This is partly due to a low perception on the part of Magistrates of the environmental damage caused by fly tipping. This is despite advice to the contrary in the Magistrates Court Sentencing Guidelines.

This is a nationally recognised problem for all enforcing agencies – local authorities and the Environment Agency alike. Of the 7 cases brought to the Magistrates Court last year by the authority all received low level fines although a joint investigation by the Council and the Agency has resulted in custodial sentencing being given.

In Yorkshire in 2003 there were only 21 prosecutions for fly tipping, while the clean up bill was £2.5 million.¹⁹

8. Definition of Fly Tipping

8.1 EnCams define fly tipping as:

The illegal deposit of any waste onto land, i.e. waste dumped or tipped on a site with no licence to accept waste.

Types of waste includes: general household waste; larger domestic items including fridges and mattresses; garden refuse; and commercial waste such as builders' rubble, clinical waste and tyres. Such waste can occur in any quantity, in any mixture and in any location.²⁰

8.2 More recently, DEFRA²¹ have defined fly tipping as waste too large to be removed by a normal hand sweeping barrow. "In simple terms a single full bin bag upwards would constitute a fly tip. Similarly several carrier bags full of rubbish dumped together would also constitute a fly tip".

8.3 Sources of Waste

Municipal Waste – includes all waste under the control of local authorities. It includes all household waste (89% of municipal waste)²² street litter, waste sent to council recycling points, municipal parks and garden waste, council office waste and some commercial

¹⁹ Rotherham Star – 12 May 04

²⁰ EnCams Fly Tipping Study – 2003.

²¹ DEFRA – Fly Capture Database – April 2004

²² Waste Not Want Not – 2002 - DEFRA

waste from shops and small trading estates where local authority waste collection agreements are in place.

Household waste – includes regular waste from household doorstep collections, bulky waste collection, hazardous waste collection, communal garden waste, plus waste from schools, street sweepings and litter.

Commercial Waste – from wholesalers, shops, offices and catering businesses

Other categories of waste include:

- Industrial Waste and Agricultural Waste
- Construction and Demolition Waste and Mines and Quarry waste

8.4 Why is Fly Tipping a Problem?²³

- Uncontrolled waste can cause a hazard to members of the public, e.g. waste which is hazardous or toxic in nature
- Fly tipping can cause damage to water courses or to underlying soil quality.
- Fly tipping material looks unsightly and this can damage inward investment into an area.
- Cleaning up fly tipped waste costs taxpayers both in money and time.
- Fly tipping undermines legitimate waste activities. Licensed operators have to charge more because they have invested in training, infrastructure and documentation to comply with legislation.

9. Findings

9.1 Fly Tipping – the scale of the problem

9.1.1 The reporting of fly tipping in Rotherham has increased at an alarming rate between 2002 and the current time. Statistics show a predicted percentage increase in the incidence of fly tipping removals of 39.50% by the end of 04 /05.

9.1.2 However, it should be noted that from September 2003, banners relating to fly tipping have widely publicised the Streetpride Service and this will have served to generate additional reports during the latter half of 2003/4 and again at the start of financial year 04/05.

²³ Ibid.

9.1.3 Members of the Review Group perceive this trend as useful in terms of the Council being able to use the figures to plan in advance a prevention strategy.

	2002/2003 – Actual	2003/2004 - Actual	2004/2005 Estimated
Removals from Relevant Land ²⁴	1249	2688	4020
Removals from Private Land ²⁵	311	658	648
Total removals for year	1560	3346	4668 ²⁶

9.1.4 The number of tonnes of fly tipped waste collected per quarter during 03/04 is as follows:

April – June 03	168.76 tonnes	Includes 4.40 Asbestos
July – Sept 03	161.32 tonnes	Includes 1.86 Asbestos
Oct – Dec 03	145.72 tonnes	Includes 1.82 Asbestos
Jan – Mar 04	198.58 tonnes	Includes 2.50 Asbestos

In April and May 04 the total waste collected was 176.8 tonnes including 1.54 asbestos. Updated figures provided for the complete quarter were 262.6 tonnes total waste collected, of which 3.86 tonnes was asbestos.

9.1.5 Information given to the review group indicated that specific types of fly tipped waste were increasing such as disused tyres. For example:

Number of tyres fly tipped per quarter:

April – June 03	498
July - Sept 03	361
Oct – Dec 03	780
Jan – Mar 03	1149

The total number of tyres fly tipped in 03/04 is 2788. In April and May 04 the number of tyres removed was 807. ²⁷ The updated figure for the removal of tyres from April to June 04 is 897.

²⁴ Public land including removals from housing land and green spaces.

²⁵ Statistics for removals from private land started in January 2003.

²⁶ Estimated removals are calculated from the combined totals of March and April 2004. 670 for relevant land and 108 for private land. Source – EDS May 04.

²⁷ These statistics are incorporated into the incident totals for 03/04 shown above.

9.1.6 The increasing pattern of fly tipping in Rotherham reflects the national picture.

EnCams found in their 2001/02 Local Environmental Quality Survey of England that domestic and landscape wastes were the most likely to be fly tipped in large quantities. 50% - 55% were found to be 'significant' in their impact, as were 45% of commercial or construction fly tips; indicating that quantity per incident is increasing.

Conversely, a recent survey of 115 street sites in Rotherham chosen at random by EnCams showed that non were affected by fly tipping whereas the national average in the survey of 10,000 sites was 4%.²⁸

9.2 Reasons for Fly Tipping

9.2.1 The two most common causes cited for tipping are laziness and cost. One reason is that commercial waste is subject to landfill tax at £15.00 per tonne; the other is that a large amount of tipping is committed by people who can't be bothered to take rubbish to the local tip.²⁹

9.2.2 This view is supported by DEFRA, who state, 'some do it out of ignorance'. For example, householders or small businesses often pay to have their waste taken away by private traders who offer waste collection services. Householders and commercial operators need to satisfy themselves that they are using legitimate operators for removing their waste.

9.2.3 Other householders fly tip because they would rather throw their waste away in the nearest lay-by than wait for their local authority to come and collect it, especially since some local authorities charge for this service.³⁰

9.2.4 Members are also concerned that elderly/housebound householders will use locally advertised waste collection services that are cheap to use and where the final location of waste is unknown.

9.2.5 In Rotherham, as is the national position, the number of tyres fly tipped is increasing. Shredded tyres will be banned from landfill from 2006. This will mean that there will be further pressures due to individuals not wanting to pay processing costs for the safe disposal of tyres.

9.2.6 In certain neighbourhoods, the gardens of void properties 'facilitate' the dumping of rubbish, not only from the vacating tenant but also from other local residents who see a void property as an opportunity to get rid of rubbish.

9.3 Other factors that may impact on fly tipping levels:

9.3.1 RMBC introduced a 'household waste only' policy at all Household Waste Recycling Centres in September 2002. Business and commercial use of these sites is now prohibited.³¹

²⁸ This survey was commissioned by RMBC and was carried out in January 2003.

²⁹ BBC Inside Out – 12 January 2004.

³⁰ Ibid.

³¹ Under the Environmental Act 1990, it is now illegal to take commercial waste to a Household Waste Recycling Centre

9.3.2 Members of the review group are concerned that the withdrawal of community skips in March 04 will contribute to the increasing trend to dump rubbish.³²

9.4 Fly Tipping Hot Spots

9.4.1 A list of sites has been compiled which have historically attracted fly tipping. Appendix? More recently, Streetpride have taken boundary control measures to restrict access to many of these sites in order to curtail fly tipping. Eleven such sites that are (typically) on land adjacent to the highway or access tracks into woodland areas have had gates, fencing, barriers and boulders installed to stop fly tipping. The successful measures taken are demonstrated in photographs show in Appendix 2.

9.4.2 Whilst members recognise that much work has been done to deter and stop fly tipping in these areas, it is evident that fly tipping is on the increase and by definition the perpetrators are finding alternative areas to dump waste illegally. Indeed, the total number of hot spots currently recorded on the list is 73.

9.4.3 Recently, the Review Group has been informed that this list has been revised and 43 sites removed on the grounds that they were very minor, no longer a problem or already the subject of bunding works. In some cases, new developments are underway on sites previously used for fly tipping. There are now approximately 30 sites where Streetpride are considering physical work or surveillance prior to enforcement action.

9.4.4 Other hot spots include void properties and houses left vacant for demolition.³³

9.5 Special Measures taken to tackle Fly Tipping

9.5.1. The Environmental Wardens carry out covert surveillance at specific sites to gather evidence against persistent offenders. When required, surveillance is undertaken jointly with the Environment Agency or the Council's Anti-Social Behaviour Unit.

9.5.2. During 03/04 Streetpride organised a number of 'Community Clear Ups' as part of their work to promote civic pride. 'Community Clear Ups' were organised to take place in March 2004 in East Herringthorpe and Thrybergh. These, involved the combined resources of Streetpride, Housing Services, Neighbourhood and Environmental Wardens, local schools, the Probation Services and members of the public.

9.6 Reporting Incidents of Fly Tipping

9.6.1 Rotherham Connect

Rotherham Connect is a call centre established in partnership³⁴ with BT to provide a central contact point for a range of services. The telephone number is 01709 336003.

In September 2003 a team of agents were installed into the call centre to provide a dedicated telephone service for the Streetpride operation. The team is employed by RBT with the Team Leader reporting to the Rotherham Connect Development Manager.

³² A further discussion on this issue can be found at ?

³³ Members of the Review Group have received complaints through Councillor Surgeries on this issue.

³⁴ The Partnership was set up in 2001 and is referred to as RBT.

The team consists of 6 full time agents working on a rota between the hours of 8.00 am to 8.00 pm, 5 days per week. In addition, a data clerk provides administrative support to the team on a full time basis – the team is lead by a dedicated (Streetpride) Team Leader.

There are currently 161 processes associated with the Streetpride Service and the team at the call centre are currently set up to deal with 49 of these processes. One is Fly Tipping.

Reports of Fly Tipping to the Contact Centre are mainly received from external customers such as the public, Ward Members and external organisations and businesses.

The route of the service request depends on the location of the fly tipping. Siebel³⁵ provides two categories through which an agent can process the report.

- Enforcement route – used for tipping on private land or where immediate enforcement is required, e.g. hazardous waste or active fly tipping.
- Cleansing route – used for all ‘other’ reports on public (relevant) land including highways.

Reports from the public relating to housing land and Green Spaces are recorded on Siebel in ‘Cleansing’ but not processed through the system.

If the incident is on private land then the ownership of the land needs to be, where possible, established with caller.

If the location is on public land a further analysis of the location then has to take place with the caller. This will determine whether the location is housing related, parks or green spaces or other land where the ownership is unknown.

The agent will also identify the contents of the fly tip to determine whether it is hazardous or harmful in any way. The agent will ask if the contents are deposited into water or near an occupied building. This information is input into one of two sub categories thereby assigning the level of urgency for removal.

In practice, the non-urgent priority is overridden on screen and all reports are logged as urgent. This is because the response time for all reports is the same.

Finally, for the purposes of recording the report, the agent will ask about the quantity of the fly tip; for instance is it in a bag from a van or lorry; are the vehicles’ details known; are the perpetrators known? The date of the incident is recorded if known.

The agent will inform the caller that removal will be within one working day.³⁶

The agent will then email or telephone the report through to the appropriate service group to deal with.

³⁵ Siebal is the Councils’ Customer Relationship Management System, which can allow all customer enquiries/interactions to be logged and progress checked.

³⁶ This local performance indicator is the Former Audit Commission P.I AC-E2

9.7 Responding to Complaints of Fly Tipping

Responsibilities for responding to incidence of fly tipping are shared between a number of service groups working within council departments.

9.7.1 The Role of the Sreetpride Community Delivery – EDS

Street Community Delivery organise the resources to physically remove fly tipping waste from the highway and public spaces and council owned land. They do not automatically remove from housing land if it can be removed by the Neighbourhood Wardens, the Caretakers or the Green and Clean Team. If the fly tipping is large in quantity, one of these service groups will refer it to Streetpride for removal.

Streetpride Community Delivery also looks for evidence associated with fly tipped material prior to removal and reports this to the Environmental Wardens for action.

9.7.2 The Role of the Environmental Warden – Enforcement – HES

The role of the Environmental Wardens is to provide the primary Enviro-crime enforcement and educational focus for the Council. The main areas are fly tipping, dog fouling and street littering. Education includes public campaigns and visits to schools. Their involvement in fly tipping is largely enforcement for fly tipping incidents primarily on private land, but also frequently report fly tipping on relevant land to Streetpride for clearance.

They will carry out an investigation to establish if there is enough evidence to initiate legal proceedings.

Enforcement action is taken under the Environmental Protection Act 1990 where perpetrators are prosecuted through the Magistrates Court. For small quantity, first time non hazardous fly tipping offences, the Wardens will treat the incidence as a littering offence and issue a fixed penalty notice of £50.00.

Removal of fly tipping is achieved either via pressure on the perpetrator or by negotiation with the land owner or occupier. A legal notice will be served on the owner if required.

Rotherham Connect will also refer potentially hazardous or harmful fly tips to the Environmental Wardens where it is normal practice to engage with the Environment Agency under an agreed Memorandum of Understanding.³⁷

9.7.3 The Role of the Caretaker – Community Caretakers – HES

In housing areas, the Community Caretakers remove small quantity fly tipping. Larger quantities are reported by the Caretakers to the Streetpride team to remove.

Prior to removal, the Caretakers will look for any evidence associated with the tipping and report directly to the Environmental Wardens to take the appropriate enforcement action.

³⁷ See Appendix 7a & b - The Memorandum of Understanding is developed in partnership between the Agency and the Local Government Association.

The wider role of the Caretakers focuses on maintaining clean and tidy housing area's but they do not undertake jobs that fall within the scope of the tenancy agreement.

9.7.4 The Role of the Neighbourhood Wardens – HES

In areas where Neighbourhood Wardens operate they will attend the site in response to the report and make an assessment of the situation. They will remove small and medium quantities of fly tipping. Larger items requiring specialist equipment are reported by the Wardens to the Streetpride team to remove. Their remit is part of a wider agenda relating to the Council's Crime and Disorder Strategy, Anti-Social Behaviour Strategy³⁸ and the Neighbourhood Management Strategy.

Like the Caretakers, the wardens will search for evidence before removal and if found, report this to the Environmental Wardens. The Wardens and Caretakers will assist each other in this work although it is the location and size of the fly tip that determines who will remove it.

The operative areas for Wardens are:

Rawmarsh – East and West	Parkgate
Kilnhurst	Dalton
Thrybergh	The Valley area of East Herringthorpe

9.7.5 The Role of the Green and Clean Team

This team are based in the Repairs and Maintenance Section (Housing Services) and are part of the void management team assigned to manage the turnaround of void properties quickly and efficiently. There are 3 teams covering Rawmarsh, Eastwood and Maltby and they are responsible for clearing rubbish and furniture from within the curtilage of council dwellings, in addition to providing maintenance/tidy up to gardens.

Their work helps to deter others from using void properties to dump rubbish and has contributed to the Council being one of the top three in the Country for the speed of re-letting vacant tenancies.

9.7.6 The Role of the Urban, Estate and Country Park Rangers – Green Spaces CLLL

Based in Green Spaces, the Rangers are borough wide and have a monitoring and reporting role. The Rangers will deal with very occasional small-scale fly tipping by removing it themselves, but most incidents are reported to the Streetpride Team for removal.

'Green Spaces' includes urban parks, recreation grounds and countryside sites but excludes country parks, allotments, incidental grass areas and verges and woodlands.³⁹

³⁸ The Council Wide Anti-Social Behaviour Strategy May 04 – this document is currently in draft format with a view to completion in July 2004.

³⁹ The spatial area covered by Green Spaces equates to 550 hectares, or 900 including Country Parks. A recent audit of Green Spaces will probably lead to a significant revision of this figure due to improved site measurement methods and changes in the number of sites that are managed.

9.8 How effective are arrangements across the Programme Areas?

- 9.8.1 Members of the Review Group were impressed by the co-operative nature of working relationships across HES, EDS and Green Spaces. This is to be encouraged and supported.
- 9.8.2 However, during interviews with witnesses, much was made of the concept of a 'one stop shop' and 'one central point for co-ordinating this service'. These comments were made in relation to the role of the dedicated Streetpride Team at Rotherham Connect.
- 9.8.3 Whilst this view holds up in terms of the external customer (all calls are accepted and passed to relevant section), it does not fully apply to the internal customer. This was agreed between programme areas at the time of the service launch.
- 9.8.4 There are in effect four internal processes operating simultaneously in order to achieve the objective, which is to respond to the customers' request by removing fly tipping within the target.
- 9.8.5 Housing Services – HES⁴⁰

Connect will accept calls relating to fly tipping on housing land from the public and other external callers and record these details. The service request for an external caller is then passed to the relevant Area Office. Area Housing Staff (usually the Estate Management Officer) will decide which service group to pass the report to. The report in Siebal is closed down at the point of handover.

As an alternative, the agent may contact the Neighbourhood Wardens directly, but the agents do not have direct contact with the Caretakers or the Green and Clean Team.

The Streetpride Connect team do not report fly tipping on housing land directly to Streetpride CDT even though they will end up removing large scale tipping in this location. The service request would be sent to Streetpride CDT either by the Area Housing Office or from one of the other service groups involved.

At the time of the Review, there was no agreement with Connect for these service requests to be monitored through to the outcome and logged onto the system. Anecdotal evidence informed us that some informal communication did take place so that more detail could be recorded before the report was closed. More recently, the Review Group have been informed that this no longer is the case. All fly tipping incidents are now reported to the Contact Centre with monitoring of cases now undertaken.

Internal callers from housing who phone Connect were being told that their report was 'out of scope' and would not be accepted. Again, the Review Group are now pleased to see that this is no longer the case.

For monitoring purposes, the incident will be reported to Streetpride CDT by the service group who undertook the removal.

⁴⁰ The Area Housing Offices completed a questionnaire examining the lines of communication between themselves and other service groups and Rotherham Connect. The analysis can be seen in Appendix 3.

Streetpride Connect team members told the Review Group that the process of reporting through to Housing seemed confused. However, at the outset, the level and nature of service to be provided by Rotherham Connect was agreed with Housing and EDS.

It is noted by the Review Group that this process has now been simplified with all Housing enquiries being dealt with as an 'in scope' service.

9.8.6 Green Spaces

The current relationship between the Streetpride Connect Team and Green Spaces works in a similar to that of Housing although the background differs slightly.

When the Streetpride Connect Team was set up in September 03, Green Spaces understood that their Service Level Agreement allowed for incidents of fly tipping to be reported and actioned by the call centre team. They also thought that response monitoring would be undertaken in the same way as it is done for the Environmental Wardens.

More recently however, Rotherham Connect has advised Green Spaces that their reports are 'out of scope'. The Rangers now report incidents of fly tipping directly to the Streetpride CDT for removal; if the Rangers remove the fly tip themselves, they will report the incident for monitoring purposes to Streetpride CDT.

9.8.7 Environmental Services – HES

The relationship between Environmental Services and the Streetpride Connect Team is less complex. Reports referred to the Environmental Wardens are done so for the purpose of investigation, evidence gathering and possible prosecution. When the Wardens have investigated the fly tip, removal is usually achieved via legal pressure; however, if the tipping is not removed because the owner/occupier cannot be located, then the local authority may decide to remove it and recover costs from the landowner.⁴¹

Connect will follow through the report and only close down when they are notified that the job is completed by removal or prosecution. The Siebal system can therefore monitor the duration of the service request for measuring performance.

The monitoring process for the Environmental Wardens does mean a duplication of work because the service request detail is re-entered into a separate database (Flare). This system is used by Environmental Services to record and monitor all their case work.

A Data Clerk, manually inputs the details into the Flare database. Duplication occurs twice – once when the report is set up and again when the report is closed. This is because the Siebal workflow system cannot read from Flare.⁴²

⁴¹ EPA 1990 – section 59 allows the Environment Agency and local authorities to require the occupier of land affected by fly tipping to clear the waste, or they can enter the land and clear it themselves and recover costs from either the occupier or the perpetrator. However, the occupier does not have to pay if he can demonstrate that he did not cause or permit the waste to be deposited. Under section 59, there is no obligation on the landowner, nor any statutory duty on the LA to clear the waste since this would be against the 'polluter pays' principle.

⁴² There was agreement between RBT and HES that the requirement to have electronic interfaces between systems, would be impossible to deliver within the timescale for implementation of the Streetpride service in September 03.

The Rotherham Connect response process for fly tipping was re-engineered in August 2003 by RBT and recorded in a flowchart - Appendix 4. However, the process shown does not accurately depict the relationship with Housing and it doesn't show Green Spaces at all. This is because service requests from both Sections were 'out of scope' at the time of writing.

The Review Group note that Services have responded quickly to this issue and recently have changed the process to ensure that all fly tipping reports are handled by Rotherham Connect.

9.8.8 Below are some live examples of how the above processes can go wrong:

➤ Example 1 Date Raised 27/10/2003 12:35:27

Activity Details: Lots of waste been dumped on Psalters Lane on the empty allotment next to the road. Customer says it belongs to the council. Rubbish includes mattresses, toilet, weighing scales and lots of other waste; there is enough to fill a skip. Telephoned Area X Housing and spoke to 'Officer 1' who said it is not them who deal with it. Telephoned Allotments & Horticultural in Culture and Leisure and spoke to 'Officer 2' who asked me to email the details of the report to Housing – 'Officer 3'. Emailed report to 'Officer 3'.

➤ Example 2 Date Raised 31/03/2004 12:14:58

Activity Details: Customer called to report that at the rear of her garden is Canklow Woods. There has been loads of fly tipping. I took her details and said I would pass this onto the relevant department. I had spoken to 'Officer 1' in Terriers (Asset Management – EDS) and he informed me that it's 'Officer 2' (in Green Spaces), I then called 'Officer 2's ext and spoke to 'Officer 3', I explained to 'Officer 3' what happened and she said that it's Streetpride. I then explained again that I have spoken to Terriers and that they informed me that I need to speak to 'Officer 2'.

'Officer 3' then said hold on one minute, came back to me, then said that I needed to speak to 'Officer 4' (Woodlands – EDS), I then called 'Officer 4' who then passed me to 'Officer 5' (in Woodlands – EDS) he then took the details off me.

9.8.9 Streetpride

The service provided by the Streetpride Connect Team to Streetpride CDT is straightforward. The agent will pass the service request to Streetpride for removal and this is generally undertaken within one working day. When the removal has been completed, Streetpride will telephone Connect so that the report can be closed down. The Siebal system measures the duration from the time of reporting to the time of removal. Streetpride CDT then collates these statistics to measure performance.

9.9 Fly capture

9.9.1 The National Fly-Tipping Database has been introduced by virtue of Section 55 (5) Anti-Social Behaviour Act 2003 which extends the information-requiring power contained in Section 71 of the EPA 1990. The database is effective from 5 April 2004.

At the beginning of April 04 a 'Notice of Writing' was issued to all waste collection authorities AND THE Agency to confirm that they must begin collecting data on the fly tipping incidents they deal with ready for submission at the beginning of May 04.

'The definition of fly-tipping used by Fly capture is a wide one. This is because there is a general recognition that fly-tipping, whether it is a dumped mattress or a lorry load of construction and demolition waste, can be linked to anti-social behaviour, fear of crime and liveability of an area.'

The information provided will:

- Help users develop enforcement strategies in partnership with key stakeholders,
- Users will be able to access reports that will give a picture of where fly tipping is happening in their local area (including EA),
- It will report on the nature and scale of fly tipping that is occurring and in some cases compare successes by being able to access reports on data for any other local authority or for the EA for any LA,
- LA monthly returns comprise of two elements: a summary of the 'Total Number of Incidents Actioned' in the month and a summary of the 'Actions Taken'.
- The database will give accurate national information on the extent and cost of enforcement action,
- The data will provide information on what enforcement action is being taken at what cost and the level of fines awarded by the Courts.

9.9.2 In Rotherham, RBT are examining how the existing call centre data system can be used to transfer data into the Flycapture Database.

9.10 Internet Access to RMBC Site

During the period of research for the report, members found that the website for Environment Issues and associated services provided by the Council did not contain all the documentation and material that would potentially be required by members of the public using the system.

Members of the review group note that improvements have been made during the course of the review. Examples of improvement are the links from the Environment website to other related sites. Links into Streetpride, Neighbourhood Wardens, Environment Service Standards and educational information have now all been added to the site and will provide a useful source of information to users.

Information on Household Waste Recycling Centres and bring Sites has also been updated.

The Review Group have in the course of the review looked at other comparable websites; one of these is 'Sparkling Southampton' which contains detailed information about all council services relating to waste management and environmental issues with

easy links between the related subjects. The site also contains an on-line reporting facility for issues of public concern.

9.11 Publicity

9.11.1 Publicity on fly tipping can be divided into four categories:

- Newspaper releases that detail successful prosecutions, ⁴³ are regularly issues to the Communications Unit by Streetpride Community Delivery and Environmental Services. Newspaper reports will also publicise the incidents of fly tipping and the harmful effects to the environment and the cost land owners.
- Leaflets and literature on recycling services, how to dispose of waste legally and the penalties of fly tipping are all produced and displayed in public places such as the Area Housing Offices, libraries, swimming pools and council buildings where the public have access to services.
- Themed Streetpride Banners are displayed from lamp posts around the Borough. These advertise the Rotherham Connect number to call and report environmental issues such as fly tipping, dog fouling, graffiti, littering and other Streetpride services. The banners are displayed in a variety of colours to attract attention to them.
- Public education and enforcement are strongly linked and approaches have been made by Streetpride to Culture, Leisure and Lifelong Learning to work jointly on this aspect of publicising the negative impact of fly tipping and promote the requirement to dispose of waste illegally.
- Streetpride Services also have publicised and distributed their Service Standards to every household in the borough and attend Area Assemblies for community feedback as a routine function of the service.

9.11.2 In addition to the above, Environmental Services have been co-ordinating a DEFRA funded project. ⁴⁴ An award of £317.740 was received from DEFRA during 03/04 which to be utilised within the financial year.

The project included:

- Purchase and installation of electronic variable message boards at each of the four Household Waste Recycling Centres.
- 200 new recycling banks for glass and cans and design of modular screening to enhance recycling bring sites.
- Consultation with community groups to identify potential sites, 12 further sites having been identified and were introduced before the end of March 2004.
- Local community groups were being encouraged to provide and adopt sites to promote local ownership of waste management issues. In return they would receive payment of a credit for every tonne of recycle collected at their site.
- The Design Studio produced publicity material to include leaflets, posters, vehicle and recycling centre signage.

⁴³ RMBC Press release dated 7 June 04 details four prosecutions, two of which are for fly tipping. See Appendix 5.

⁴⁴ Give Waste Another Chance - DEFRA

9.12.2 The Review Group acknowledged that officers had worked hard to achieve expenditure of the project budget within the timescale set.

9.13 Monitoring and Performance

The Streetpride Community Delivery Team has the responsibility for collating statistics on the removal of fly tipping and monitoring performance.

Several performance indicators exist and are applied to measure different aspects of the work to deal with fly tipping. These are:

9.13.1 The former Audit Commission P.I. (AC-E2 Local) is used to measure the average time spent to remove fly tip from relevant land. Streetpride measure their performance using 26 Response Times' and Streetpride Response Time No.8 measures the percentage of reports of fly tips that were removed within one working day of report.

This information is reported to the Cabinet Members for EDS. The information is also posted onto the Council's Internet.

9.13.2 Performance has improved from an average of 1.10 days in 01/02, 0.84 in 02/03 and 0.836 in 03/04. The review group was informed that in 03/04, 83% of reports are removed within the target time. This leaves 17% taking longer and an instance of this would be where special arrangements have to be made for the removal and disposal of hazardous waste.

9.13.3 A new Best Value Indicator was introduced by the Government in 03/04 to measure 'the proportion of relevant land and highways as defined under the EPA 1990, that is assessed as having combined deposits of litter and detritus across four categories of cleanliness.⁴⁵

9.13.4 Other Best Value Performance Indicators are used to measure aspects of waste management such as recycling and use of landfill sites. These can be found in Appendix?

9.13.5 The Streetpride Performance Group meets quarterly with officers from Housing, Green Spaces, EDS and Environmental Services in attendance. The group operates at a strategic level and monitors a range of environmental issues including fly tipping.

9.13.6 Enforcement performance is assessed by the use of an adopted Local Performance Indicator referenced from the Audit Commission's PI Library. This relates to the number of prosecutions undertaken, including the number of fixed penalty fines issues for littering.

Performance is based on the number of prosecutions for littering per 10,000 no of the population. Performance for 03/04 is 11.72 per 10,000 set against a target of 6 for the year.

⁴⁵ BVPI 199 – EPA 1990 Part IV section 6. The four categories are (a) no litter or refuse; (b) predominantly free of litter and refuse except for some small items; (c) widespread distribution of litter and refuse, with minor accumulations; (d) heavily littered, with significant accumulations.

The number of fixed penalty fines for £50.00 issued during 03/04 was 293. The total for 02/03 was 155.

Performance comparison from limited national data available indicates that RMBC is within the top 5% in the country for enforcement activity. However, in their study, EnCams found that during 2001/2002, 74% ⁴⁶ of local authorities had not carried out any enforcement prosecutions at all.

9.13.7 The effectiveness of addressing fly tipping forms part of the assessment carried out of the 'Waste Service' provided by all local authorities under the Audit Commission's Regular Performance Assessment. A visit by Audit Commission Inspectors in February 2004, confirmed the Council's assessment of the Waste Service as a "Good Service" with enough "significantly improved outcomes" to justify a Waste Management Inspection to be undertaken by the Audit Commission in July 04.

9.14 Resources

9.14.1 The Fly Tipping removal teams are a part of the street cleansing resource within the Sreetpride Community Delivery Unit that has 45 cleansing staff and 20 vehicles. There are two dedicated fly tipping removal teams but additional resources can be drawn from the wider pool of street cleansing staff during periods of peal demand.

The fly tipping teams are made up as follows:

A 17 tonne, high sided tipper vehicle with a hydraulic bucket grab arm, which is operated by the driver. This efficiently deals with larger items as well as loose accumulations of dumped material. The team is funded b the Streetpride Service Budget at a cost of £81,000.

Established in January 2003, a smaller 3.5 tonne tipper vehicle with a two person team. This is used to clear smaller loads and to access awkward areas not easily accessible to the larger vehicle. This team costs £69,000 per annum and is supported by funding from three services:

HES – Housing Services - £23,000 in 03/04

HES – Environmental Services - £23,000 – in 03/04

Culture Leisure and Lifelong Learning – Green Spaces - £23,000 in 03/04

These contributions will be about the same for 2004/05 plus an inflationary increase.

9.14.2 In order for the Review Group to make an assessment on financial and time resources spent on fly tipping, each service group was asked to estimate the amount of time they spend dealing with fly tipping incidents. This exercise was undertaken in the absence of actual costs for this function across the council.

⁴⁶ 157 (38%) of local authorities responded to the survey.

- 9.14.3 The Environmental Wardens (5 no) are part funded by Neighbourhood Renewal Funding of £104,000 0 the cost of this service is £182,536. This funding ends in March 2005. They estimate spending 33.3% of their dealing with fly tipping enforcement work. This may vary depending on seasonal changes and the time of year.
- 9.14.4 The 04/05 annual budget for the Community Caretakers (20 no) is £370,000. They estimate around 20% of their time is spent dealing with fly tipping reports.
- 9.14.5 The Green and Clean Team annual budget for 2004/2005 is £190,000. There are 3 teams each with 4 members) Each of the teams has experienced a different level of fly tipping depending on which area they cover. The Eastwood Team estimate that 25% of garden clearances is fly tipped waste, with the Rawmarsh Team experiencing a level of 70% of 'fly tipped' garden clearances.
- 9.14.6 Park and Country Rangers estimate spending 5-10 days per year dealing fly tipping incidence. The estimated cost of this input is between £500.00 and £1000.00 per annum.
- 9.14.7 The Neighbourhood Wardens (16 no) are funded from a combination of NRF, SRB and ODPM ⁴⁷ at an annual cost for 04/05 of £355,000. This funding ends in March 05, except for the Valley Warden Scheme which ends in August 2004. Further funding is being sought.

From October 2001 to March 2004, the Neighbourhood Wardens Unit received 3589 complaints relating to a range of issues from general complaints and lost property to 'found' syringes and abandoned vehicles. Of these 767 were complaints about fly tipping and a further 137 complaints regarding dumped furniture.

These statistics represent 25.2% of the total number of complaints dealt with by the Wardens for that period. ⁴⁸

- 9.14.8 In addition to the above, there are other hidden costs such as:

- Administrative time across the Programme Areas in terms of time to record the incident and arrange removal.
- Time cost attributable to the Housing Area Staff who arrange the removal of fly tipping incidents.
- The cost of skips provided for the Neighbourhood Wardens and Caretakers. This is £400 per skip hired through a private contractor.
- The cost of 4 vehicles rented for use by the Neighbourhood Wardens. The annual cost here is £5200.00.
- The loss of gate fee at landfill site and landfill tax.

⁴⁷ Neighbourhood Renewal Funding, SR Budget, Office of the Deputy Prime Minister.

⁴⁸ Statistics for fly tipping and dumped furniture are added together to calculate this % source – Neighbourhood Wardens Unit. The 767no fly tipping stat has been accounted for in the total number for the borough as collated by Streetpride.

- The wider costs associated with the environmental impact of fly tipping and subsequent remedial work

9.14.9 In 2003, EnCam's Fly Tipping Survey showed that the average spend on fly tipping per authority ⁴⁹ was £54,258. This is based on a 38% response rate to the survey. RMBC spend £150,000 on the two fly tipping clearance teams and it is clear from the above analysis that if proportionate costs were calculated across the programme areas, the figure for Rotherham would be much higher.

9.15 Are resources adequate to meet demand?

Demand has increased from 1560 fly tipping reports dealt with by the Streetpride CDT in 02/03 to 3346 in 03/04 and is currently predicted to rise to 4668 reports in 04/05.

Despite the increase in demand in 03/04, the average response time during the period was 0.836 days, which is less than the target of one working day.⁵⁰

The Environmental Wardens are a crucial resource in the process to eliminate fly tipping and the Council is to determine funding of the team as part of the review of the Medium Term Financial Plan. Given the growing emphasis on enforcement at a national level, it is self evident that without this team the resources available for enforcement locally will not be adequate.

The view of the Neighbourhood Warden Manager told us that it (fly tipping) is a constant task but said that the Unit was managing the current demand.

The Cabinet Member for HES expressed the view that resources were adequate at the current time in that they were meeting the demand for service.

However, whilst the Review Group acknowledge that the current effort is keeping up with demand, they take the view that current resources will need to be reviewed and increased if fly tipping continues to increase at the rate forecasted. In addition, they believe that more resources need to go into Enforcement and Education.

9.16 Waste Management

'Many are concerned that levels of fly tipping will rise in the future. There are good reasons why European and UK legislation is being tightened to ensure that we move towards a more sustainable way of managing the growing levels of waste that we are producing. It seems logical that any tightening of the regulation of waste management is likely to lead to increased levels of fly tipping as it increases the costs of managing waste legally; as the cost of legal waste disposal rises, the more attractive illegal disposal becomes.⁵¹

⁴⁹ Annual spend related to 2001/2002 financial year. When calculating the cost of fly tipping to a local authority, less than half of those questioned included the costs of admin, (43%) or the landfill site gate fee (35%) and very few considered the loss of landfill tax credits (4%) or the time it takes to bring a prosecution (15%).

⁵⁰ Measured from time of report to time of removal.

⁵¹ DEFRA 2004

9.16.2 The European Union Landfill Directive has placed a statutory duty to reduce the amount of biodegradable municipal waste that we landfill. The Directive sets demanding targets which can only be achieved through the reduction re-use or recycling of waste.

9.16.3 A Landfill Allowances Trading Scheme has been introduced to help the UK meet these targets.⁵² The new system will target the reduction of biodegradable waste that is deposited to landfill between 2005 and 2020.

9.16.4 The Governments national targets for reducing deposits into Landfill Sites are set against the 1995 level. The targets are:

- 75% of 1995 level in 2010
- 50% of 1995 level in 2013
- 35% of 1995 level in 2020

9.17 Household Waste

9.17.1 Household waste is a particular problem. The quantity of waste produced nationally is currently rising by 3% per year.⁵³ The waste mountain will double by 2020 adding £1.6bn per year to waste disposal costs.

9.17.2 In Rotherham, the amount of household waste collected per head at the end of year 03/04 was 475 kilograms set against a target of up to 500 kilograms.

By comparison, this figure was 486 kilograms in 02/03 showing a slight reduction over these two years.

9.17.3 The Governments statutory (national) targets for the recycling and composting of waste are 10% in 2003 and 18% by 2005/6.

In Rotherham, the LPSA have stretched targets to 13% in 03/04 and 21% in 2005/06. The actual for 2003/04 was 14.9%.⁵⁴

9.17.4 The review group acknowledged that the Council have surpassed the first target by achieving a recycling/composting rate of 14.9% in 2003/04. The Recycling Action Plan provides the framework for meeting our future statutory and public service agreement targets.

In order to achieve this, a range of waste collection services are available to encourage residents to dispose of waste legally.

Refuse Collection Service

The vast majority of Rotherham households have a black 240litre wheeled bin for a weekly refuse collection. A small number of properties, such as flats, have shared bin facilities and a few predominately rural properties have sack collections.

⁵² WET – received Royal Assent in November 2003

⁵³ Waste Not Want Not – November 2002

⁵⁴ RMBC Environment Action Strategy – 2003-2006/LPSA

RMBC offer assisted refuse collections where no resident due to infirmity caused by illness or old age is able to position their bin at the kerbside or collection point for emptying. This service is arranged by application to the Waste Management Unit.

Recycling Collection Service

The Blue Bag Waste Paper Collection Scheme serves over 96% of households in Rotherham. Collection day is the same as refuse but ever other week.

The Blue Box kerbside collection service is also provided to 96% of the borough for the collection of glass bottles and jars, aluminium and steel food and drinks cans and textiles for recycling. This service collects on the same day as the Blue Bag scheme.

As part of the Councils commitment to increasing the amount of household waste recycled in Rotherham, the Blue Box scheme is to be expanded further from April/May 2004.

Garden Waste Collection Scheme

The new scheme using green wheeled bins was introduced to 12,000 local households in February and March this year. The scheme, which is a trial initiative to a limited number of households, is part of Rotherham Borough Council's commitment to increasing the amount of household waste recycled and composted each year.

At a Cabinet meeting on 10 May 04,⁵⁵ members resolved to suspend the trial after 6 months operation in order to fully evaluate the results of the scheme. This will determine the criteria for the future roll out of the scheme across the Borough.

A Saturday kerbside garden waste collection service is also being provided to 4,000 premises on an alternate week basis during the period April to October 2004.

The initiative has been funded by DEFRA, the Department of the Environment, Food and Rural Affairs. A further 12,000 households in Barnsley and Doncaster are also part of the trial.

The green bins are collected on alternate weeks on the same day as refuse bins throughout the growing season and then on a monthly basis during the winter. Green Bin collection week is the opposite week to Blue Bag/Blue Box week.

Bulky Item Collection Service

The Council provides a household collection service for larger items of waste. Charges are £8.00 for up to 3 items such as furniture and beds and £8.00 for each additional item. DIY materials, bath suites, door etc, are charged at £22.00 for up to 3 items and £22.00 for each additional item.⁵⁶ The current pricing structure subsidises the

⁵⁵ The Recycling Action Plan 03/06 provides for a phased introduction of kerbside recycling schemes during the life of the plan. It is proposed to amend the implementation programme for the current year to allow for the extension of the Blue Box Scheme to a further 50,000 premises. This will replace the projected scheme of placing 50,000 premises on a kerbside green waste collection service.

⁵⁶ Charges for the Bulky Item Collection Service were held at 02/03 levels as direct result of the cessation of the Community Skip Service.

customer by approximately 50%. Rothercard Holders receive a 50% reduction on the charge of collection.

What do other local authorities do?

The Review group were informed that Kirklees Council do not charge for their bulky collection services. Other local authorities such as London Borough of Hillingdon do not charge OAP's and Disabled householders for removing up to 4 bulky items.

Oxford City Council will take up to 3 bulky items free of charge to all householders and fridges and freezers are removed free of charge too.

Sheffield City Council provide a bulky collection service through Onyx and charge a flat rate of £26.00 for up to 10 large items, this service is reduced to £15.00 for those claiming Income Support or Housing Benefit.

Household Waste Recycling Centres – HWRC

Four Household Recycling Centres are available within the Borough and are located at:

Carr Hill, Greasbrough Lidget Lane, Bramley

Warren Lane, Rawmarsh Common Lane, North Anston

These sites are for household/domestic waste only and are free of charge for users. Persons using the sites are encouraged to use a car when transporting waste to the site. For those who use a van must apply for a book of 12 permits; these are the annual allocation for use of these sites.

Householders may apply for a 'one off' permit if, for example, if they have moved house and need to dispose of associated waste.

The sites are open from 9.30am to 7.00pm between 1 April – 30 September and from 9.30am to 5.00pm between October and 31st March. The sites only close on Christmas Day, Boxing Day and New Years Day.

Bring Sites – Local Community Sites

These sites are based at local supermarkets, libraries, pubs and community centres and facilitate the recycling of paper, glass, textiles and cans. Only one site in Dalton currently facilitates plastic.

As at March 04 there were 57 of these sites based around the Borough with further consultation with local communities to develop additional sites as part of the focus on recycling.

These sites are accessible 24 hours per day the whole year round.

Landfill Sites

Landfill Sites are available to commercial waste carriers or business's to dispose of waste legally. There are local landfill sites in Rotherham for commercial waste carriers

and businesses to dispose of their waste. The Council is currently contracted to delivering its municipal waste to facilities operated by the Waste Recycling Group. The current facility is at Scaba Wood in Doncaster. To the south of the Borough, there is a site at Danes Hill in Nottinghamshire which is near Retford.

The Review Group have been informed during their investigation that the Neighbourhood Warden Team no longer take waste to the Landfill Site in Doncaster due to the distance of the site. Instead they take waste to the Eastwood Depot in Rotherham and off load waste into 4-5 skips (per month) provided for this purpose.

We were informed that at times the Wardens have tried to use the HWRC at Warren Vale to deposit domestic fly tipping. Difficulties were encountered in that sometimes they were allowed into the site and at other times they were turned away.

A new landfill site is being provided at Thurcroft and is due to open in July 05. This is later than the original opening that was planned for 2003 but three delays have been encountered.⁵⁷

This existence of this site will make the transportation of fly tipped waste speedier and cheaper.

Community Skip Service

The review group found that the Community Skip Service was well used and has been a focal point for communities to help the local environment by disposing of waste legally. The service also supported those who do not have access to a vehicle in order to travel to a HWRC.

The provision of community skips was made from Neighbourhood Renewal Funding during 02/03 and 03/04 and ceased in March 04 because this source of funding is no longer available. The General Fund Budget⁵⁸ could not support the continuation of the Community Skip Service.

This is despite a commitment in the Best Value Performance Plan 03/04 to develop a range of services in relation to Waste Management. Included in the list of services was 'A Sustainable Community Skip Service and Bulky Item Collection Service'.

Concern has been expressed by Area Assembly representatives that ending the Community Skip Service will have an impact on the levels of fly tipping.⁵⁹

Council Members also initially expressed concern that the withdrawal of Community Skips would increase fly tipping.⁶⁰ However, at a later budget meeting of the Environmental Scrutiny Panel, members supported the decision to withdraw skips.⁶¹

⁵⁷ The first delay was due to the discovery of the protected species - the Greater Crested Newt; the second due to a delay by the Environment Agency in processing the integrated provision licensing application; the third related to concerns over the specification of materials used on the development of the landfill site.

⁵⁸ 2 February 2004 - Cabinet Member for HES noted this budget recommendation and resolved that the Environment Scrutiny Panel should be consulted on the Budget proposals.

⁵⁹ The Area Assembly Officer representing the Treeton Environmental Sub Group submitted a letter to Streetpride in April 04 requesting the Councils' policy on fly tipping and expressing concern about the possible impact of withdrawing community skips.

⁶⁰ Environment Scrutiny Panel 22 January 2004.

This support was based on three elements:

- The 04/05 Key Strategic Budget includes Waste and Recycling as a priority and links into the Corporate Plan Priority – A Place to Live
- Targeting of resources into an increased recycling provision funded by growth allocation of £25,000 from the General Fund Budget. This would support the Council meeting their targets for recycling and composting of domestic and garden waste.
- Members were informed that recycling from a skip is labour intensive and would substantially increase the cost of skip hire.

Despite this, members of the review group felt strongly that community skips are required to provide opportunity and encouragement for people to dispose of their waste legally.

9.18 Commercial Waste

The Local Authority has a statutory duty to arrange collection of waste from commercial premises (or agreed point of collection) and may also collect industrial waste.

In order to meet this duty, RMBC provide a collection service with an associated scale of charges which includes the hire of the container, weekly collection and the landfill tax at rate of £15.00 per tonne. Annual charges for collection range from £78.00 for 2 sacks (90 litres) to £584.41 for 1100 litre Bin and £520.38 for each additional Bin of the same size.⁶²

As an alternative to the in-house collection service, business and commercial organisations can buy waste collection from a licensed waste carrier.

9.19 Landfill Tax

The landfill tax, currently set at £15 per tonne for active waste, encourages efforts to minimise the amount of waste generated and to develop more sustainable waste management techniques. It contributes to the achievement of the Government's waste strategy targets through the diversion of waste away from landfill.

The current landfill tax escalator, introduced in 1999, commits the Government to raise the standard rate of tax for active waste by £1 per tonne each year until the current financial year (2004/05). As announced in Budget 2002, there is a strong case for increasing the tax rate significantly in future years to provide incentives for the development of alternatives to landfill and to reduce the volume of waste disposal in this way.

The Government intend to consult on a revenue neutral proposal to increase the landfill tax escalator to £3 per tonne in 2005/06 and to increase the rate of tax by at least £3 per tonne in future years, on the way to a medium – to long-term rate of £35 per tonne.

10. Examples of Good Practice

⁶¹ Environment Scrutiny Panel 5 February 2004

⁶² See Appendix 6. for the scale of annual charges from April 04 - Commercial Waste Collection.

In April, 2003, RMBC were awarded the EnCams people and Places National New Initiative Award for encouraging pride and improving the cleanliness of the Borough. The strategic focus is contained within the Clean Sweep Rotherham Strategy, in which three main approaches are highlighted – Education, Enforcement and Speedy Effective Clean Up.

The Environmental Wardens have trained the fly tip removal teams in the Streetpride Community Delivery Unit, the Neighbourhood Wardens, Community Caretakers and the Urban, Estate and Country Park Rangers to identify evidence by finding traceable items during the routine removal of waste.

The Environmental Wardens in linking Education and Enforcement have also developed local monitoring of the effectiveness of their interventions using community feedback.

Digital photographs are also taken as evidence and forwarded to the Environmental Wardens. This arrangement allows the scarce resources of the EW to be better targeted, avoids duplication of work and ensures secure evidence for prosecution. The joint approach also gives the workforce a sense of ownership.

Similar training has also been rolled out to the Neighbourhood Managers in Housing Area Offices with further training being planned for the Streetpride Teams in the near future.

In November 2003, the Neighbourhood Wardens working in partnership with the community a local school and a local business received a National Encamp 'Clean and Safe' award for the cleaning of a badly fly tipped area.

11. Environment Agency

The Environment Agency explained to the review group who does what in respect of fly tipping. Generally, the authority are responsible for quantities less than 0.5 cu m of fly tipped materials and the Agency will deal with fly tipping greater than 0.5 cu m and anything that might be hazardous. The 'Memorandum of Understanding'⁶³ with the LGA is currently under review and the direction of that review is probably taking the Agency to focus on some of the more serious fly tipping activities that goes on across metropolitan and urban areas.

There is a good relationship between Rotherham and the Agency in terms of sharing information so that each party know what the other is dealing with. The Agency was very complimentary about their working relationship with the Enforcement Team in Environmental Services.

In terms of our own review, the Agency offered us the benefit of their experience on the issues that concerned the group.

11.1 Waste Tyres

The agency is very keen to regulate the movement of special waste and enforce 'Producer Responsibility Legislation', i.e. anyone that produces waste, for instance waste tyres. The producer has a responsibility under the legislation to ensure that they are

⁶³ See Appendix 7a & 7b.

moved on to a reputable area and a correct disposal route so that they can be tracked back to the producer.

11.2 Enforcement

The agency has a Special Enforcement Team targeting organised environmental crime. Unlicensed waste sites, hotspots and major incidents are dealt with by a team of skilled and experienced officers operating across South Yorkshire. The use of hidden cameras is a particularly effective weapon as they provide the evidence for prosecution.

Deployment of the equipment is limited under REPA Legislation and has to be authorised by a senior person.

“Regulation and enforcement is about trying to correct peoples’ behaviour rather than beliefs.” We (the Agency) do recognise that this strategy in the longer term is more productive.

11.3 Education

We were told that the focus of education should be to increase the public’s sense of responsibility for fly tipping incidents. Education and promotion is needed to ensure that people understand the consequences of the law; by advertising successful prosecutions the public message is given that fly tipping is wrong.

However, this impact of this message is offset by the fact that the cost of disposal will encourage people to fly tip for profit or to avoid the cost.

The Agency advised us that giving the public plenty of opportunity to access legal disposal routes for waste was a proactive way of deterring fly tipping. The problem in Rotherham tends to centre on bogus contractors, laziness and the opportunity of open spaces being ‘available’ for fly tipping because there are no bollards to stop vehicles getting access.

In terms of education in schools, the Agency does have ‘protecting the environment’ training packages available for teachers to use. The training packages teach young people how to value the environment and ties in quite closely with the national curriculum.

11.4 Performance by RMBC

The Agency told us that a number of cases have been solved with great success. Examples of recent cases dealt with under the legislation include:

Eastwood - tipping and burning of waste
 Waleswood – licensed waste transfer station (operation suspended)
 Templeborough – 50 hours community service for fly tipping
 A 5 month suspended sentence for serial fly tippers in South Yorkshire

We were told that one of the Agencies concerns is that by targeting one local authority area, the problem will be displaced and serial fly tippers move across boundaries.

The agency have a fly tipping ranking of local authorities with Rotherham being ranked as the 16th worst out of 300 across England and Wales. (300 being the best) Sheffield was the 11th and Doncaster the 38th. This ranking is based on limited information that the agency hold as there is currently no national data on the scale of fly tipping across different authorities. The accuracy of the information held will improve with the introduction of DEFRA's Fly Capture database.

We asked the Agency what actions RMBC should be taking to reverse the trend of increasing worseness?

"Maximise the opportunity for household and other waste to be disposed of correctly, whether through policy and charges, civic amenity opening hours and the provision of local skips. All these minimise the opportunity for fly tipping, not only in relation to your tenanted properties but also open spaces where you have responsibility. Close these off and focus in whatever way possible on bogus contractors".

12. Conclusions

- 12.1 The Review Group initially set out clear tasks for the remit of the review. However, what wasn't apparent at this stage was how intertwined across departments were the functions and responsibilities in relation to fly tipping. The two areas that extended the initial brief were the overview of waste management in relation to fly tipping and an examination of the roles of all the services groups involved in this process.
- 12.2 Given this, the review group found that working relationships across the departments were generally very positive and constructive, but there was a lack of clarity in the level of service provided by Rotherham Connect to Housing and Green Spaces. When arrangements were set up to deal with fly tipping through Clean Sweep Rotherham the consensus amongst all services was that Housing Services should make the decision on what action to take regarding fly tipping. It might for instance be a tenancy issue or easily removed by the Community Caretaker. The fact that Connect will not deal with the referral across to Streetpride for removal where necessary does need to be addressed. As well as creating some confusion it also necessitates separate recording within Streetpride and the lack of a comprehensive database containing all report records.
- These issues will be dealt with through the introduction of Phase II of the Streetpride project.
- 12.3 The Review Group acknowledge that since the completion of the report, improvements have been made to the processes operating between Rotherham Connect, HES and Green Spaces by virtue of a Change Request to RBT. Rotherham Connect now accept all fly tipping reports as 'in scope' and these are progress checked for monitoring purposes.
- 12.4 The external customer facing service provided by Rotherham Connect was found to be seamless and the recording of customer details efficient. In addition, we found that the Team were consistent in passing queries to the relevant department. However, the Review Group noted that the concept of the 'one stop shop' needed to be developed to extend to the internal customer.
- 12.5 The Review Group have been advised that these issues will be addressed in the Streetpride Phase II project.

- 12.6 The Community Pride/Streetscene Review of December 2002⁶⁴, concluded that “a lack of a one council approach to fly tipping and graffiti existed across Programme Area’s. Some areas were able to respond very well to incidents, others appeared to have to go through a paper chase”.
- 12.7 The Review Group were pleased to find that significant progress had been made since this time in terms of a co-ordinated approach to responding to incidents of fly tipping. This is demonstrated in the local performance indicator used by Streetpride to measure the duration of responses – 83% of fly tips are being removed within the target of one working day.
- 12.8 The Streetpride teams have been encouraged to develop a schedule of “hot spot” areas and approximately 30 further sites have been identified. It will not be practical to install boundary measures at all of these and an analysis is being carried out. It is also reported by the workforce that few NEW priority hot spots are being identified. Whilst the Streetpride Fly Tipping teams now have limited spare capacity they are aware of sites where tipping regularly occurs and will do some checking of these local hot spots when they are out and about; removing any tipping seen and reporting its removal back through Rotherham Connect.
- 12.9 As stated, changes prompted by the review have now resolved outstanding issues relating to the management of fly tipping reports within Housing and Green Spaces, with these being captured through a single route at Rotherham Connect.
- 12.10 The Review Group considered that within HES there are currently a number of service groups doing a similar task – the Group are aware of the proposals to restructure HES and are optimistic that this will streamline further the way in which environmental issues are managed.
- 12.11 The Review Group also considered the ‘ownership’ of the concept of Streetpride. This currently lies with EDS. The Review Group thinks that the Streetpride concept should be extended to cover all the services provided in relation to all environmental and cleansing activity. In practice, this could mean that each section had a ‘Streetpride Co-ordinator’ to pull the threads together. The Review Group recognise that this happens to a limited extent through the Streetpride Performance Group.
- 12.12 In order to improve alignment between services, the council need to ensure that strategic documents relating to the wider issues of environmental crime, including fly tipping, complement each other. For instance, the Environment Action Strategy 04 - 07, the Crime and Disorder Strategy, the Anti-Social Behaviour Strategy and so on.
- 12.13 The Streetscene Review also highlighted the need for a co-ordinated and strategic approach to education and enforcement. Again, the group were pleased to see much achievement in these areas of work, with particular emphasis on the team of Environmental Wardens. The Environment Agency also complimented this team on their progress.
- 12.14 However, members are concerned that funding for the Environmental Wardens ceases in March 2005 and would very much like to see this service continue. They would also like

⁶⁴ Regeneration Scrutiny Panel - December 2002.

to see a rise in the targets set for the number of prosecutions pursued through the courts in order to give out a strong public message.

- 12.15 Members would also support the continuation of funding to provide sustainability to the service provided by the Neighbourhood Wardens.
- 12.16 The Review Group considered that the educational role could be developed further with Education, Culture and Leisure.
- 12.17 The Waste Management function has over the last 12 months increased recycling provision to the public and is generally performing well in terms of providing opportunities for people to dispose of waste legally. However, the Review Group consider that the withdrawal of community skips was based on budgetary considerations alone and was not in the public interest.
- 12.18 Finally, the review group attempted to draw out the cost of fly tipping to the Council. This was an extremely difficult task given that so many costs are hidden and unaccounted for. The analysis made depends on *estimates* of time spent on fly tipping set against the annual budget for the various groups involved in this function. Although not particularly scientific (a time and motion study would be useful), this section of the report does highlight that the cost to the Council is far greater than the cost of the dedicated Streetpride fly tip cleansing teams alone.
- 12.19 It would be realistic to conclude therefore, that attention needs to be focused on how these resources might be redistributed, given that the national picture indicates an increase in fly tipping.

13 Recommendations

13.1 Joint working arrangements

Consider through the Neighbourhood Management Strategy the creation of one team per neighbourhood area to deal with all environmental related issues.

Develop procedures between Programme Area to stipulate how fly tipping reports are to be dealt with and to ensure an audit trail exists for each service request.

Create a Streetpride Accord between Programme Area's that gives ownership of the Streetpride concept to all contributing parties. The document would set out:

- Roles and responsibilities
- Financial commitments
- Service Standards
- Identify a Streetpride co-ordinator within each Programme Area.

13.2 RBT

Consider setting up a dedicated Environmental Streetpride Team to process all service requests relating to environmental issues such as fly tipping, fly posting, graffiti, dog fouling and street littering.

Create one Service Level Agreement between RBT and the 'Streetpride' function.

Review IT systems to create compatibility with Fly Capture and Flair.

13.3 Budget

Urgently review how Environmental Wardens will be funded in the financial year 05/06 and in future years.

Resolve outstanding financial commitments to RBT in relation to the Streetpride.

13.4 Enforcement

Increase the number of prosecutions

Increase the number of fixed penalty fines issued for littering and small scale fly tippers

13.5 Marketing and Publicity

Increase the number of Themed Banners across the Borough ensuring that the subject of each banner is relevant to the area in which it is displayed

Increase the publicity relating to the legal penalties for fly tipping and the environmental damage caused by it.

Increase publicity for the Household Waste Recycling Centres including opening hours and access arrangements.

Arrange a leaflet drop to all households in the Borough on the Recycling Waste and Fly Tipping subjects.

Produce a 'Householders Waste Pack' offering a range of information on the recycling services provided by RMBC.

Produce a 'Commercial Waste Pack' advising businesses on all aspects of waste disposal including the Councils own Commercial waste Collections Service.

Organise an annual public exhibition of Waste Management

13.6 Strategy

Update the Environmental Action Strategy to reflect a more robust approach to tackling fly tipping and other environmental crime in the light of the Governments direction and recent legislation.

Ensure that the Anti Social Behaviour Action Plan details how the powers set out in the 2003 Act will become operational with particular reference to the stop and search powers.

The Anti-Social Behaviour Strategy and the Crime and Disorder Strategy need to align to reflect the councils commitment to Environmental Crime and the Streetpride concept.

Develop stronger strategic links with the Police through the Strategic Police Authority and the Anti-Social Behaviour Unit.

13.7 RMBC Website

Develop further the website to contain detail on how the council tackles all environmental issues.

Provide concise information on all services relating to waste, environment and Streetpride.

Enhance the links between sites dedicated to different Programme Area's

Complete existing 'headings' that contain no information

Provide on line reporting to the Rotherham Connect Streetpride Team

Provide online service requests for collection services e.g. Bulky Items and Commercial Waste Collections.

13.8 Community Skips

Reinstate the provision of Community Skips until the Landfill Site at Thurcroft is opened in September 2005.

13.9 Bulky Waste Collection Service

Review the cost of this service with a view to providing a free collection service for all users.

Provide appointment times for householders so that they know when to put out the item of rubbish out for collection.

13.10 Blue Bag/Box/Green Bin Recycling Scheme

Review the timing of collections and rationalise these so that householders do not have numerous days to remember for each collection.

13.11 Education and Schools

Progress the work being undertaken with CLLL and produce an action plan to ensure implementation of educational activities in schools and adult education are progressed

13.12 Scrutiny Review

Waste Management Review – look at waste minimisation and recycling.

Review how RBT services are delivered to Programme Area's. Look at how Service Level Agreements are drawn up and how flexible these are in term of reflecting changing demands for service.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	ENVIRONMENT SCRUTINY PANEL
2.	Date:	26th August 2004
3.	Title:	STRATEGY FOR DISINVESTMENT IN NON-TRADITIONAL AND MISCELLANEOUS ACQUIRED HOUSING STOCK WARDS AFFECTED - ALL
4.	Programme Area:	HOUSING AND ENVIRONMENTAL SERVICES

5. Summary

To consider the options and implications for disinvestment in non-traditional and miscellaneous acquired dwellings owned and managed by the Council. Average costs of refurbishment are 2.33 times higher than the cost of traditionally built properties and this represents a major barrier to the Council's objective of achieving the Decent Homes standard for 100% of its housing stock by 2010.

6. Recommendations

- 1. TO NOTE THE REPORT**
 - 2. TO SUPPORT THE DEVELOPMENT OF PLANS TO DISINVEST IN NON-TRADITIONAL AND MISCELLANEOUS ACQUIRED STOCK**
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7. Proposals and Details

The Council currently owns and manages 1277 non-traditional and miscellaneous acquired properties that are identified by type and Neighbourhood Management Area in Appendix 1.

However, a priority for the Council is to achieve the Decent Homes standard for all of its housing stock by 2010. Rotherham faces a shortfall in its anticipated capital resources for future years to meet this target which is the main driver for seeking ALMO status to secure the additional funding required. Our expectation of the additional funding that will be made available will be insufficient to make all of our non-traditional and miscellaneous properties decent due to the disproportionately high costs involved.

Several alternative options are available and the complexity of our stock will require more than one solution to ensure we achieve the best consideration for the Council where stock is disposed of or demolished whilst at the same time ensuring an adequate supply of affordable housing to meet demand. A variety of circumstances exist and the best option will need to be agreed for each. The following may all have a role to play in achieving our long term disinvestment in this stock :-

- Demolition
- Transfer to RSLs (trickle or total transfer)
- Disposal of vacant dwellings (RSL or open market)
- Incentives to existing occupiers to purchase (enhanced Right to Buy package)

It will be necessary to produce a plan for the long term future of each cluster of non-traditional dwellings. With regard to miscellaneous acquired dwellings a clear policy to determine the disposal of all such dwellings when they become vacant is required. This will minimise void rent loss that impacts on our performance target for HES 69.

The factors that need to be taken into account and proposals for the way forward are identified in sections 4.3 and 4.4 of the attached report.

8. Finance

Work undertaken in September 2003 to identify the cost of bringing non-traditional properties up to a decent standard and guaranteeing a 30 year lifespan identified that non-traditional properties would cost 2.33 times more to refurbish than traditionally built properties. This would mean for every 3 non-traditional properties, 7 traditional properties could be made decent at the same cost.

Alternative options for disposal of property would cost substantially less than refurbishment to the Decent Homes standard.

Dependant on the chosen option for each site or cluster of properties, provision is to be made in future Housing Capital Programmes to deliver the programme including the identification of potential capital receipts and how they will be reinvested.

9. Risks and Uncertainties

Failure to adopt an agreed long-term action plan for disinvestment of non-traditional and miscellaneous acquired property may lead to the Council not achieving the Government's decency standard for all stock by 2010.

Availability of alternative homes for displaced households is dependent on the vacancy rates in their preferred areas for re-housing. Delaying implementation of the strategy could result in a solution not being achieved for each site.

Level of interest from RSLs and availability of funding to support them is not certain.

Failure to have an agreed policy and strategy can lead to accusations of malpractice and possible undermining of Housing Service and Council strategies.

10. Policy and Performance Agenda Implications

The opportunities presented by disinvestment in this stock will contribute to :-

- Regeneration priority to provide sustainable neighbourhoods of quality, choice and aspiration by ensuring high quality neighbourhoods with access to housing across all tenures.
- Taking into account equalities issues by considering the type of miscellaneous acquired property to be retained within the social housing sector to meet identified need.
- Agreed consultation procedure will ensure all affected residents are involved.
- Sustainability is supported by making the best use of existing land and buildings. It will make a key contribution to achieving decent housing and removing and replacing unsustainable and poor standard housing.
- The strategy will contribute to the Community Strategy theme to "provide safe and inclusive communities", the Neighbourhood Renewal Strategy and the Corporate Plan priority "A place to live".
- Disposal of property will contribute to BVPI 184 and Corporate Indicator D8.
- A Policy for sale of miscellaneous acquired properties will also contribute to performance indicator HES 69

11. Background Papers and Consultation

- Report to Cabinet Member for Housing and Environmental Services 15th September 2003 - Disinvestment in non-traditional housing stock.
- Report to Cabinet Member for Housing and Environmental Services 28th June 2004 - Consultation on non-traditional housing.
- Environment Scrutiny Panel 1st July 2004 - Background and Policy on miscellaneous acquired housing stock.

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STRATEGY FOR DISINVESTMENT IN NON-TRADITIONAL AND MISCELLANEOUS ACQUIRED HOUSING STOCK

1. Introduction

At its meeting on 1st July 2004 Environment Scrutiny Panel requested a report regarding strategic options for the future of non-traditional and miscellaneous housing stock managed by Housing Services. This follows a decision taken by the Cabinet Member for Housing and Environmental Services to disinvest in system built non-traditional properties on 15th September 2003. In addition, although the Council has no written policy regarding the disposal of miscellaneous acquired properties, the Head of Housing Services was given delegated powers to determine as appropriate the sale of such properties.

2. Background

The Council owns a mixture of non-traditional and miscellaneous dwellings throughout the Borough almost all of which was built or acquired individually by the various Authorities that came together to form Rotherham Metropolitan Borough Council in 1974.

Non-traditional designs are a mixture of medium and large scale schemes together with several small infill schemes mixed with traditionally built, mostly early 1950's stock.

The Government classified system built dwellings that were constructed as emergency or temporary solutions as "defective" under Sections 528 and 529 of the Housing Act 1985. Rotherham owns stock that is both classified under this legislation (e.g. "Reema" and "Airey") and some that fall outside (e.g. "Wimpey No-fines"). Construction of the dwellings comprises of a mixture of pre-cast and in-situ forms of concrete, timber framed and steel framed systems.

Most miscellaneous acquired properties are spread throughout the Borough, mostly in very small numbers within otherwise private sector areas. They are predominantly pre1914 terraced properties or pre 1945 semi-detached properties.

Investment in both non-traditional and acquired miscellaneous properties was a method employed by many Local Authorities to meet the high demand for affordable rented homes at the time.

3. Current Position

The Council currently owns and manages 1277 non-traditional and miscellaneous acquired properties that are identified by type and Neighbourhood Management Area in Appendix 1.

Whilst these can be found across the Borough, larger numbers are located predominantly within the Maltby, Dinnington, Wath, Rawmarsh and Aston management areas.

Although many miscellaneous acquired properties prove difficult to let and are subsequently offered for sale on the open market when they become vacant, there is demand for most non-traditional stock with none of it falling within the ODPM classification of "difficult to let" for Housing Investment Programme statistical returns. This is partly due to the attractive location, spacious room size and large gardens of many properties. The areas that were, historically, of main concern have already been addressed by previous or current regeneration programmes.

However, a priority for the Council is to achieve the Decent Homes standard for all of its housing stock by 2010. Rotherham faces a shortfall in its anticipated capital resources for future years to meet this target which is the main driver for seeking ALMO status to secure the additional funding required. Our expectation of the additional funding that will be made available will be insufficient to make all of our non-traditional and miscellaneous properties decent due to the disproportionately high costs involved.

Work undertaken in September 2003 to identify the cost of bringing non-traditional properties up to a decent standard and guaranteeing a 30 year lifespan identified that non-traditional properties would cost 2.33 times more to refurbish than traditionally built properties. This would mean for every 3 non-traditional properties, 7 traditional properties could be made decent at the same cost.

This exercise was based on the costs of carrying out work to a "Reema" type property to achieve a 30 year lifespan as Northern Counties had carried out this type of work in the area to former Council owned dwellings. Other dwelling types may vary in price but the "Reema" type is considered to be an average type dwelling that gives an appropriate guideline price for the cost of works. This work was carried out in 1999 at a cost of £45,000 and, based on an annual inflation rate of 5% would cost £57,500 today.

The above has been further supported in July 2004 following the costing of works required to the "Tarran" properties at Maltby which estimated that £58,000 per dwelling was required.

Miscellaneous acquired properties are mostly of an age or construction that results in them being in low demand. Recent experience has also shown they tend to require substantial refurbishment works to achieve the Decent Homes standard. Currently, when they become empty their future is assessed based on cost of refurbishment and demand for the type of property. Normally £5,000 is

considered to be the upper cost limit for refurbishment but this may be lower if there is little or no demand or higher where there is high demand from those who cannot meet their housing needs elsewhere.

Properties are normally sold on the open market but there are exceptions where stock has been transferred to a housing association for refurbishment to retain properties within the affordable housing market. 25% of the income from these sales may be used for re-investment into affordable housing with the remaining 75% required to be paid into the national pool.

4. Future Options

Given the necessity and desire to meet the Decent Homes standard for all of our dwellings, the excessively high cost of refurbishment of these dwellings and the Cabinet Members decision to disinvest we must consider the options for their long term future.

Several options are available and the complexity of our stock will require more than one solution to ensure we achieve the best consideration for the Council where stock is disposed of or demolished whilst at the same time ensuring an adequate supply of affordable housing to meet demand. A variety of circumstances exist and the best option will need to be agreed for each.

4.1 Breakdown of the Stock

The following represents the differences in the clusters of property owned and managed by the Council :-

- 990 Non-traditional properties
 - 4 Predominantly Council estates with 51, 73, 83 and 253 properties respectively.
 - 4 Smaller groups of 30 - 50 dwellings either in a concentrated cluster or interspersed with other dwelling types or private property.
 - 6 Sheltered bungalow schemes of 30 - 40 dwellings each.
 - Several small clusters ranging from 2 - 25 dwellings (mostly in groups of less than 10 within predominantly traditionally built estates.
- 287 Miscellaneous acquired properties
 - All are in clusters of 1 - 8 properties.

4.2 Options Available

The same option will not be appropriate for all sites. The following may all have a role to play in achieving our long term disinvestment in this stock :-

- Demolition
- Transfer to RSLs (trickle or total transfer)
- Disposal of vacant dwellings (RSL or open market)
- Incentives to existing occupiers to purchase (enhanced Right to Buy package)

4.3 Influencing Factors

Disinvestment in non-traditional housing is seen as an opportunity to create further tenure diversification, attract external funding and result in the development of new sustainable energy efficient homes. With the onset of Decent Homes and the commitment to promoting sustainability the miscellaneous acquired dwellings are not regarded as a significant asset in either value or as a contribution to Neighbourhood Renewal.

A number of factors must be taken into consideration for any proposed disposal of these properties. We must also consider what incentives could be offered to existing residents to support the process. All will have varying impacts on the lives of residents, the cost to the Council, the income generated from sales and the options for the future use of cleared sites :-

- The incidence of existing Right to Buy completions within an area as a % of property still in our ownership. This will significantly impact on the cost of any proposed clearance of sites and could require the provision of financial assistance to redevelop sites to ensure there are affordable options to purchase within new developments.
- Consideration of only selective clearance of blocks or pairs wholly in our ownership with alternatives for those properties attached to existing private properties.
- Likely demolition costs associated with schemes.
- The re-sale value of vacant properties and the value of any cleared sites if demolition took place.
- The actual cost of refurbishment for each type of dwelling.
- The interest of RSLs in either taking over existing properties for refurbishment or redeveloping cleared sites to provide new affordable housing.
- Actively encouraging the re-housing of existing tenants either by prioritising applications to their area of choice or giving financial incentives to move.
- Extenuating circumstances for retention such as the provision of larger miscellaneous properties that are in extremely short supply elsewhere within our stock. This issue may be of particular importance for equalities reasons.

4.4 The Way Forward

Many of the non-traditional dwellings, particularly “Airey” types, are located in popular rural or semi-rural locations. There has already been significant take up

of Right to Buy in these areas and sale of vacant property on the open market is likely to attract a lot of interest.

Some of the larger concentrations of dwellings may be more suited to demolition. However, experience of previous regeneration schemes involving demolition have shown that most people wish to either be re-housed in the same locality or return to the site if possible in new affordable housing provided by RSLs. This will obviously have an impact on the speed at which a scheme can progress and also on other applicants on the waiting list for the area.

The Council is already considering the long-term future of Sheltered Housing and those schemes of non-traditional construction should be a priority for action within that plan.

Disposal of miscellaneous acquired properties will have little or no impact on the community given that they are widespread and either individual properties or in very small clusters.

Given the many and varied factors outlined above it will be necessary to produce a plan for the long term future of each cluster of non-traditional dwellings. With regard to miscellaneous acquired dwellings a clear policy to determine the disposal of all such dwellings when they become vacant is required. This will minimise void rent loss that impacts on our performance target for HES 69.

Proposals for the future of non-traditional stock :-

- All sites and clusters have already been identified. The best option for each site taking into account the options and issues identified in 4.2 and 4.3 above should be identified. This should include identification of any properties worth retaining within the Council's stock. One criterion could be whether the dwelling type is one considered defective under Sections 528 and 529 of the Housing Act 1985 or not. We have 345 "Wimpey No fines" dwellings that fall outside of this definition and regeneration work at Wath White Bear has identified that these dwellings have cost no more than traditionally constructed dwellings to bring up to the Decent Homes standard. This should also include and take account of demand in the area and scope for redevelopment including adjacent areas of land.
- Advise RSLs of any areas considered suitable for transfer to establish interest. There are currently 3 RSLs active in Rotherham with experience in refurbishing non-traditional properties.
- Policy to be determined regarding rehousing priorities, financial and other incentives to be made available for existing occupiers.
- A programme and action plan should be produced to address all the sites and clusters by the end of 2010 - the Government's timescale to achieve Decent Homes.

- Provision to be made in future Capital Programmes to deliver the programme including the identification of potential capital receipts and how they will be reinvested.
- This programme to follow that for the delivery of Decent Homes for traditional stock wherever possible. The Decent Homes programme itself having been influenced in part of the Borough by the timetable for activity within the Housing Market Renewal Pathfinder which will be identified following the completion of the Masterplanning exercises for each of the 5 Area Development Frameworks.
- Right to Buy applicants be advised of the proposals either when a decision is reached for existing applicants or upon application for new applicants. Proposals in the forthcoming Housing Bill include the restriction of the Right to Buy in areas where demolition or regeneration activity is planned. The implications of this will need to be considered in the light of decisions taken.
- The consultation procedure approved by Cabinet Member for Housing and Environmental Services on 28th June 2004 be applied to all sites and clusters.
- Wider discussion may be needed where we plan to demolish larger clusters - such as Planning and Education colleagues regarding impact of change.
- Resources need to be identified to deliver the programme that will be a combination of the Regeneration Team and Neighbourhood Office staff.
- Where ownership of property is transferred to RSLs or other Landlords restrictive covenants need to be included in the sale agreement requiring properties to be refurbished within a specified period of time. This is particularly important given the Council's role as strategic housing authority to ensure all social housing meets the Decent Homes standard by 2010 and the requirement to maximise the achievement of this standard within the private sector.

Proposals for the future of miscellaneous acquired stock :-

- All sites and clusters have already been identified.
- Identify demand for accommodation taking into account equalities issues. Large properties can still be retained within the Social Housing Sector by transferring them to RSLs so their interest in such proposals needs to be established.
- Policy to be determined regarding re-housing priorities, financial and other incentives to be made available for existing occupiers.
- A programme and action plan should be produced to address all properties by the end of 2010 - the Government's timescale to achieve Decent Homes. This needs to determine which if any properties are to be retained so that they can be included in the Decent Homes programme at the appropriate time. All properties not identified for retention to be offered for sale, immediately they become void, regardless of the refurbishment cost. Any capital receipt should be reinvested in affordable housing elsewhere.

- The potential for Housing Market Renewal Pathfinder support should be included in the Masterplanning exercises for each of the 5 Area Development Frameworks.
- Where ownership of property is transferred to RSLs or other Landlords restrictive covenants need to be included in the sale agreement requiring properties to be refurbished within a specified period of time. This is particularly important given the Council's role as strategic housing authority to ensure all social housing meets the Decent Homes standard by 2010 and the requirement to maximise the achievement of this standard within the private sector.

5. Conclusion

The Council must meet the Decent Homes target by 2010 and retention and refurbishment of non-traditional and miscellaneous acquired dwellings is a major barrier to achieving this objective.

Affected properties and costs for the work have been identified and there are alternatives for the future of this stock as outlined above but it is a long-term solution. The most appropriate implementation of the identified alternatives will lead to further tenure diversification, external investment in stock, the provision of new housing to provide more sustainable housing stock overall for the residents of Rotherham.

6. Recommendations

- **TO NOTE THE REPORT**
- **TO SUPPORT THE DEVELOPMENT OF PLANS TO DISINVEST IN NON-TRADITIONAL AND MISCELLANEOUS ACQUIRED STOCK**

Appendix 1. - SUMMARY SHEET FOR NON- TRADITIONAL AND MISCELLANEOUS PROPERTIES

AREA OFFICE	Finnegan	Airey	Dorlonco	Reema Hollow	Myton	Unity	Tarran	Laing	Trusteel	Wimpey No Fines	Non-trad. misc.	Total Non-traditional	Acquired Property
Maltby		15		8		35	73				65	196	59
Dinnington		68		24						1	2	95	10
Wath		5								91		96	31
Swinton												0	0
Rawmarsh			42		80					253		375	28
"Going Local"								46				46	22
East Herringthorpe		33										33	10
Town Centre			27									27	121
Aston	7	64		18					2		31	122	6
TOTAL	7	185	69	50	80	35	73	46	2	345	98	990	287

**CABINET MEMBER FOR HOUSING AND ENVIRONMENTAL SERVICES
FRIDAY, 30TH JULY, 2004**

Present:- Councillor Ellis (in the Chair); Councillors Kaye and Hall.

Apologies were received from Councillor Jack.

35. REPRESENTATION ON OUTSIDE BODIES/PANELS

Consideration was given to Minute No. 7 of the Environment Scrutiny Panel held on 1st July, 2004 in respect of nominations to Outside Bodies.

Resolved:- That the nominations be noted.

36. LICENSING REFORM

(Councillors Senior and Wootton attended the meeting for consideration of this item.)

Consideration was given to a report presented by the Senior Licensing Officer, updating Members on the progress of the Licensing Act and the steps being taken by the Council in preparation for the forthcoming changes.

It was pointed out that the Council was required to prepare and publish a Statement of Licensing Policy which must encompass the following four objectives:-

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

It was reported that consideration was now being given to training for Elected Members and officer at the beginning of January 2005. In accordance with the guidance issued a draft policy was now in place with which to carryout the required consultation. The report included a list of mandatory consultees that the local authority must consult with prior to publishing a Statement of Licensing Policy.

Reference was made to the six months timescale. The Chair of the Licensing Board added that it was proposed to liaise with the neighbouring South Yorkshire Local Authorities to ensure that there was a standard policy across the boundaries.

It was confirmed that the fees would be determined by Government and were intended to cover full administration and enforcement costs and should therefore be a neutral cost to the Council after an initial twelve months period.

The Assistant Solicitor clarified issues in respect of possible conditions that could be imposed on a licence.

Resolved:- (1) That the report be received and approval given to consult upon the draft Statement of Licensing Policy, with not less than the persons/bodies listed in the scheme of proposed consultees.

(2) That a process of awareness raising commence immediately with a briefing paper being provided for all Members.

(3) That a seminar for all Members be arranged for September 2004.

(4) That training for members be arranged for January 2005.

37. A.L.M.O. EXCELLENCE PLAN

Consideration was given to a report, presented by the Transformation Team Officer, relating to the progress of the ALMO Excellence Plan.

It was reported that the Plan was the tool that would drive forward and monitor the transformation of housing management and repairs services into an ALMO structure. The work needed to be robust to deliver excellent services to customers through Neighbourhood Management.

Members' attention was drawn to the following key objectives:-

- ALMO is established and in place by 31 March 2005.
- Tenants are at the heart of our decision process and play a principal role in shaping future service delivery.
- Delivering a continuously improving, high performing, customer focused service.
- The ALMO has a long term strategy for the delivery of neighbourhood management beyond the delivery of decent homes
- Ensuring our services demonstrate value for money to our customers, through the application of competition and procurement

It was pointed out that the Audit Commission would carry out an indicative ALMO inspection in September 2004 and this plan would assist them in their assessment of how much progress had been made. The Plan would be used to monitor and record progress and be regularly updated to reflect milestones and measures achieved. The Plan would also support the objective of achieving a two/three star rating of services to enable the ALMO to access funding to achieve Decency by 2010.

The Executive Director, Housing and Environmental Services, highlighted the following:-

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- timescale for setting up Area Boards
- the need to progress and clarify a marketing, branding and PR Strategy

Members raised the following issues:-

- training for members of the Area Boards
- experience of other Local Authorities

It was pointed out that there were regular meetings to identify and discuss issues and that the Plan would be updated continuously.

Resolved:- That the ALMO Excellence Plan be noted.

38. REPAIRS AND MAINTENANCE SERVICE IMPROVEMENT PLAN

Consideration was given to a report, presented by the Head of Housing Services relating to the latest version of the above Plan.

It was pointed out that following the Repairs and Maintenance Inspection in February 2004 the Plan now reflected issues raised by the Audit Commission.

Members were advised that the Plan had four key objectives, with a range of tasks with Task Managers identified to deliver changes.

The Executive Director, Housing and Environmental Services, drew Members' attention to the timescale of September 2004, given by the Audit Commission, in which to put in place a procurement strategy. It was proposed that an options paper be prepared. Reference was made to the individual actions required and to the amount of work associated to address these issues.

Resolved:- That the Repairs and Maintenance Service Improvement Plan be noted.

39. STAFF RECOGNITION FRAMEWORK

Consideration was given to a report, presented by the Performance and Development Officer, relating to steps being taken to develop and implement a Staff Recognition Framework to motivate and recognise staff for their contribution to the strategic objectives of the Programme Area.

It was pointed out that the key to the framework was to align recognition to performance.

The proposals included a formal recognition process together with flexibility and more informal practices.

Examples of the proposals were set out in the report which would

culminate in an annual conference in April 2005.

Resolved:- That the implementation of the Staff Recognition Framework be agreed.

40. UPDATE REPORT - PETITION FROM THE RESIDENTS OF HENLEY

Further to Minute No. 177 of the Meeting of the Cabinet Member for Housing and Environmental Services held on 22nd December, 2003, consideration was given to a report, presented by the Head of Housing Services, relating to the present position with regard to the petition submitted by residents of Henley concerning anti-social behaviour.

Reference was made to action taken in serving of three Acceptable Behaviour Contracts in response to complaints from residents. It was reported that there had been a significant improvement in the situation, and that local ward member surgeries had been established jointly with Housing Services and South Yorkshire Police.

Resolved:- That the report be received and the action taken be noted.

41. UPDATE REPORT - PETITION FROM RESIDENTS AT TURNER CLOSE, PARKGATE

Further to Minute No. 302 of the meeting held on 27th January, 2003, consideration was given to a report, presented by the Head of Housing Services, relating to a petition received from residents of Turner Close, Parkgate requesting improved security measures due to youth nuisance and increased incidents of domestic burglary.

The report detailed the measures taken following an assessment by the Crime Reduction Officer.

It was also reported that in addition neighbourhood wardens and the police had worked together to fit alarms to doors and windows, and additional patrols by the wardens and police had also been requested.

Members were advised that since the work had been completed residents had expressed a sense of security and well being had become more settled. Also the demand for these properties had improved and there had been fewer requests for transfers.

Members asked that feedback from residents be documents and a brief report on the success of the action taken to be provided for the Chief Executive.

Resolved:- (1) That the report be noted.

(2) That a briefing note on the success of the measures taken by provided for the Chief Executive.

**42. UPDATE REPORT - PETITION FROM RESIDENTS REGARDING
DRAINAGE PROBLEMS AT WHARTON AVENUE, SWALLOWNEST**

Consideration was given to a report, presented by the Head of Housing Services, relating to receipt of petition from twelve residents in respect of rain water run-off from a Council-owned steep grass embankment at the front of Nos. 62 to 78 'Wharton Avenue, Swallownest, causing the gardens to become waterlogged. It was also reported that during prolonged or severe rainfall, water occasionally penetrated the properties.

Members were asked to consider a proposal to install approximately 34m of channel grate along the full length of the embankment, which would be connected to the main drain. It was noted that the work was not classified as the tenant's responsibility.

It was pointed out that a contribution from an owner-occupier would be sought. The cost of the remedial work would be met from the External Drainage Repair Budget.

It was noted that the work would impact of the lifespan of the properties and encourage tenants to sustain their tenancies.

Resolved:- That the proposed action, detailed in the report, be agreed.

43. CHOICE BASED LETTINGS

Consideration was given to a report, presented by the Head of Housing Services, relating to work in progress on the concept of choice based lettings.

It was pointed out that an effective choice-based lettings scheme was an essential pre-requisite of an ALMO delivering excellent housing management services.

It was reported that there had been twenty seven pilot schemes countrywide and the benefits were highlighted. However, it was pointed out that appropriate and efficient IT was necessary in order to deliver such a scheme. Reference was made to the Government target of 2010 which required all Allocation Schemes to be choice-based.

The report made reference to schemes operating in Sheffield and Oldham, and to the need for the proposed scheme to protect the rights of vulnerable and excluded groups.

Members supported the principles of the proposed scheme, as detailed in the report, together with the possible link to the development of a Property Shop to deliver a range of services.

Resolved:- (1) That approval be given in principal to the proposals for a

Choice-based Lettings Policy.

(2) That further feasibility work be undertaken on the proposal to develop a Property Shop able to provide other key services.

(3) That officers develop further, matters relating to the approach to Choice-based lettings, and procedures, and return with a final report prior to implementation.

44. ADDITIONAL FUNDING FOR PUBLIC SECTOR ADAPTATIONS

Further to Minute No. 30 of the meeting of the Cabinet Member and Advisors for Housing and Environmental Services held on 19th July, 2004, consideration was given to a report, presented by the Acting Principal Grants Officer, relating to the current financial position of public sector adaptations, and confirming there requirement for further urgent, additional funding.

It was reported that approvals in the first four months of 2004/2005 had totalled the full commitment of the allocated budget. The reasons for this were explained in the report submitted.

Members were advised that following the decision made on 19th July 2004 it was estimated that £350,000 was required to address the current situation regarding public sector adaptations, and a further requirement of £50,000 for private sector discretionary approvals.

The Executive Director, Housing and Environmental Services, reported that the Cabinet Member for Finance and Resources was to head up a Base Budget Review which would look at the capital and revenue programme for all Programme Areas. It was proposed that discussions take place with Social Services, with a view to a report being submitted to the Corporate Management Team to feed into the Base Budget Review, which identified pressures, planning issues, and issues in respect of lifetime homes, and which ultimately would lead to a reduction in adaptation requirement.

Resolved:- (1) That the report be accepted.

(2) That approval be given for additional funding of £350,000 for public sector adaptations.

(3) That the course of action proposed by the Executive Director be endorsed.

45. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of

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exempt information as defined in those paragraphs, indicated below, of Part I of Schedule 12A to the Local Government Act 1972.

46. UPDATE REPORT - PETITION FROM RESIDENTS OF LAUDSDALE ROAD, EAST HERRINGTHORPE

Further to Minute No. 366 of the meeting of the Cabinet Member and Advisors held on 7th April, 2004, consideration was given to a report, presented by the Head of Housing Services, relating to the present position regarding the petition submitted by residents of Laudsedale Road in respect of anti-social behaviour.

The action taken in response to the petition was reported. Members were advised that the situation had been monitored since and no further problems had been reported. It was also reported that before the case was closed residents would be consulted.

Resolved: That the report be received and noted.

(Exempt under Paragraph 7 of the Act – report related to the financial/business affairs of someone except the Council)

47. DISPOSAL OF ALMOND PLACE SHELTERED SCHEME, WATH

Consideration was given to a report, presented by the Housing Manager, relating to the proposed disposal of Almond Place Sheltered Housing scheme.

Members were advised of the general decline in demand for sheltered housing, particularly in schemes like Almond Place (“inside schemes”) where residents occupy flats within the same building and share communal facilities. It was reported that 12 of the 19 units were currently vacant.

It was reported that Social Services had been consulted regarding potential alternative use but the building was considered unsuitable due to the following reasons:-

- poor appearance and design
- undesirable location
- lack of parking
- poor immediate estate environment
- non-compliance with the Disability Discrimination Act

A plan of the building and its immediate surrounds was displayed at the meeting.

It was pointed out that a visit and discussions with the Ward Members had taken place. It was stated that at this stage there was no intention to dispose of the site because the surrounding estate had potential for a

major regeneration scheme and was within the Pathfinder.

Details of the finance involved was set out in the report.

Resolved:- (1) That authorisation be given to the rehousing of the remaining seven tenants from Almond Place Sheltered Housing Scheme, together with the payment of Homeloss and Disturbance payment.

(2) That authorisation be given to the decommissioning and securing of Almond Place pending future regeneration proposals.

(3) That authorisation be given to the inclusion of £127,000 in 2004/2005 HIP.

(Exempt under Paragraphs 3, 4 and 9 of the Act – report related to accommodation provided by the Council; Services provided by the Council and terms for the sale of property)

48. MULTI-AGENCY WITNESS MOBILITY SCHEME

Consideration was given to a report, presented by the Head of Housing Services, informing Members of the National Multi-Agency Witness Mobility Scheme which was designed to reduce fear and distress experienced by intimidated witnesses. The scheme was intended to provide fast track relocation and support service to enable individuals, who were subject to intimidation, to continue to support the criminal justice system and thereby successfully reduce crime and fear of crime.

Resolved:- That approval be given to becoming a signatory to the Multi-Agency Witness Mobility Scheme.

(Exempt under Paragraph 8 of the Act – report related to proposed supply of goods or services)

49. DEVELOPMENT OF A HOME IMPROVEMENT AGENCY (H.I.A.) IN ROTHERHAM

Consideration was given to a report, presented by the Acting Principal Grants Officer – Housing Services, relating to the development of a Home Improvement Agency in Rotherham.

The Cabinet Member was asked to consider approving in principle the creation and development of a Home Improvement Agency to provide additional funding and services beyond those already provided by Housing and Social Services.

The report detailed the purpose of the proposed HIA and the core activities were explained as:-

- to provide advice

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- financial assistance
- administration
- technical assistance
- monitoring and support

Examples of other services the HIA could provide were also given in the report.

A breakdown of the funding being sought to establish the HIA in 2005/2006 was also reported.

Resolved:- That agreement be given, in principle, to the development of a Home Improvement Agency in Rotherham to complement existing services.

(Exempt under Paragraph 8 of the Act – report related to proposed expenditure)

50. PUBLIC AND PRIVATE SECTOR APPLICATIONS EXCEEDING DELEGATED POWERS

The Head of Housing Services submitted 3 Disabled Facilities Grants (private sector) and 1 Disabled Facilities Adaptations (public sector) for consideration.

1. Private Sector Applications

Resolved:- That application Nos. 17853, 18381 and 17868 be approved in the sum of £80,084.17

(i) substantially in accordance with plans and specifications submitted by the Head of Housing Services.

(ii) within a period of 12 months of the application being approved.

2. Public Sector Applications

Resolved:- That the application No. 17773 be approved in the sum of £26,324.29

(Exempt under Paragraphs 4, 5 and 8 of the Act – report contained names and addresses of applicants requesting related financial assistance from the Council)

51. ENTERING INTO DISCUSSIONS WITH N.A.S.S. FOR POST 2005 CONTRACT

Consideration was given to a report presented by the Team Leader, relating to the need to negotiate a new contract.

It was reported that the Yorkshire and Humberside Consortium of Local Authorities had prepared a template report (appended to the report now submitted) which detailed four options. Each of the options was explained.

The Cabinet Member was advised that the Consortium had expressed a preference for Level 2 (partially delegated model).

Resolved:- (1) That the recommendations set out at Section 7 of the Template report be supported.

(2) That the report be submitted to the Cabinet requesting a recommendation to Council that authority be given to enter into formal negotiations with NASS.

(Exempt under Paragraph 9 of the Act – report related to proposed terms of a contract)

**CABINET MEMBER FOR HOUSING AND ENVIRONMENTAL SERVICES
FRIDAY, 6TH AUGUST, 2004**

Present:- Councillor Ellis (in the Chair); Councillors Kaye.

Apologies were received from Councillors Hall, N. Hamilton and Jack.

52. TACKLING RACIAL HARASSMENT

The Head of Housing Services submitted a 6 monthly report on racial incidents that had been reported via the Programme Area.

During 2003/04 the Service had received 16 reports of a racist incident compared with 18 during the previous year. All incidents were passed to MAARI (Rotherham Multi-Agency Approach to Racial Incidents) which consisted of the Race Equality Council, South Yorkshire Police, Rotherham Council, Rotherham Primary Care Trust amongst others. The Anti-Social Behaviour Unit monitored the action taken and reported corporately.

The majority of the incidents were resolved through advice from Housing Services and cautions from the Police. The Anti-Social Behaviour Unit became involved in 3 cases. In all instances affecting Council tenants, a joint visit was made with the Police and warned that they risked losing their home. The Police also advised them of the possibility of criminal action should their behaviour be proved or continue. Acceptable Behaviour Contracts were issued on 2 occasions.

The report set out a number of actions taken to improve the Service.

Resolved:- That the report and the positive action taken be noted.

53. PETITION - ANTI-SOCIAL BEHAVIOUR

Further to Minute No. 34 of 19th July, 2004, the Head of Housing Services submitted a report relating to the present position with regard to the petition submitted by residents of Simmonite Road, Kimberworth Park concerning anti-social behaviour.

The petition pointed to various examples of nuisance caused by children and youths congregating in the area. Letters had been sent to the parents of any child reported to be a nuisance but generally names and addresses were not reported.

In partnership with the local Police, Acceptable Behaviour Contracts were being issued to a large number of youths in the Kimberworth Park area but this was reliant on information from residents as to who the perpetrators were.

Working with residents in the formation of a constituted group that worked in partnership with stakeholders would be a positive move forward that could lead to improved communication about issues. A preliminary meeting had proved to be very positive with the indication that residents could play a big part in the future of Simmonite Road.

Resolved:- That the development of an involved residents group working in partnership with Housing Services and other stakeholders to initiate neighbourhood management projects be supported.

54. RESTRUCTURING OF THE PROGRAMME AREA

The Executive Director of Housing and Environmental Services submitted the proposed new structural arrangements for the Programme Area.

Extensive consultation had taken place in relation to the proposed structures since May, 2004. The proposed arrangements presented a radical reconfiguration recognising the significant progress made to improve quality of services and to address the challenges facing the Council in the medium term.

The structures would:-

- Enable a smooth transition to an Arms Length Management Organisation (ALMO) for housing management services
- Support the development of Borough-wide neighbourhood management arrangements
- Provide the Council with an improved infrastructure to deliver Neighbourhood Renewal Strategy (NRS)
- Strengthen the community planning arrangement
- Support the community leadership role of Ward Members
- Mainstream Area Assembly activities
- Strengthen the Programme Area's approach to regulation and develop neighbourhood standards
- Deliver long term waste strategy.

Re-naming of the Programme Area was required to reflect the new role and consultation with the Council. It was suggested that it should be called "Neighbourhoods".

The Council had made a number of decisions since August, 2003, which had had structural implications and had influenced the thinking behind the proposals including the decision to set up an ALMO and the transfer of responsibilities to support Area Assemblies, neighbourhood management and the implementation of the Council's contribution to the Neighbourhood Renewal Strategy with effect from April, 2004.

The contribution of the Programme Area towards the Council's vision for Rotherham had become much clearer and a new mission had evolved

reflecting the strengths of the Service:-

“Building Sustainable Neighbourhoods”

A place to live, where people have choice, quality and aspiration

The new structures were set out in Appendix 1 of the report submitted together with a brief description of some of the key challengers facing each Service Area.

Resolved:- (1) That the proposed new structural arrangements for the Programme Area be approved.

(2) That the Cabinet be asked to recommend to Council the renaming of the Housing and Environmental Services Programme Area to “Neighbourhoods Programme Area”.

(3) That the report be referred to the September meeting of the Environment Scrutiny Panel for information.

**ENVIRONMENT SCRUTINY PANEL
THURSDAY, 29TH JULY, 2004**

Present:- Councillor Atkin (in the Chair); Councillors Clarke, Ellis, Hall, Hodgkiss, McNeely, Nightingale, P. A. Russell, Vines, Mr. D. Alderson and Mr. D. Willoughby.

Apologies for absence:- Apologies were received from The Mayor (Councillor F. Wright) and Councillor Jackson.

19. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or the press.

20. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

21. WASTE MANAGEMENT STRATEGY PRESENTATION

The Chairman welcomed Adrian Gabriel, Waste Strategy Manager, and the consultants from ENVIROS who would be giving the presentation on the Draft Municipal Waste Management Strategy and Initial Options Appraisal.

Today's presentation formed part of the first stage of development for the long term Waste Strategy from 2004 – 2020 taking account of Government and European directives which require local authorities to divert significant quantities of waste away from landfill. This would require the Council to consider options for the treatment of waste to meet stringent landfill targets.

The presentation drew attention specifically to:-

- Why a Waste Strategy Management Strategy was required.
- The plan for the next sixteen years.
- Compliance with European and U.K. legislation.
- The short term strategy.
- Extension of current infrastructure.
- Improvement of participation in collection systems.
- Achievement of a 21% target by 2006 and further increases in recycling rates beyond this date.
- Long term strategy for waste management.
- Reduction of biodegradable waste sent to landfill.
- Assessment and underpinning of six options:-
 1. High Recycling.
 2. Mechanical Biological Treatment.
 3. Anaerobic Digestion.

4. Incineration.
 5. Gasification and Pyrolysis.
 6. Combination.
- Targets to reduce biodegradable waste sent to landfill as a consequence of the Landfill Allowance Trading Scheme.
 - £ million (Net Present Value) of all six options.
 - Generic overview of the risks.
 - A summary of costs and risks associated with each option.
 - Next steps to include public consultation, workshops, analysis, completion of the Full Waste Strategy and Government Office and Council approval.

A question and answer session ensued and the following issues were raised by Members:-

- How the public could get involved in the development of the Strategy.

Members were informed that a leaflet would be distributed to each household in Rotherham and feedback welcomed. There would also be alternative methods of consultation undertaken through the Area Assemblies, specific Focus Groups and staff would be available at the Rotherham Show to answer questions.

- The best option for Rotherham and whether there was an expectation for households to become more involved?

Members were informed that there would be a series of criterias on which Rotherham would be scored using a process called the Best Practical Environment Option. This assessment used generic/local criteria to determine what would be the best option for future waste management in Rotherham. The requirement to divert biodegradable waste away from landfill would need increased participation from households to meet future recycling and waste diversion targets. This could include the need to separate kitchen waste for collection, although this would be dependent upon the final strategic option chosen. There was also a need to consider an alternate week collection system for residual waste to stem the current growth in household waste within the Borough. This would be the subject of a report to the Cabinet Member on the evaluation of the current kerbside green waste collection pilot scheme.

- How much would the implementation of the options cost?

A full detailed cost analysis of all the options would be undertaken as part of our consultation and development on the best practical environmental option process. There was also a need to ensure we comply with our targets on landfill allowances otherwise the Council could be subject to financial penalties for failure to comply. The penalties levied in such cases could be in the region of £200 per tonne and in specified target years

finances from Europe on the country would be levied at £0.5 million per day. It was the Government's intention to pass on such levies to failing local authorities.

- How long would it take to build and get premises up and running in Rotherham?

Any building programme would depend on the option approved in Rotherham. The planning and facility development process could take a minimum of two years, however, this could take longer in the event of any decision on the development of waste processing facilities being taken to a public enquiry.

The option of sub-regional working would also be considered as part of our strategy development in order to look at how waste processing facilities within neighbouring authorities may provide opportunities for the Council to deal with municipal waste in the future.

- In terms of studies about waste management and levels had options been considered world-wide.

In terms of recycling it was recognised that this country was developing the recycling agenda to comply with legislation and attain future levels of recycling that compared with other European countries. The waste treatment options outlined in the presentation took account of tried and tested technologies that were used in Europe and other countries worldwide.

- What estimated costs would have to be dealt with as far as this Council was concerned.

The costs presented were indicative costs of the various technologies available. Due to the fact that the preferred option had not yet been determined it was not possible to provide specific costings until the preferred option and procurement mechanisms were determined.

- Reference was made to the blue box scheme and if there were any plans for this to be replaced.

The blue box scheme would continue to collect items such as glass, cans and textiles. The current blue bin scheme operated within Sheffield only provided for the collection of paper and card at the present time.

- Out of the options put forward which would be recommended to the public in Rotherham.

Members were informed that at this stage there was no recommendation or favoured option as it was important to assess all the options outlined in the waste strategy document. It would be foolish to come to a decision

without undertaking a full consultation process involving Members, stakeholders and the residents of Rotherham.

- Creation Recycling System was in operation in the Valley area and funded by the Single Regeneration Budget – would this still continue.

This scheme was referred to in the Waste Strategy document and discussions were taking place with Creation with a view to them introducing a kerbside weekly collection of dry recyclables from September 2004, initially on a trial basis..

- What happens once the Waste Strategy had been developed.

This Strategy would provide the framework for Rotherham to develop the necessary infrastructure to manage waste over the next fifteen years to comply with current legislative requirements. The final strategy would also include review dates of five years in line with Government guidelines to allow for changes to meet future legislation and the Council's strategic direction on waste.

- What would happen if items were placed in the wrong bins.

Every effort was made to provide a collection service to participants in kerbside recycling schemes and residents were informed why certain items have not been collected should they have been placed in the wrong receptacle.

- Where would a waste processing plant be located.

Members were informed that no locations had been identified at present as the preferred option for dealing with waste had not been chosen. The consultation process was designed to include all stakeholders in determining the best option for the Council. As part of this process Planning and Transportation would provide the necessary advice on the future availability of suitable sites.

- A number of landfill sites had re-applied for permits – was this linked to this scheme and once permits had been granted with emissions – was this an opportunity for incinerators to be built.

Reasons for landfill sites applying for new permits were linked to the European Landfill Directive and the need to ensure common standards for landfill existed across Europe.

In the event that someone applied for new facilities on a landfill site, this would be subject to them being granted planning permission for change of use. There were now tighter controls on landfill sites and the appropriate permissions and permits would have to be sought through the planning and waste licensing processes.

- Would the amount of waste managed continue to grow in the future.

Waste Strategy 2000 indicated that the amount of household waste produced was rising by 3% per annum however, recent information suggested the current rate was in the region of 1.4% per annum. The development of our Waste Strategy predicted an increase in household waste of 1.27% for modelling purposes. It was imperative that facilities for diverting waste away from landfill were sourced to comply with future landfill allowances, otherwise the Council may be subject to significant fines for not meeting allocated targets. We were not in a position where we could accept a continued increase in the amount of waste we produced in Rotherham, We needed to develop the long term strategic direction on this issue.

- Concern was expressed about the mixing of different types of rubbish, especially around holiday times like Christmas – had consideration been given to increased collections around this busy period.

Publicity material was circulated to residents around Christmas about how to minimise their waste output. Also the refuse collection service worked on Saturdays to minimise the frequencies between collections. In relation to other Bank Holidays the refuse collection service operated as normal, this was in response to customer requirements and had been in operation since the introduction of the Refuse Collection and Recycling Services Contract in 2002

- Were there any incentives for the public to recycle or minimise waste.

It was hoped that by providing publicity about the benefits and value to recycling, this would be an incentive enough. We were currently evaluating the options for incentive schemes to increase participation in our current kerbside recycling services.

The Chairman thanked Adrian Gabriel and the Consultants from ENVIROS for their very informative presentation. The comments made were noted.

22. CO-OPTION OF MEMBERS FOR 2004/2005

Consideration was given to a report by the Scrutiny Adviser regarding representatives of external organisations being co-opted onto Scrutiny Panels for one municipal year.

Resolved:- (1) That the nominations for tenant representation be endorsed.

(2) That the organisations represented last year be asked to nominate

representatives to be co-opted for the 2004/05 municipal year.

(3) That all new co-optees be provided with an information pack, as recommended in the co-option review, and be invited to attend this Scrutiny Panel's meetings from 26th August, 2004.

23. CORPORATE CONSULTATION GROUP

Consideration was given to the nomination of a Member to sit on the Corporate Consultation Group to be chaired by Councillor Wyatt.

Resolved:- That Councillor Atkin be this Scrutiny Panel's representative.

24. AUTHORITIES MANAGING POWER (AMP) - ENERGY SERVICES COMPANY (ESCO)

The Head of Housing Services presented a report launching the Energy Savings Company (ESCo) formerly the Authorities Managing Power (AMP) project.

Rotherham was now part of a large group of authorities in the north of England participating in the scheme to provide gas and electricity to their tenants. Scottish Power agreed to support the scheme, an "affinitive deal" was explored and could now be implemented.

A summary why Rotherham should have an ESCo, the advantages to the occupants and advantages/disadvantages to the "affinitive deal" was provided.

Members were informed that void properties were signed over to the ESCo and once a new tenant entered the property they were informed that the ESCo was the provider of the heat and power. Tenants were under no obligation to remain with the scheme and could opt for a different supplier at any time.

The scheme was only currently available to void properties, but further consideration would be given to the inclusion of existing tenants at some stage,

Resolved:- That the progress report be received and support for the introduction of the scheme be reconfirmed.

25. REPAIRS AND MAINTENANCE RE-INSPECTION

Pursuant to Minute No. 6 of the meeting held on 1st July, 2004, the Head of Housing Services provided a report on the findings of the Audit Commission following their re-inspection of the Repairs and Maintenance Service in February, 2004 and the response of Housing Services to the overall report and the inspection experience.

Resolved:- That the contents of the report be noted.

26. ANTI-SOCIAL BEHAVIOUR STRATEGY

Pursuant to Minute No. 146 of the meeting held on 20th May, 2004, Tim Hawkins, Policy Officer – Crime and Disorder, presented a report on the Draft Anti-Social Behaviour Strategy, which was required to tackle anti-social behaviour throughout the Borough of Rotherham.

Resolved:- That the report and the proposals for sustainable actions on tackling anti-social behaviour in Rotherham be noted.

27. EXTRA CARE HOUSING STRATEGY

Consideration was given to a report, presented by David Abbott, Housing Manager, relating to Rotherham's Extra Care Housing Strategy.

The Extra Care Housing Strategy was a joint strategy between Social Services, Housing Services and the Primary Care Trust and set out the vision for the future delivery of high support sheltered accommodation in Rotherham.

The key aims to the strategy were outlined, as indicated in the report submitted, and would bring together a restructured sheltered housing and modernised residential provision.

Within the scheme accommodation would be set aside for Black and Minority Ethnic Elders and people leaving hospital and residential care.

Members were informed that this form of accommodation would be highly sought after and there was little chance of the dwellings being void.

There were many advantages to this scheme, which included the redevelopment of an existing scheme within communities and small core and cluster units,

Criteria had also been established for a scheme specifically for people with physical and mental disabilities, which included those with problems with dementia in the early stages. The criteria exempted people who demonstrated violent tendencies.

Resolved:- That the Extra Care Housing Strategy be approved.

28. DECISIONS OF THE CABINET MEMBER FOR HOUSING AND ENVIRONMENTAL SERVICES

The Panel noted the decisions made under delegated powers by the Cabinet Member for Housing and Environmental Services held on 19th July, 2004.

Members noted the new measures coming into force with the new Anti-Social Behaviour Act which would be reported to the Performance and Scrutiny Overview Committee, in addition to an information sharing Members' Seminar.

Members noted that the Tenant's Insurance Scheme was out to tender and an update report would be provided for the next meeting.

29. MEMBERS' SUSTAINABLE DEVELOPMENT GROUP - 19TH JULY, 2004

The minutes of the meeting of the Members' Sustainable Development Group held on 19th July, 2004 were noted.

30. ENVIRONMENT SCRUTINY PANEL - 1ST JULY, 2004

The minutes of the meeting of the Panel held on 1st July, 2004 were noted.

31. ASYLUM SEEKERS WORKING PARTY - 30TH JUNE, 2004

The Panel noted the minutes of the meeting of the Asylum Seekers Working Party held on 30th June, 2004.

32. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part I of Schedule 12A to the Local Government Act 1972 (financial or business affairs of someone except the Council).

33. UPDATE - FLOODS OF NOVEMBER, 2002

Pursuant to Minute No. 18 of this Panel held on 1st July, 2004 the Head of Streetpride presented an update report on the investigations and remedial works which have been undertaken following the exceptional flooding that occurred in the Borough during November, 2000. Discussions on this issue remained tenuous due to the suffering experienced by some residents.

The report detailed the reasons for the flooding together with details of remedial action taken in the areas of:-

- Catcliffe and Treeton.
- Sheffield Road, Templeborough.
- Swinton/Morphy Richards Premises.
- Rotherham Town Centre.
- River Regulators.

The risks that remained were mainly associated with Catcliffe and Sheffield Road, Templeborough. In the case of Sheffield Road, the timing of future works would depend on the programming of possible partnership schemes with the Environment Agency and other stakeholders whereby funding sources could be found.

Members were advised that the flooding that occurred in November, 2000 was exceptional and the investigation into the causes of the flooding have been undertaken in conjunction with the Environment Agency and Yorkshire Water.

Whilst no guarantee could be given to say the areas indicated would not flood in the future, the risks have since been significantly reduced.

In response to a question, the Head of Streetpride explained how the automatic penstock would work at high river levels and gave the reasons for its installation.

Members of the Panel noted the nearly completed plans by Yorkshire Water to adopt the private pumping station at California Drive.

An Action Plan had since been adopted which would bring into force the Council's Emergency Plan should problems occur in the future. Yorkshire Water now had an undertaking to provide a generator at the pumping station on Treeton Lane in the event that the power supply was disconnected.

Resolved:- (1) That the results of the investigation, progress with remedial works and proposals to develop areas situation within the flood risk areas be noted.

(2) That the Council would inform residents of Catcliffe.