

**IMPROVING PLACES SELECT COMMISSION
Tuesday 1 February 2022**

Present were: Councillors Wyatt (Chair), Atkin, Bennett-Sylvester, Burnett (Vice-Chair), C Carter, Cowen, Ellis, Havard, Jones, Khan, McNeely, Sansome and Tinsley.

Apologies for absence were received from Councillors Bacon, Hunter, Pitchley and Reynolds, and from co-optees Mrs. Bacon and Mrs. Jacques.

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

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

47. MINUTES OF THE PREVIOUS MEETING HELD ON 14 DECEMBER 2022

Resolved:-

1. That the minutes of the previous meeting held on 14 December 2021 be approved as a true and correct record of the proceedings.

48. DECLARATIONS OF INTEREST

There were no declarations of interest.

49. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

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

50. EXCLUSION OF THE PRESS AND PUBLIC

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

51. FLY TIPPING IN ROTHERHAM

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

In discussion, Members requested further narrative around the effects of COVID on fly-tipping and the service's response. The response from officers described the type of people who fly-tip. During lockdowns there had been an increase in footfall in rural areas, so more fly-tips were identified and reported.

Members further expressed interest in knowing more about how many

costs are recouped in fines. The gap between costs and the moneys recouped from Fixed Penalty Notices was vast, as officers clarified. There was a significant backlog of serious fly-tipping offences entering the court process.

Members also complimented the effectiveness of the service and expressed interest in more details around how the team's work dovetails with work by the housing teams. It was clarified that the housing teams report evidential opportunities into the service.

Members also requested further information in respect of how landlords are involved. Where a problem area is identified, it was explained that the team engages landlords to try to better manage waste from the property. It can be very hard to prove who has committed the offence, but where there is evidence, the operational processes between referral and enforcement are strong. The service engages with both landlord associations.

Members expressed satisfaction with the rapidity of response by officers and expressed interest in knowing more about the proactive steps being taken to educate residents so that there is a strong culture of individual responsibility around not tolerating fly tipping. For example, how well are people aware of the need to check that their waste collector is legitimate? The response from officers described messaging and prevention campaigns, noting there is more work to do in this area. Officers also noted use of overt and covert CCTV for deterrent and evidentiary surveillance of fly-tipping.

Members requested further clarification around the actions the Council takes when the identity of a fly-tipper is discovered. The response from officers described the process of identifying evidence. Where this is not possible, the next steps are to pursue information sharing from a Duty of Care angle.

Regarding small fly tips, further details were requested around proactive measures to incentivise residents to go through the Council rather than calling on collectors that end up doing the small waste tips. The response from officers noted the willingness of the service to do more to leverage engagement groups. Proactive work around hotspots is primarily focused work in response to small tips. The best way is to get people within the community to talk to people in the community. Further, a 12-month communications plan is currently in development.

The suggestion was offered that the forthcoming communications plan include information about how to report fly tipping, and clarification was requested around how often the Council exercises its rights to make private landlords clear fly-tipped refuse from their property. The response from officers described the exercise of this power as a routine activity that is often called for within the community.

Members expressed thanks to the team for resolving specific fly tipping events in several wards. It was suggested that in future a representative from the litter picking team could be invited to join the meeting. Clarification was requested around the evidence collection process and whether officers have the right to proceed or whether they have to wait for the environmental teams. The response from officers indicated that officers keep individuals updated where they are directly affected, and whilst there is a huge impact on communities more broadly, there is not capacity to update everyone who reports a fly tip. The service is working towards a regular communication model that includes environmental data.

Members indicated the difficulty associated with coordinating multiple households to give testimony. The response from officers concurred that nothing stops the council from presenting a case with one witness, but in order to plunge resources into prosecution more witnesses are preferred. Where there is one witness, it is up to a determination of the court as far as credibility, with the criminal procedures requiring proof beyond all reasonable doubt. Evidential procedures therefore introduce limitations, but it was noted that the Council generally wins court cases. Covert surveillance is better for identifying fly tippers, whereas overt is better for deterring.

Clarification was requested around cautions. The response from officers identified cautions as informal and described the limited effect of these in the context of fly-tipping.

Resolved:-

1. That the report be noted.
2. That members be invited to feed into the development of the Enviro Crime Strategy.
3. That the good reports on the active response by estate caretakers and litter picking teams be noted, and that consideration be given to ways to further engage residents toward cultivating local pride and a culture where eliminating littering and fly tipping is everyone's responsibility.
4. That the fantastic work and major contributions by litter picking teams and volunteers be noted, and further ways be sought whereby those groups can be further recognised and engaged.
5. That impacts of fly tipping on the Housing Revenue Account be provided outside the meeting.
6. That the next update include details of the development of the 12 month communications plan.

52. THE ENVIRONMENT ACT 2021 - IMPACT ON WASTE SERVICES

Consideration was given to a report setting out the key issues stemming from the The Environment Act 2021 (the Act) which will impact on the Council's Waste Services in the coming years. The Act received Royal Assent on the 9 November 2021 after a lengthy, two-year process. The Act will set new legally binding environmental targets that will be monitored and enforced by a new body: the Office for Environmental Protection (OEP). The Act requires the secretary of state for the Department of the Environment, Food and Rural Affairs (DEFRA) to set long-term legally binding targets on air quality, biodiversity, water, resource efficiency, and waste reduction. These targets must be of at least 15 years in duration, and be proposed by late 2022. The Act sets out specific legislation that is likely to have a significant impact on how waste and recycling are dealt with, and how Councils deliver Waste Services, in the future. Challenges were noted around film and flexible packaging as well as the mandate to perform a separate food waste collection.

In discussion, Members reflected on various systems in place internationally which regard waste as a resource. The response from officers elaborated on elements of the consultation phase which have fed into proposals.

Members also noted the desire to work with suppliers to design systems. The response from officers noted the risks of changing the quality of the household recyclables that are collected. Capacity, that is, volume of waste collected, is key to making solutions economically viable. Regional arrangements become very important in this contest; therefore, the service were engaging in those conversations.

Clarification was requested around deposit return schemes and reuse schemes. The response from officers provided details around potential deposit return schemes as well as reuse practices, noting that reuse schemes were an area of potential improvement that would be looked at as part of the response to this legislation.

Further clarification was requested around bin requirements under the legislation changes. Clarification was offered around the bin schemes that had been undertaken and those that were found to be not economical or pragmatic enough.

Implications around changes to food waste collection were cited, and Members requested assurances. Details were offered around the requirements of the law and plans for the service to remain compliant using current collection methods, and it was noted that an assessment would be required. It was hoped that the ongoing conversations with DEFRA would be productive in reaching an appropriate arrangement for Rotherham.

It was suggested that household compost could be promoted. The response from officers noted the benefits of household compost. For small businesses, it makes more sense to get a recycling plan rather than general waste, which is the most expensive service. So it is in the interest of businesses to recycle. Supermarkets will be required to deal with food sustainably.

It was suggested that Members lobby the government to help ensure positive progress is made concerning the implications of the Environment Act for Rotherham.

Resolved:-

1. That the report be noted.
2. That officers liaise with the Governance Advisor and IPSC Link Officer to determine the most useful time and mode for scrutiny to feed into the upcoming rolling national implementation timeline 2023-2027.
3. That consideration be given to how best to promote and incentivise further upstream preventative approaches to waste and excess non-biodegradable packaging.
4. That arrangements be made for Members to take part in a visit to the Manvers Treatment Facility.

53. WORK PROGRAMME

Resolved:-

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

54. URGENT BUSINESS

The Chair advised that there were no urgent items of business requiring the Commission's consideration.

55. DATE AND TIME OF THE NEXT MEETING

The Chair announce that the next meeting of the Improving Places Select Commission will take place on 22 March 2022 commencing at 1.30 pm in Rotherham Town Hall.