

 <b>Brent</b>	<b>Resources and Public Realm Scrutiny Committee</b> 15 April 2019
	<b>Report from the Strategic Director, Regeneration and Environment</b>
<b>Tackling Illegal Rubbish Dumping on Non-Council Land</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	NA
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Nil
<b>Background Papers:</b>	NA
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Simon Finney Head of Neighbourhood Management <a href="mailto:simon.finney@brent.gov.uk">simon.finney@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 To advise and inform members of the Council's Scrutiny Committee on the challenges the Council faces when dealing with illegally dumped rubbish on private land and to explore the scope and potential of tackling the issue of dumped rubbish – in particular mattresses through electronic tagging.

## 2.0 Recommendation

- 2.1 That members consider the contents of this report prior to discussion at Scrutiny on 15<sup>th</sup> April 2019.

## 3.0 Detail

### 3.1 Introduction:

Illegal rubbish dumping across Brent is a blight that affects nearly everyone who lives in, works in or visits the borough. Every year the Council spends millions of pounds removing dumped rubbish from the public highway, Council parks and other Council

owned land. Wherever possible, Council enforcement officers will also vigorously pursue offenders should any evidence be obtained.

As the Local Waste Authority Brent is both empowered and required to investigate and remove illegally dumped rubbish on the public highway. The Council's clean-up remit does not however extend to non-council owned land. While officers can and will investigate waste crime on non-council land, legal responsibility for keeping such land clean and tidy rests with the owner.

To further compound the issue of dealing with waste on non-council land, officers often also find that non-council land either has no ownership (i.e. designated 'Crown Land') or ownership is unclear to such an extent that it is nearly impossible to establish legal responsibility. This then in turn then makes it very difficult for officers to hold anyone to account for any waste on such land.

In 2012 a Council decision was taken to separate the collective responsibility for waste enforcement – including the removal of dumped rubbish from the Environmental Health team and to relocate this responsibility within Recycling & Waste so that the Waste Enforcement team and function became independent and sat right alongside the team managing the Public Realm contract. Subsequent changes have had some impact on team names and structures since then however the task of tackling waste crime is still closely linked to the Public Realm contract and Environmental Enforcement who are part of the Neighbourhood Management Service.

It is this team that has full responsibility for tackling waste crime in Brent – irrespective of land ownership. The remit of this team also extends to ensuring non-council land is kept clean and protected.

This report has been written with the scope and remit of this team in mind.

### 3.2 Waste on non-council owned land:

#### Background:

Rubbish accumulations on non-council land – including litter which has either been left there by the owner or illegally dumped is a significant problem in Brent. Over the last 3 years a total of 1446 private land matters have been dealt with by the team - 615 in 2016, 513 in 2017 and 318 in 2018 respectively.

In most cases it is possible to trace and contact a private land owner and thereafter issue a Community Protection Notice (CPN) under section 43 of the Anti-Social Behaviour, Crime & Policing Act, requiring the owner to clear their land. This legislation also allows officers to either clear the land through works in default with a subsequent land charge added to the property or through a court order when land owners are not responsive to notices or court summonses.

Issuing a warning letter followed by a CPN is normally the default approach taken by officers when reports of untidy land are received. Unfortunately, many land owners are themselves victims of rubbish dumping and although the Council's focus is primarily to get the land cleared, there is some sympathy for the position of such land

owners and where any evidence emerges or is passed on, officers will pursue as best they can. Some of the team's best successes have in fact come from investigations of large scale illegal rubbish dumping on private land.

Not only is it a requirement of the CPN for the owner to clear their land, they are also required to take steps to keep it clear which includes erecting fences and installing CCTV. In a number of successful cases officers have worked closely with land owners to better protect their land and many former rubbish 'hotspots' have now been resolved permanently.

#### Challenges:

Getting non-council owned land cleared becomes more challenging when ownership is difficult to determine, where land is co-owned (e.g. service roads and alleys) or where there are small parcels of land at the end of a road or on a corner which although they appear to be public highway – are in fact not. In such cases officers will work closely with Neighbourhood Managers and the community to try and address the issue through voluntary clean-ups or by other means.

Unfortunately, some sites simply cannot be resolved by any other means than for the Council to take responsibility for keeping the land tidy. A small budget has been set aside for this and the enforcement teams often focus their operations – including surveillance and evidence searches to try and keep these sites free from waste crime after it has been cleared at Council expense.

### 3.3 Tackling illegal rubbish dumping:

The Council's approach to tackling illegal rubbish dumping both on Council and non-council owned land consists mainly of a three pronged approach:

- Education & engagement
- Enforcement
- Clearance by the owner or removal by the Council.

In terms of education and engagement, Environmental Crime officers often work closely with Neighbourhood Managers and Veolia's Education & Outreach teams regularly devising and deploying new ideas and strategies to tackle dumping at its source. This year in particular saw the introduction of 10 partnership projects led by the Neighbourhood Managers which were designed specifically to focus on changing the behaviour of people who dump rubbish. Many of these projects were aligned to national project themes delivered by groups such as Keep Britain Tidy of which we are members.

Projects included leaflets and door knocking, a localised and personal approach, eye catching and highly visible approaches including leaflets designed to look like parking tickets, the use of crime scene stickers and bags as well as using intelligence led data to target the right culprits. A change in the way dumping is reported and collected (through the Cleaner Brent App) was also explored to highlight issues and provide a better understanding of the challenges faced to local residents. More projects are being planned for the coming months.

From an enforcement perspective, the Environmental Enforcement team are now fully established within Neighbourhood Management. The team consist of 6 senior officers, and 6 patrol officers – each aligned to the area based model.

These officers are both reactive and proactive, responding to and investigating any reports received of illegal rubbish dumping as well as conducting investigations and projects of their own – including surveillance and targeted operations.

Unfortunately, in many cases rubbish is often dumped with no witnesses, no evidence and very little else to go on. Witnesses are also often willing to report the offence but not willing to act as formal witnesses because in many occasions it's their neighbours they saw dumping.

In such cases removal is the only action taken. Fortunately, enforcement officers work closely with the Council's waste contractor, Veolia and any evidence or even intelligence they obtain while removing the waste often gets passed over and leads to further successful investigations and prosecution.

#### 3.4 What more can be done?

The use of technology and an intelligence led approach to achieve success has always been an aspiration of the enforcement team. In the past officers have used surveillance technology to great success to identify, trace and prosecute waste offenders both in terms of the small time offender and the organised waste criminal. Officers regularly use the Council's CCTV system as well as portable overt and covert systems to identify offenders.

Other intelligence led approaches include the use of data patterns to focus the team to where the greater problems are, intelligent partnership working through the Council's Enforcement Practitioner Group, targeted operations on groups who are most prolific when it comes to waste crime such as illegal waste carriers and cross boundary working with neighbouring boroughs.

During a discussion last year with officers and members a concern was raised in particular regarding the high volume of mattresses which are dumped in Brent and a question was asked as to whether the problem could perhaps be tackled through electronic tagging.

#### 3.5 Extended Producer Responsibility:

In recent years Extended Producer Responsibility (EPR) has made strong inroads into the European waste management environment with a strong influence seen in the government's recently released Resource & Waste Strategy (December 2018). EPR essentially places more responsibility on the producer either via legislation or taxes to ensure products are properly recycled or disposed of at the end of their usable life. Good examples of this approach are the disposal levy on tyres, the plastic bag charge, disposal fees for coffee cups - with plans for plastic packaging taxes and the reintroduction of a deposit return scheme in the near future.

These commitments together with a promised focus on the tightening of controls around waste movement and the use of digital technology to track waste movements suggest a step in the right direction when it comes to holding producers to account for the impact their products have on the environment at the point of disposal. It is hoped therefore that this is the way forward that is needed not only to hold producers accountable but to enable enforcement teams to tackle the issue of bulkier dumped items such as mattresses in different and more innovative ways.

### 3.5 Illegally dumped mattresses:

During 2016, 2017 and 2018 Veolia collected 1744, 1996 and 2122 dumped mattresses respectively. While Brent offers a low cost bulky item collection system, this offer appears unfortunately not to be attractive to many properties in the borough as can be seen by these figures – particularly those with high tenancy turnover or in the case of unlicensed houses of multiple occupation (HMO's) where tenants often sleep on mattresses valued at under £100 or even £50 which then get thrown out after 2-3 month lets by unscrupulous landlords when their tenants move on.

Most mattresses found on the streets of Brent are cheap in nature and of a low quality. These are often bought from low budget importers or lesser known retailers making it difficult to impose producer responsibility on the manufacturers. That said some mattresses are however from mainstream providers which suggests that if new producer responsibility measures were to be introduced, some impact would hopefully be seen on overall numbers as mainstream manufacturers and retailers tailor their approaches.

During the discussion mentioned in Paragraph 3.4, a school of thought emerged that if an item could somehow be marked or tagged in a manner that was difficult to tamper with, this would enable enforcement officers potentially to either track the journey of the item from the manufacturer to its final destination or at least associate the item with the producer. Methodologies such as microchipping, smart water and imprinted barcodes were discussed however it was generally felt that something more was needed to ensure a foolproof system could be applied. It was also agreed that legislated processes would also need to be established to support any such tracking system for it to be effective.

### 3.6 Waste tagging:

Environmental Enforcement have for many years adopted a rudimentary system of tagging waste on private land in such a way that it can be linked to a property if it is dumped on the public highway. Officers regularly tag items – including large items such as mattresses or fridges by signing and dating these items either with stickers or by writing directly onto the item. A photograph is then taken and then if the item is found dumped, the officer has the means to link it back to the property and pursue the offender.

In terms of upcoming technologies, in February 2019 the government awarded £400,000 to 5 Tech companies (£80,000 each) to pursue projects to track waste. The following link provides further detail:

[https://www.gov.uk/government/news/smart-tracking-of-waste-across-the-uk-govtech-catalyst-competition-winners-announced?utm\\_source=255a3d1f-cddf-41d5-a3a9-a19a73a92a56&utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_content=immediate](https://www.gov.uk/government/news/smart-tracking-of-waste-across-the-uk-govtech-catalyst-competition-winners-announced?utm_source=255a3d1f-cddf-41d5-a3a9-a19a73a92a56&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)

One such project entitled *PragmatIC* looks at how flexible integrated circuits (named *FlexIC*'s) which are thinner than a human hair can be woven into objects enabling a wide range of information to be linked to the product including a unique ID, manufacturer details, product information such as materials used and recycling information etc.

Another exciting aspect of this project is that these *FlexIC*'s can be read via near field technology (found in most mobile devices) and/or radio frequencies and also have the potential to record movement data making it possible to embed tracking technology into the very fabric of a mattress in a manner which is impossible to tamper with.

A second project entitled *Vestum* looks at a 'Blockchain' styled approach to intelligently tracking waste movements through a DEFRA controlled system. Waste movements would be timestamped and entered into a coded electronic ledger making easy to forge or fabricate paper documents a thing of the past. This system, together with waste elements which have trackable flexible integrated circuits built into them suggests the technology to effectively track a product through its entire life cycle could very well become something of a reality in the not too distant future.

In the current European market, the means to embed tamperproof technology into items such as mattresses which in turn provides the ability to track such items - as well as the availability of secure back end systems for officers in the field to use unfortunately is not widely available as yet. The above projects supported by the government which link very closely to their new waste strategy do however suggest that change is around the corner and where possible officers will seek to use these new tools to address the issue.

### 3.7 National Bed Foundation

While conducting research for this report contact was made with the National Bed Foundation (NBF) - a UK trade association established since 1912 representing over 75% of all bed manufacturers see link below:

<https://www.bedfed.org.uk/nbf-recycle/>

Encouragingly the NBF shares likeminded thinking with its overall aim to increase recycling of mattresses from 15-20% up to 75% by 2028. The NBF recognises this is an ambitious target however they are also strong promoters of a formal EPR programme, have developed a register of approved mattress recyclers and have now published a best practice policy on mattress and mattress components re-use.

With commitments such as these the NBF arguably will have a strong role to play in influencing mattress manufacturers and it is hoped that any future tagging program will secure their support.

### 3.8 Summary & conclusion:

The task of investigating, prosecuting and/or deterring illegal rubbish dumping on non-council land differs very little from the Council's approach to tackling rubbish dumped on Council land. The key difference is that the Council does not (in most cases) clear waste from private land which results in officers having to use legislative powers available to them to get land owners to take responsibility.

Officers will continue to use all methods and resources at their disposal to tackle the issue of dumped rubbish on non-council land however the wider focus will always be on tackling the overall issue of illegal rubbish dumping through engagement and education to bring about wider behaviour change and enforcement through the use of intelligence and technology – including the use of any new powers and technology referred to in this report.

Unfortunately, given the disposable nature of the society we live currently in, until such time as initiatives such as extended producer responsibility start to have a leading effect on controlling waste production from the start of a product's life cycle rather than at its end there is likely to be an ongoing need for enforcement as well as an adequate cleansing resource in place.

In terms of waste tagging and tracking – in particular mattresses, while the technology and infrastructure currently is not yet there, the government's new resource and waste strategy certainly opens doors to making this possible and it is anticipated that in the near future this may well become a reality. Officers from Neighbourhood Management will continue to monitor progress in this area and make good use of any such legislation and/or technology when it is introduced and the recently introduced domestic 'Duty of Care' powers and associated fixed penalties which worked so well with business will also go a long way to helping local authorities tackle irresponsible domestic waste producers.

We fully recognise the challenges that we face as a borough. We are also confident that by keeping abreast of national initiatives and working with local communities to challenge accepted behaviour we will start to make inroads on this issue. Utilising social media channels and continuing to advise people of the numerous correct methods there are for correct disposal of waste; such as the use of the RRC and the bulky waste collections service. Utilising the Love Where You Live campaign will also allow us to work with local communities to state that 'enough is enough' and dumping of waste is not acceptable in Brent.

## **4.0 Financial Implications**

4.1 None

## **5.0 Legal Implications**

5.1 None

## **6.0 Equality Implications**

6.1 Not applicable

**7.0 Consultation with Ward Members and Stakeholders**

7.1 Not applicable

**8.0 Human Resources/Property Implications (if appropriate)**

8.1 Not applicable