

Meeting: Cabinet
Date: 14 March 2024
Classification: Part 1
Key Decision: No
Title of Report: Notices of Motion: Fly-tipping Enforcement

Executive Director: Alan Richards – Executive Director for Environment & Place
Report Author: Jo Gay – Head of Environment
Executive Councillor: Cllr Meg Davidson – Cabinet Member for the Environment

1. Executive Summary

- 1.1. The Notice of Motion proposes a response to a Notice of Motion on Fly tipping Enforcement which was presented to Council on 14th December 2023 (**Appendix 1**) which seeks to issue fixed penalty notices (FPNs) where appropriate.
- 1.2. Officers are currently working to tender a contract which will address low level fly tipping, dog fouling and littering as set out in the council's budget.

2. Recommendations

It is recommended that:

- 2.1. Cabinet agrees that the Notice of Motion relating to fly tipping enforcement at **Appendix 1** be used to inform the procurement of a contractor to support the Council in addressing matters including low level fly tipping, dog fouling and littering.
- 2.2. That Cabinet agree to progress with the procurement of a contractor as soon as possible to deliver the anticipated income in 2024/5 budget and note that it is anticipated that the appointment of any such contractor under this small procurement will not be a key decision and will therefore be a matter which can be concluded under officer delegations at the relevant time.

3. Background:

- 3.1. Southend-on-Sea City Council follows the approach set out in central government's 'Enforcement Concordat' (background paper link below). This is a non-statutory code which sets out how enforcement officers 'enforce.' The concordat establishes that officers go through three steps, engagement, education, awareness before action is escalated (enforced) depending on the offence. Further, all enforcement must be both proportionate and evidence based.
- 3.2. The council's Corporate Enforcement Policy (background paper link below) aligns with the Enforcement Concordat, as do the services with an enforcement function as set out in the Corporate Enforcement Policy.
- 3.3. The current processes and procedures relating to the management of the city's street scene are being reviewed and revised corporately and the tender referred to above will underpin this wider piece of work. The impact of fly tipping on the city is understood and the detail set out in the Notice of Motion will underpin scope of the procurement process. It may not be possible to include all elements, but officers will ensure that the Notice of Motion closely informs the tender process.

4. Reasons for Decisions

- 4.1. The Notice of Motion is closely aligned to, and supports work already underway and featuring in the 2024/25 budget.

5. Other Options

- 5.1. Stop the current review and proposed tender process and consider alternative options.

6. Financial Implications

- 6.1. It is anticipated that the proposed tender process will result in full cost recovery and generate a modest income for the Council (forecast budget estimate £30,000 in 2024/25). It is possible some up-front capital will be required to support any new contractor to set up the service (for example for handheld devices, software, uniforms etc) and it is expected that this will be met from existing resources.

7. Legal Implications

- 7.1. All proposed activity will accord with the requirements of Sections 33 and 34 of the Environmental Protection Act 1990 – Fly tipping and Householder Duty of Care.

8. Policy Context

- 8.1. 13.2 Corporate Enforcement Policy

9. Carbon Impact

9.1. None

10. Equalities

10.1. There are no equalities issues in relation to the recommendations.

11. Consultation

11.1. N/A.

12. Appendices

12.1. Appendix 1 – Fly tipping Notice of Motion

13. Background Papers:

[Enforcement Concordat](#)
[Corporate Enforcement Policy](#)

14. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	4/3/2024
Monitoring Officer	Susan Zeiss	3/3/2024
Executive Director(s)	Alan Richards	1/3/2024
Cabinet Member(s)	Cllr Meg Davidson	4/3/2024