

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

### POLICY DEVELOPMENT GROUP - MONDAY, 5 NOVEMBER 2018

Report Title	<b>THE COUNCIL'S APPROACH TO FLY TIPPING</b>
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Purpose of report	To provide an update to members of the group on the work the council carries out in respect of reducing the effects of fly tipping on the district.
Council priorities	Green Footprints
Implications:	
Financial/Staff	None
Link to relevant CAT	N/A
Risk Management	N/A
Equalities Impact Screening	N/A
Human Rights	N/A
Transformational Government	This relates to the new ways in which Councils are being asked to deliver their services.
Comments of Head of Paid Service	Report is satisfactory
Comments of Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	
Background papers	None

Recommendations	<b>TO NOTE THE CONTENTS OF THE REPORT ON WORK CARRIED OUT BY NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL IN RELATION TO FLY-TIPPING.</b>
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## 1.0 BACKGROUND

1.1 Fly tipping is the unauthorised deposit of controlled waste without an environmental permit. Items that are regularly classed as fly tips include:

- Rubble/hardcore
- Black bags of rubbish
- White goods
- Beds & sofas

1.2 The legislation is contained in section 33 of the Environmental Protection Act 1990. The maximum penalty for this offence on summary conviction is an unlimited fine and / or 6 months imprisonment. Upon indictment to the Crown Court the maximum penalty is an unlimited fine and up to 5 years imprisonment.

1.3 In May 2016 the Government introduced a fixed penalty fine for “low level” fly tipping with a maximum fine of £400 (reduced to £280 if paid within 10 days).

1.4 Controlled waste falls into three categories, industrial, commercial and household. There is no official definition as to what, in size, constitutes a fly tip.

1.5 The following waste is classed as household waste:

- White goods
- DIY items
- Bedroom furniture
- Black bag of rubbish

1.6 Every quarter all councils in England are required to provide the Department for Environment, Food and Rural Affairs (DEFRA) the number of fly tips recorded in their areas. In October 2017 DEFRA reported that in England for the period April 2016 to March 2017 1,002,000 incidents were reported equivalent to 114 per hour. This was a 7% increase on the previous year. Two thirds of these reports were categorised as household waste. The report indicated that clearance costs for this year cost the taxpayer £58 million. This cost is based on the DEFRA categorising fly tips by size and attaching a cost accordingly. These costings have remained the same for several years. In the figures below the figure on the left is the DEFRA figure whilst the figure on the right is the figure provided by our street cleansing team:

Single black bag	£7	£9
Single item 1 person to remove	£29	£35
Single item 2 persons to remove	£29	£52
Car Boot full	£29	£52
Small van load	£56	£70
Transit Van load	£115	£137
Tipper Truck load	£350	£390
Significant/Multi load	-	£625 per day
Heavy duty machinery per day, if required	-	£360
Asbestos	-	Cost per individual job

- 1.7 In North West Leicestershire during the same period 915 incidents were recorded of which just over 50% were recorded as household waste. Appendix "A" shows the different categories of waste that are recorded.
- 1.8 Appendix "B" shows a graph of fly tipping reports in North West Leicestershire for the last nine calendar years ending in December 2017. This graph shows a steady decline in reports since 2012 apart from a slight increase in 2016 which coincides with the County Council changing the opening times of the household refuse sites and introducing charges at these sites. The reduction has since continued with a 44.2% reduction overall between 2012 and the end of 2017.
- 1.9 Appendix "C" shows a graph showing the reported figures for the same last nine calendar years of all Councils in Leicestershire (not Leicester City) and South Derbyshire as a neighbouring Council. This shows that there is a steady decline in numbers across all Councils. It should be noted that it is not known how each Authority records the information e.g. in North West Leicestershire we record all reports received by the public and all incidents found by our street cleansing team that have not previously been reported.

## **2.0 THE ENVIRONMENTAL PROTECTION TEAM**

- 2.1 The North West Leicestershire process for dealing with fly tips is as follows:
- Initially the street cleansing team make the first visit and before clearance inspect the waste for any potential evidence.
  - If any evidence is found this is recovered and forwarded to the Enviro Crime team for further investigation.
  - If the fly tip is on private land the land owner would have responsibility to clear the fly tip but the Council would still investigate if evidence was found in the fly tip.
  - If the fly tip is on highways land/public space the Council would be responsible for clearing the land.
- 2.2 The team, apart from carrying out investigations, also identify hot spot areas. These areas are identified when either the Street Cleansing or Enviro Crime team notice that the area is receiving an increase in fly tips and needs some targeted education and enforcement. To tackle this we can deploy CCTV where appropriate including use of the Council's mobile CCTV vehicle.
- 2.3 Once the offender has been identified, the Council can issue a fixed penalty notice (FPN). If the offender does not pay the FPN then the Council will prosecute for the original offence. If however, the fly tip is of a substantial size then the Council can go straight to prosecution for the offence as per 1.2. However, when investigating fly tips it can be difficult to find evidence as it has to clearly identify the offender e.g. an address on a bill.
- 2.4 The team are also represented in the County wide Environmental Crime Forum which meets every two to three months. This group is open to Enviro Crime officers from all Leicestershire Councils including Leicester City and discusses environmental crime issues. There is a memorandum of understanding signed by each Authority which enables the sharing of information and cross border working. This Memorandum is presently in the process of being updated. Officers also sit on the All Party Parliamentary Litter Group and the Keep Britain Tidy Litter Strategy Group. Both groups include fly tipping issues.

## 2.5 Campaigns are also run, these include:

- 2013/14
  - Working with Charnwood Borough Council to raise awareness amongst householders regarding their duty with regard to waste and correct disposal. Campaign based on the “Don’t Muck Around” strap line and included roadshows, media promotions, signage and leaflet distribution. We also promoted partnerships with local landowners. Whilst the Council has no duty to clear fly tipped waste from private land we will investigate and prosecute offenders if there is sufficient evidence available.
- 2014/15
  - Working in partnership with the NFU to reduce fly tipping. This was to engage with farmers and promote the Council’s work with regard to prosecuting offenders. To encourage farmers to report suspicious behaviour similar to the Police farm watch schemes.
- 2015/16
  - Working with DIY businesses e.g. Wickes, to raise awareness to customers regarding waste disposal.
- 2016/17
  - In House awareness i.e. with Street Cleansing, Housing.
- 2016/17
  - Farmland fly tipping. Engaging with farmers to erect signage and identify hotspots.
- May 2017
  - A problem was identified at our Recycling sites across the District regarding misuse and fly tipping (see photograph Appendix D). A campaign was launched consisting of education in conjunction with enforcement. New signage was installed and use was made of our mobile and static CCTV. During the campaign 74 fixed penalty notices were issued in respect of fly tipping incidents at our recycling sites to-date. The recycling sites have seen huge improvements and we now have seen a 47% drop in the number of offences recorded at these locations.
- 2018 on going
  - Highways England land, working in partnership. Event launch took place at Donington Services to raise awareness of fly tipping on Highways England land and provide information for their Patrol Officers.
- May/June 2018
  - The Enviro County Forum group ran a County and City wide fly tipping campaign with the strap line #If Only, supported by the County Council. The campaign was aimed at raising awareness to householders and businesses of their duty of care regarding waste disposal. The campaign raised awareness in May followed by enforcement action in June.
- May 2018
- Throughout the City and County
  - 261,000 people reached on Facebook and twitter
  - 374,213 reached by other social media
  - 284,000 reached by radio advert
  - 14 Awareness events held across the County.
  - 292 bus adverts
  - 4300 posters distributed to parish councils and community groups.
  - 1,000 signs at fly tipping hotspots.
  - 3 prime time television news bulletins on BBC and ITV.
  - 13 billboards in Leicester City Centre.
  - 10,000 leaflets distributed to residents and businesses

- June 2018
  - 49 Fixed Penalty Notices issued for fly tipping.(City and County)
  - 410 businesses contacted to check they are disposing of waste correctly(throughout City and County).
  - In North West Leicestershire in the following three months after the campaign, fly tipping reports fell by 19.2% compared to the same period in 2017.

## 2.6 **Moving Forward**

During the summer this year the Government has been consulting on a proposal to introduce a new fixed penalty fine relating to the offence involving householders' duty of care with regard to their waste. The aim is to highlight that householders have a responsibility when transferring their waste to a third person, and that that person is authorised to take it i.e .they are a registered waste carrier. This is to combat the "white van man" who removes waste for a small fee and then fly tips it. It is anticipated that the fine will be similar to the Fly tipping fixed penalty i.e. £400. The exact details are not yet known but more information will be forthcoming, hopefully before the end of the year. In anticipation of this development a postcard size leaflet entitled "Your waste, Your responsibility" will be delivered to every household in the District along with the waste and recycling calendars that are hand delivered in November. The postcard contains information on how to dispose of waste correctly.

Since April 2018, 29 fixed penalty notices have been issued by North West Leicestershire in relation to fly tipping incidents.