



Communities Scrutiny Group

Thursday, 23 July 2020

Litter, Dog Fouling and Fly tipping (Part One Fly tipping)

Report of the Executive Manager – Neighbourhoods

1. Purpose of report

- 1.1. To provide an update on fly tipping and the Council's response.
- 1.2. Councillors are asked to acknowledge and accept the report.
- 1.3. This item was considered and agreed at Corporate Overview Group at its meeting on 25 February 2020 whereupon it was agreed that an update be provided for the consideration by the Communities Scrutiny Group.

2. Recommendation

It is RECOMMENDED that Councillors consider the report and provide feedback on the Council's approach to tackling fly tipping

3. Reasons for Recommendation

This is an information item only.

4. Supporting Information

- 4.1. Fly tipping blights neighbourhoods and is a selfish act committed by a minority of unscrupulous and criminal individuals. Fly tipping describes the dumping of waste in the wrong place and can be anything from a bin bag of household waste to larger quantities of domestic, commercial or construction waste. It impacts on residents' sense of wellbeing and can negatively affect the perception of a neighbourhood.
- 4.2. In February 2017, the Department for Environment, Food and Rural Affairs (DEFRA) launched 'The Litter Strategy', which recognises the huge challenge litter (and fly tipping) poses to the country. The paper sets out aspirations to reduce the impact of littering in all its forms and on all aspects of the environment.
- 4.3. The Neighbourhoods team brings together the services responsible for responding to incidents of fly tipping and the work undertaken to reduce its occurrence through engagement, education and enforcement. These services fulfil the Council's statutory duties in respect of ensuring fly tipping is removed

from public land, protecting the environment, and ensuring that businesses and residents comply with a range of legislation to ensure that waste is disposed of correctly. It should be noted, however, that the resources available to the Council to investigate fly tipping are very limited (0.75 fte).

- 4.4. We work on the principle that most residents and businesses in Rushcliffe want to do the right thing. Sometimes people are not sure what they need to do and our approach to achieving compliance includes working with people and giving them the chance to get it right. However, when evidence is found linking a fly-tip occurrence to a business or individual(s) responsible, appropriate enforcement action is taken in accordance with the Council's enforcement policy.

5. SCALE OF THE PROBLEM

- Reports of fly tipping have increased by over 50% in last 6 years (source Guardian 4 Jan) and increased by 8% across England in 2018 (1,072,000);
 - Within RBC there has been a 320% increase in reported fly tips since 2012/13 although this trend has slightly reduced so far in 2019/20;
 - Two- thirds of fly tips involve household waste;
- 5.1. The causes of fly tipping are many and varied, as are the motivations of the perpetrators, although financial gain or saving is clearly a principal reason. A lack of waste disposal facilities or access to them may also be a factor but almost certainly laziness and an attitude that someone else will clear up the waste is prevalent. It is also clear that this is not a Rushcliffe phenomenon, this is a national problem.
- 5.2. There does appear to be a rise in “man in a van” type incidents, where unlicensed operators collect bulky items from domestic premises for a fee only to dump it. This activity has been associated with criminal gangs. Fridges and freezers now require payment for depolluting due to the gases in the systems and so cannot be taken and weighed in for cash. We have seen fridges and freezers left as fly tips some of which have even been from licensed scrap metal collectors.
- 5.3. Residents in the County (Nottingham City) can take waste from their property to the County Council Household Waste Recycling facilities for segregation to enable recycling. It is considered likely that a proportion of Rushcliffe's fly tipping emanates from City residents who are unable to use County facilities. In addition, an increase in reporting could also be responsible for part of the rise, as councils are providing more ways in which members of the public can report rubbish dumping.
- 5.4. Another factor is geography, Rushcliffe is a very rural Borough on the outskirts of a large City with access to major transport links which makes it vulnerable to fly tipping especially in remote areas, roads, lay bays or similar.
- 5.5. Social media sites are being used to commission waste disposal throughout the country and locally, and in this regard, residents may find that they are

committing duty of care offences by employing the services of a cheap unregistered waste carrier. Our priority is always the perpetrator of the fly tip in the first instance, but residents need to be aware of their responsibilities in respect of their waste and the Council does have powers to issue fixed penalty notices for duty of care offences and does use this power on occasions.

- 5.6. The response to a fly tip is to some extent dependent on whether the land is public or private. Initially the waste is examined for evidence that may indicate its source or who tipped it. The majority of fly tips contain no evidence. Where it is found, the case is investigated by Environmental Health. On private land the responsibility for clearance rests with the landowner who is then provided with advice about target hardening i.e. closing gates etc to prevent its recurrence.
- 5.7. The Council works in partnership with its partners including the Police and the Environment Agency (EA) on the newly established *Cleaner Notts* Group in pulling together campaigns and events to help raise awareness and educate the public.
- 5.8. We are aware of certain locations that appear targeted by offenders and, where possible, these have been target-hardened with permanent signage. We also utilise overt CCTV cameras which have resulted in several recent successful prosecutions, vehicle seizures and destructions. These all gained significant media coverage locally and regionally.
- 5.9. Enforcement for fly tipping is split between local authorities and the EA. The EA investigates larger fly tips (e.g. >20 tonnes or where it is linked to criminal activity or organised crime).
- 5.10. The Council (or EA) has powers to issue fixed penalty notices or to prosecute offenders in accordance with the Enforcement Policy.

6. Risks and Uncertainties

None identified

7. Implications

7.1. Financial Implications

The removal of fly tipping is undertaken by Streetwise Environmental Ltd and, therefore, the cost is contained within the contract price.

The cost of officer time spent on prosecutions is recouped from offenders through court proceedings.

7.2. Legal Implications

Investigations are carried out in accordance with the law for example: Environmental Protection Act 1990, Police and Criminal Evidence Act 1984, Regulatory Investigatory powers (RIPA) Act 2000.

7.3. Equalities Implications

None identified.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

Fly tipping is a significant environmental crime and undertaking work with our community safety partners will help to support our crime and disorder obligations.

8. Link to Corporate Priorities

Quality of Life	Reducing fly tipping and keeping the Borough clean and tidy encourages community pride in their locality
Efficient Services	Reducing fly tipping will in turn reduce the cost of clean up currently borne by tax payers
Sustainable Growth	Supporting residents and businesses to dispose of their waste responsibly and compliantly helps Rushcliffe be more sustainable
The Environment	Reducing fly tipping has clear benefits to the protection of the environment

9. Recommendations

It is RECOMMENDED that Members consider the report and provide feedback on the Council's approach to tackling fly tipping.

For more information contact:	Geoff Carpenter Environmental Health Manager 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	None.
List of appendices:	None.