

Report of the Director of PLACE / Cabinet Member for Environment and Transportation

Development Cabinet Advisory Committee – 15 June 2016

REVIEW OF FLYTIPPING

| | |
|----------------|--|
| Purpose | The purpose of this report is to inform Members of the current policy and procedures in regard to Flytipping in the City and County of Swansea |
|----------------|--|

FOR INFORMATION

1. Introduction

1.1 The Council's Improvement Objective 4 – Waste and Recycling has the following priorities:

- To minimise waste and increase composting and recycling by promoting and facilitating the delivery of waste management and recycling services.
- To encourage citizens to play their part and recognise their contribution to protecting finite resources. The Council is, by law, required year on year to reduce the amount of biodegradable waste sent to landfill or face fines for failing to achieve the targets set
- To ensure that the collection of waste is the best it can be from the kerbside, encourage the recycling of waste and discourage people from illegally dumping rubbish.

1.2 The three priorities are, sending less waste to landfill, recycling, composting or re-using more waste and clearing flytipping incidents more promptly.

1.3 By addressing these priorities the Council will meet its recycling targets and avoid paying penalties and fines, which otherwise could adversely affect other Council services. There should also be a reduction in incidents of flytipping.

2 What is Flytipping?

- 2.1 For the purpose of this review fly tipping is defined as “the illegal deposit of any waste onto land i.e. waste dumped or tipped on a site with no licence to accept waste”. Fly tipped waste generally consists of large items of rubbish dumped illegally on land instead of being disposed of properly at a landfill site or tip. The Law it states that “It is also an offence to permit or authorise fly tipping on land where a Waste Management Licence is not held. Where fly tipping involves the use of a vehicle, the driver can be prosecuted, as can the owner of the vehicle. The police have powers to seize vehicles used for fly tipping”. This applies whether it is publicly or privately owned land.
- 2.2 The Authority deals with waste on both registered private land and publicly owned land. See Appendix 1 and 2. However the procedure for dealing with flytipping on unregistered land is currently under review due to the cost implications on the removal of the waste.
- 2.3 Domestic and Commercial waste, inappropriately stored on the highway can also be classed as flytipping.
- 2.4 The Development and Environment Performance Review Board’s review of fly tipping in 2005 recognised the importance of this service and the impact fly tipping has on the street scene, the public’s perception of the area and indirectly of the Council’s performance.
- 2.5 There are a number of problems caused by fly tipping that have an impact on everyone in the locality. Finding ways to tackle fly tipping are important because:
 - it causes pollution
 - hazardous material can cause harm to human health
 - it is a form of anti-social behaviour
 - it affects the amenity of the local area
 - it reduces civic pride
 - it is expensive to collect and dispose

2.6 The Council has worked hard to improve performance in reducing fly tipping, including:

- Using covert surveillance in areas known as fly tipping 'hotspots'.
- Blocking access to areas known to be used by fly tippers with stone boulders.
- Taking enforcement action where people persistently disregard kerbside collection arrangements.
- Undertaking education and engagement activities, including an advice day at local building suppliers
- Working with the Police to stop vehicles carrying waste in order to ascertain that the correct procedures are being followed.
- Clearing fly tipping incidents promptly.

2.7 The responsibility for flytipping removal has moved around various departments within the Council over the last 6 years. At present flytipping removal sits within Waste Management, with operational deployment and control under Mark Russ from the Parks Section.

2.8 Previously there were 4 dedicated flytipping removal crews, a total of 8 men and 4 vehicles. Four multi skilled operatives working from 2 caged flatbed vehicles, deployed in Swansea East and the same for Swansea West.

2.9 As of April 2010 with the introduction of Street Scene, flytipping crews are now part of the street cleansing team and remove flytipping as part of their daily litter picking duties in specific areas across Swansea.

3. Current Procedures for dealing with Flytipping

3.1 Flytipping can be reported through the Environmental Call Centre. These calls are then collated and reported via Waste Data Flow on a quarterly basis and provide the information for Performance Measure STS/006.

3.2 Cleansing crews also proactively remove flytipped waste whilst carrying out their daily duties. This was never previously recorded. Recording of this information, separately, from the STS/006 data above, has only recently been introduced.

- 3.3 In April 2003 a 'one stop shop' approach to effectively dealing with flytipping across Swansea was introduced. A Service Level Agreement (SLA) was put in place with Housing and Estates to remove flytipped waste for an agreed annual fee. The SLA also included the support of the Environmental Call Centre, to record complaints and Waste Management Enforcement officers to investigate and where necessary and appropriate take legal action against fly-tippers on housing and estates land. The SLA with Estates is still in place. The SLA with Housing ceased in April 2016 and new ways of working are currently being investigated. However, the support of the Call Centre and enforcement officers continues.
- 3.4 At present the Waste Enforcement Team consists of 5 trained officers, one of which is Team Leader for Waste Management Enforcement.
- 3.5 Council officers meet regularly with the Magistrates and the agenda usually includes a variety of enforcement areas where the Council considers a more stringent approach would yield results. However it is acknowledged that Magistrates work within guidelines for sentencing which have to be taken into account when penalties are imposed. The current fines for flytipping as set out in the EPA 1990 were increased through the introduction of the Clean Neighbourhoods and Environment Act 2005 CNEA 2005. Flytipping is a criminal offence with a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court.
- 3.6 In addition to fines and a criminal record, those found guilty of flytipping may also have to pay legal costs and compensation, which can greatly increase the financial implications of illegal dumping.

4. Statistics

4.1 Number of calls received regarding flytipping

| | 2012 | 2013 | 2014 | 2015 | To Date |
|---|------|-------|-------|-------|---------|
| Number of flytipping calls received | 9665 | 11345 | 13482 | 14927 | 2397 |
| Number of flytipping calls where waste was removed by the council | 2760 | 2869 | 4469 | 6078 | 657 |

- 4.2 Number of Statutory notices served and number of FPNs (Fixed Penalty Notices) served for breach of notice served for **domestic waste** placed out incorrectly for collection. (Environmental Protection Act 1990, EPA 1990, section 46 as amended by the CNEA 2005)

| | 2012 | 2013 | 2014 | 2015 | 2016 |
|--------------------------|------|------|------|------|------|
| Number of notices served | 444 | 977 | 824 | 605 | 77 |
| Number of FPNs issued | 0 | 6 | 43 | 117 | 13 |

- 4.3 Number of Statutory Notices served and number of FPNs served for breach of notice served for **commercial waste** placed out incorrectly for collection. (Environmental Protection Act 1990, EPA 1990, section 47 as amended by the, CNEA 2005)

| | 2012 | 2013 | 2014 | 2015 | 2016 |
|--------------------------|------|------|------|------|------|
| Number of notices served | 0 | 26 | 48 | 31 | 8 |
| Number of FPNs issued | 0 | 0 | 2 | 4 | 5 |

- 4.4 Number of prosecutions for flytipping including domestic waste.

| | 2012 | 2013 | 2014 | 2015 | 2016 |
|-----------------------------|------|------|------|------|------|
| Flytipping prosecutions | 3 | 4 | 4 | 5 | 1 |
| Domestic Waste prosecutions | 0 | 2 | 0 | 0 | 0 |

5. Flytipping Initiatives

- 5.1 Flytipping and littering costs the Authority approximately £2.7 million per year to clear. However, due to the amalgamation of flytipping crews with street cleansing only approximate costs can be provided.
- 5.2 Under the Environmental Protection Act 1990 Section 33 flytipping is a criminal offence. The investigation, removal and prevention of flytipping is not currently a statutory duty. This is currently under review by Welsh Government
- 5.3 There are two specific pieces of legislation that can be used to carry out surveillance of flytipping 'hot spots'. One is Closed Circuit Television (CCTV).

These are the overt cameras that we see across the city centre. The other is for covert surveillance and falls within the scope of Regulation of Investigatory Powers Act 2000. (RIPA 2000). Magistrates' court authorisation must be applied for, with definitive criteria to be met, in order to successfully apply for use of covert surveillance.

- 5.4 The Waste Management web site provides information on how to dispose of all waste in the proper manner. It also advises residents on their duty of care in regard to employing 'a man in a van'.
- 5.5 We have a policy of "name and shame" by publicising details of successful prosecutions in the press and on the Authority and Natural Resource Wales website. Flytipping Action Wales.
- 5.6 We undertake initiatives to inform the public of the problems created by fly tipping, for example: - officers attending schools to talk to pupils, fly tipping being included on agenda's at meetings of community groups and regular distribution of leaflets on fly tipping. Officers believe this will assist to bring about a change of culture in the long term.
- 5.7 We continue to work closely with other agencies to tackle fly tipping and that full use is made of the statistical information held on the Wastedataflow Database, to identify trends, volume of waste and a true picture of the scale / cost of fly tipping.
- 5.8 We ensure any overgrowth in known "hotspots" of land in ownership of the Authority, is regularly cleared to make the area more visible to passing pedestrians and traffic.
- 5.9 We continue to support the removal of fly tipped waste from private land that is in sight of a public highway and continue to work with private landowners to discourage fly tipping on their land. This could include initiatives such as the erection of a barrier or fencing. There may be a short term cost implication for both the Authority and landowners.
- 5.10 We advise tenants of the dangers of leaving rubbish at entrances to buildings, communal areas at the rear of properties and green areas on estates, as such rubbish can become fire and health hazards. We do this through tenants' newsletters, targeted 'door knocking' by the promotions team and other community groups and partnership bodies.
- 5.11 We continually work with other departments to provide education and engagement opportunities for local residents. This includes monitoring and targeted enforcement of streets that continue to place waste out incorrectly. Wrong bags, wrong week etc. This has proved very successful, in recent work carried out in Gomer Road and Geiriol Road in Townhill.
- 5.12 We try and ensure the subject of fly tipping is placed on the agenda for future liaison meetings with magistrates in order to make them aware of the social, economic and environmental cost incurred, together with the increasing level

of the problem. This may provide useful information to the magistracy when considering cases brought before them.

- 5.13 We aim to encourage the recycling and reuse of legal waste as the first option. However, if disposal is the only option the Authority seeks to make legal disposal as cheap as possible and illegal fly tipping as costly as possible.
- 5.14 We continue to carry out vehicle checks in co-operation with the DVLA, NRW and police to stop and check vehicles carrying, or suspected of carrying, waste. There has been a recent prosecution of a Hafod Resident for carrying waste illegally.

6. Equality and Engagement Implications.

- 6.1 This report is for advisory committee information only.

7. Financial Implications

- 7.1 There are no financial implications associated with this report. This report is for information only.

8. Legal Implications

- 8.1 There are no legal implications associated with this report. This report is for information only.

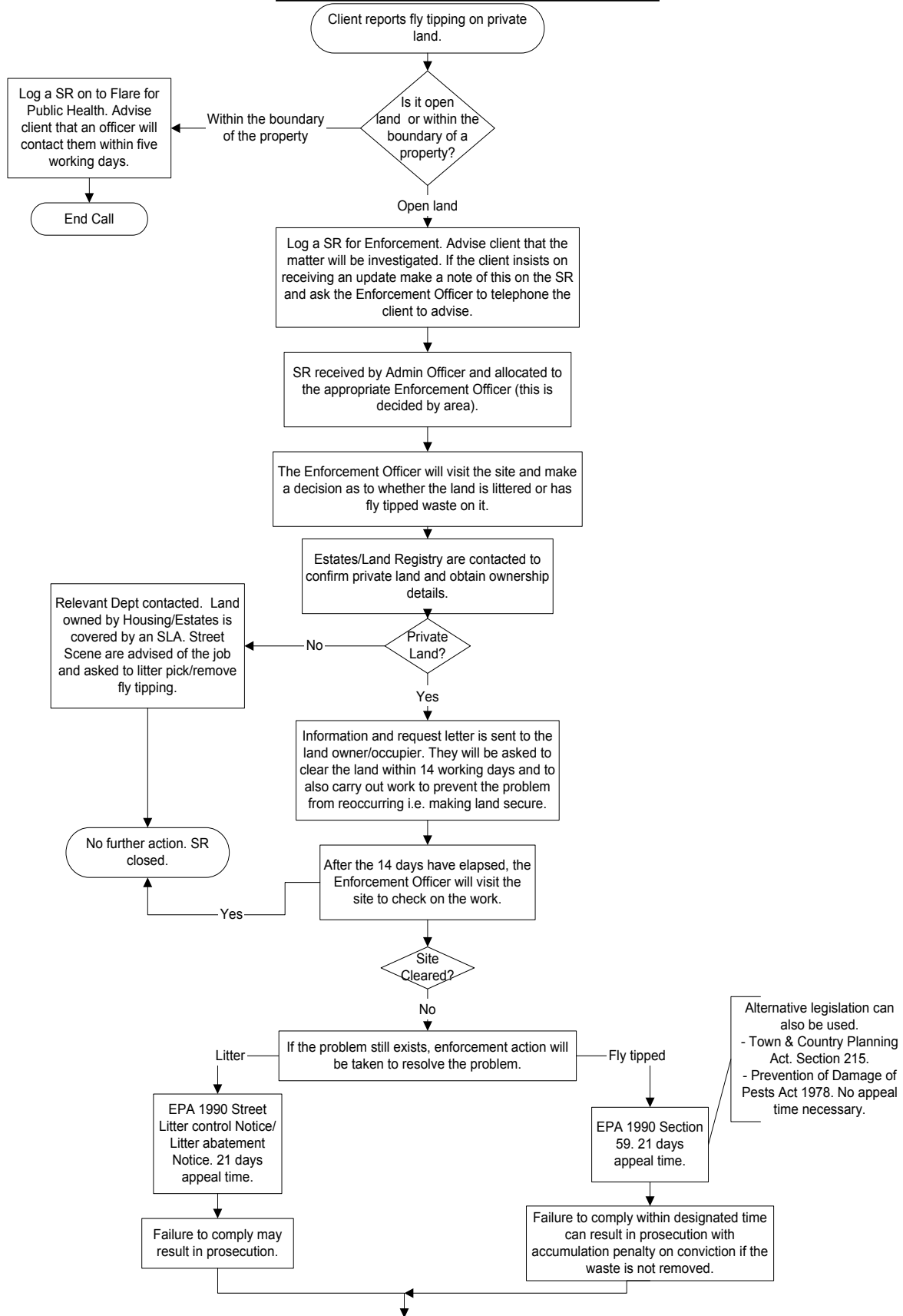
Background Papers: NONE

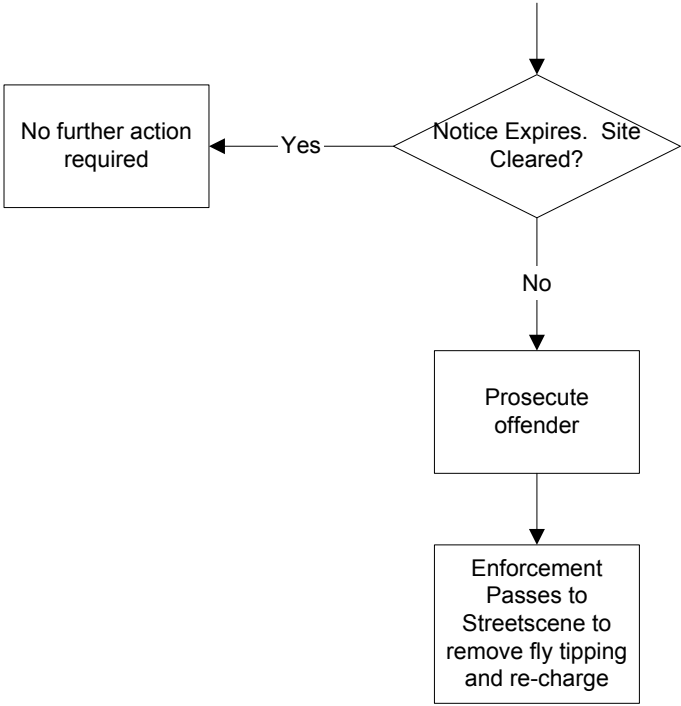
Appendices:

| | |
|-------------------|---|
| Appendix 1 | Process Map for flytipping on Private Land |
| Appendix 2 | Process Map for flytipping on Relevant Land/highway |

Appendix 1

FLY TIPPING ON PRIVATE LAND





Appendix 2

Flytipping - Highway

