

## **Epping Forest District Council – Fly-tipping response**

All reports of fly-tipping reported to the Council or found by Council officers are logged to the Environment & Neighbourhoods team to consider a fly-tip investigation and to follow up clearance of the waste.

Officers will prioritise cases for investigation and then pass the information to our contractor for clearance or raise the incident with the landowner to arrange clearance.

Environment & Neighbourhood Officers (ENO) will visit, search for evidence, and then follow this up with the source of the waste and/or the alleged fly-tipper.

Often there is no evidence to identify the fly-tipper and the investigation relies on tracing the source of the waste to try and identify who may have tipped the waste. This can lead to waste duty of care offences being identified.

Officers will carry out interviews under caution and use power to demand paperwork and co-operation with an investigation. Failure to cooperate with an investigation can result in prosecution.

The Environment Agency (Tel. 0800 70 60 50) will also investigate the most serious “industrial size” fly-tips and any waste polluting water courses. However the vast majority of fly-tips in the district will be investigated by EFDC (or the Corporation of London if the fly-tipping is on forest land).

There has been an increase in large scale organised fly-tipping across Essex and neighbouring authorities in 2016/17. May authorities are working together to try and prosecute and disrupt organised fly-tippers.

### **Frequently asked questions:**

#### **Q1. How can I report fly-tipping?**

If a crime of fly-tipping is in progress please report this to the police and the Council on 01992 564608.

Accumulations of fly-tipped waste should be reported to the Council on 01992 564608.

Or online <http://www.eppingforestdc.gov.uk/index.php/residents/your-environment/crime-safety/fly-tipping>

Or by email: [erefuse@eppingforestdc.gov.uk](mailto:erefuse@eppingforestdc.gov.uk)

Most serious incidents can be reported directly to the Environment Agency Tel. 0800 80 70 60.

#### **Q2. Who is responsible for clearing fly-tipped waste?**

The responsibility for clearing up fly-tipped waste falls on the landowner where the waste was deposited. If an offender can be identified, we will seek to recover any clearance costs or in some cases immediately persuade the offender to return and pick up the waste.

EFDC are responsible for litter and refuse clearance on the public highway, which means that most fly-tips on the public highway and other public rights of way will be cleared by EFDC. Large fly-tips that obstruct the highway may occasionally be cleared by Essex County

Council as an emergency. The Corporation of London will clear fly-tips on their land. Ditches that run between the boundary of the public highway and private land are normally completely the responsibility of the private land owner to clear. EFDC is also responsible for clearing waste from any Housing or Estates land that it owns.

### **Q3. Where is the boundary between the public highway and private land?**

Boundary lines are not always clear. Officers will use land registry records to try and identify landowners. Some unregistered land can be difficult to arrange clearance as ownership is not clear. In these cases those who occupy or abut the land may be held responsible for clearance.

### **Q4. What is the fine for fly-tipping?**

Fines are unlimited. A fixed penalty notice (FPN) of £200 (default level) is available to deal with small fly-tips. A higher FPN up to £400 can be set by EFDC. Smaller incidents may be dealt with as a littering offence as an alternative, with a FPN of £75.

There is no FPN available for duty of care offences, although failure to provide waste transfer notes can result in a fine.

### **Q5. What is the waste duty of care?**

Whenever businesses or householders give their waste to somebody else to dispose of (outside the routine household collection provide by the Council), they should always “Check, Challenge & Record”, to ensure that the person they give their waste to is authorised by the Environment Agency to carry waste. Householders and businesses who fail in their duty can expect to be prosecuted.

Householders must make reasonable checks and businesses who produce commercial waste must keep waste transfer notes to comply with their waste duty of care.

#### **CHECK**

Always check that the company or person you are intending to give your waste to is authorised to take it. Ask for their waste carriers registration details. Telephone the Environment Agency to check the public register on 03708 506 506.

#### **CHALLENGE**

Always ask for their details and what will happen to your waste? Ask yourself - Is it a good idea to employ somebody who has “cold called” offering to remove waste before you have checked their details? Get some quotes for the clearance work. Trust your instincts. If in doubt, don't give them your waste.

#### **RECORD**

Always record the details of who you give your waste to and any vehicles involved. Legal waste operators will be happy to cooperate.

Further advice:

<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

#### **Q6. Is the duty of care important?**

Compliance with duty of care is vital to keep a track on waste disposal and keep waste out of the hands of rogue traders who profit from fly-tipping.

#### **Q7. If the Council cannot collect the waste from my doorstep, how can I dispose of it legally?**

EFDC provides a special collection service for some bulky household items such as beds, chairs, sofas, fridges and washing machines that cannot routinely be collected. There is a cost for this service. Collections can be booked via the Council's website or by telephone 01992 564068.

<http://www.eppingforestdc.gov.uk/residents/your-environment/recycling-and-waste/special-collections>

Essex County Council (ECC) provides a limited number of Recycling Centres for Household Waste only (RCHW). Always check before visiting to make sure the RCHW is open and will take the waste you intend to dispose of. ECC will not allow commercial vehicles into most of their sites. Commercial waste cannot be disposed of at RCHW.

<http://www.recycleforessex.com/i-want-to-get-rid-of/>

**Email ECC:** waste.management@essex.gov.uk

**Call ECC:** 0345 603 7625

If EFDC and ECC cannot take your waste (and you can't recycle, reuse or donate it to be re-used) you will need to employ a waste disposal company. If you employ a waste disposal company always "Check, Challenge and Record" to ensure that you comply with your duty of care and minimise the risk of your waste being fly-tipped.

#### **Q8. What more can be done to stop fly-tipping?**

We all need to take responsibility for the waste we produce, to reduce, recycle and if possible re-use. If we have to dispose of waste we need to ensure that we take our responsibilities seriously and ensure that our waste is being disposed of correctly with the right waste in the right place.

The Cleaner Essex Group, made up of local authority representatives across Essex are looking at a campaign in 2017 to raise awareness of duty of care, through links with Keep Britain Tidy using the slogan "#CrimeNotToCare".

<http://www.keepbritaintidy.org/Documents/Files/Campaigns/CN2C%20flier%20-%20web.pdf>

Suspicious waste activities and rogue traders can be reported to the Council or Crime Stoppers Tel. 0800 555 111 <https://crimestoppers-uk.org/>

Information: Richard Gardiner (Environment & Neighbourhood Manager – EFDC)