

Report to Safer, Cleaner, Greener Scrutiny Standing Panel

Date of meeting: 6th January 2011

Subject: Update report on Fly-tipping

Officer contact for further information: Jim Nolan/Richard Gardiner

Committee Secretary: Adrian Hendry



Recommendation:

That Members note the current situation with regard to fly-tipping enforcement.

Report

1. Since January 2010 all reports of fly-tipping received by the Council are being passed to the Environment & Neighbourhood Officers (ENO) if there is likely to be any evidence that may lead to the perpetrator directly or the source of the waste.
2. The ENO visit, gather any evidence and investigate as far as possible. The ENO will also take statements from any members of the public who witness incidents first hand and will endeavour to pursue these incidents to identify fly-tippers. The ENO are regularly carrying out formal taped interviews to try and obtain enough evidence to prosecute offenders.
3. There has been a 2552% increase in fly tip related enforcement action comparing equivalent annual data between 2009/10 and 2008/09 (using the weighted enforcement action data recorded for fly-capture that is used to calculate NI196 for the period 01/07/09 to 30/6/2010 compared with 01/07/08 to 30/6/2009). Whilst it should be recognised that there was under-reporting of previous enforcement work, there has clearly been a significant increase in enforcement work in relation to fly-tipping.
4. Significant increases in enforcement action alone do not change the NI196 grade. An improved grade can only be achieved by reducing the number and size of fly-tipping incidents being recorded. Due to the changes in the way data is now being recorded, reliable annual data for calculating NI196 will not be available until two years worth of comparable data is available.
5. The NI196 grade also pays little regard to the general trend in fly-tipping i.e. if one is successfully fighting an increasing trend in fly-tipping and preventing a large increase in recorded incidents, i.e. maintaining the current level of fly-tipping despite an increasing trend, one receives no recognition in terms of the NI196 grade.
6. Unfortunately a large percentage of fly-tipping contains no evidence that can be used to lead to the perpetrator or source of the waste. Most fly-tipping incidents are not witnessed and in the few cases that are, members of the public are not always willing to provide evidence that can be used in court.
7. The environment and neighbourhoods team have had 5 prosecutions for fly-tipping and related duty of care offences since March 2009. A number of other cases are pending.

Date of Offence	Offence	Location	Fine & costs
18 March 2009	EPA 1990 s.33	The Broadway, Loughton	£150 & £100
1 July 2009	EPA 1990 s.34	Roding Valley Nature Reserve	£1000 & £500 (& £1000 to Essex Wildlife Trust)
18 Jan 2010	EPA 1990 s.34	Cascade Rd, Buckhurst Hill	£175 & £150
10 Feb. 2010	EPA 1990 s.34	Roding Lane, Buckhurst Hill	£500 & £540.47
19 March 2010	EPA 1990 s.34	Weald Hall Lane, Thornwood	£500 & £396.81

In order to try and reduce the level of fly-tipping the we are also involved in other related work:

Stop/checks on waste carrier vehicles

In conjunction with Essex Police we have carried out stop/checks on waste carriers to deter and detect illegal waste carriers who may be intending to fly-tip in the district. A further 6 months of stop checks have been planned throughout the district.

Press releases

The ENO have published recent prosecutions with additional guidance in order to deter and reduce the amount of waste getting into the hands of potential fly-tippers.

Warning and advice letters to local businesses and householders

The number of fly-tipping incidents recorded also includes incidents of poor waste management by local businesses and householders, resulting in waste being left in bin stores, grass verges etc in the near vicinity of the source. Although classified as fly-tipping for the purposes of NI196, prosecution is not the most appropriate first step in many cases. The ENO are involved in education and providing advice to local businesses and residents to ensure they comply with the law in the future.

Installing fly-tipping warning signs

The installation of warning signs installed along Fern Hill Lane, Harlow (which despite the address is within EFDC's boundary) combined with a local resident choosing to install CCTV and officers regularly patrolling the area has resulted in a welcome break of fly-tipping in this area for the past three months. The fly-tipping in this area was also costing the Council in the region of £5000 per year to clear (based on figures for 2008 & 2009).

Checks on waste transfer notes

By law businesses are required by law to keep a written record for 2 years detailing who they gave their waste to and they should only give their waste to an authorised carrier. This is seen as an important means of tracing fly-tippers and preventing waste getting into the hands of illegitimate companies with the intention of fly-tipping. The ENO are increasing the number of checks on businesses in relation to waste transfer notes and educating businesses who appear to be unaware of their responsibilities.

Installation and use of CCTV

Assisted by colleagues in the Safer Communities Team the ENO will arrange for CCTV to be installed in hot-spot areas and utilise existing CCTV images. The prosecution in March 2009 was the result of an existing CCTV unit that recorded a fly-tipping incident.

