

Overview & Scrutiny Briefing Paper – Fly Tipping

Terms of Reference

Following a presentation on fly tipping at the last meeting, the members of the Overview and Scrutiny panel decided that they would like to focus on the following issues at their next meeting on 8th November 2017:

- costs of waste management (street cleaning, bulky waste collection, etc),
- % of Council Tax that is spent on the services,
- implications for other services,
- work of the Waste Advisors,
- current campaigns and
- general work that is done to educate citizens on the services available and the implications of not using them.

Introduction

Fly-tipping is the illegal dumping of waste and is a crime. It is a serious problem in England and Wales and is estimated to cost the UK approximately £150 million every year.

Specifically Fly-tipping:

- Is a criminal activity that can cause serious pollution of the environment, may be a risk to human health and can harm wildlife and farm animals
- Spoils the local neighbourhoods and quality of life
- Costs local authorities £50 million each year to clear up. Private landowners and businesses costs are on top of this figure.
- Undermines legitimate waste management companies who are undercut by illegal operators
- Unsightly fly-tipped waste can deter investment in the area and lead to a lack of pride among local people

The difference between litter and fly-tipping is the size and amount. Litter is usually small, such as crisp packets, discarded cigarettes or apple cores, whereas fly-tipping is larger items of rubbish. This can vary from one bag of rubbish to fridges, sofas, tyres, mattresses or dangerous materials such as toxic waste, dumped on land.

People fly-tip to avoid paying a levy. An authorised officer, (in Nottingham a Community Protection Officer), can issue a Fixed Penalty Notice up to £300 to anyone transferring bulky waste without a Waste Management Licence. The fixed penalty for fly tipping is £400. In 2016/17, three FPNs for fly tipping were issued.

Legislation and Powers

Local authorities and the Environment Agency (EA) both have a responsibility in respect of illegally deposited waste. Local Authorities have a duty to clear fly-tipping from public land in their areas and consequently they deal with most cases of fly-tipping on public land, investigating these and carrying out a range of enforcement actions. The Environment Agency investigates and enforces against the larger, more serious and organised illegal waste crimes.

Both Local Authorities and the Environment Agency are required to collect data on their activity and report this to the DEFRA database. Responsibility for dealing with fly-tipping on private land rests with private landowners and is not subject to mandatory data reporting.

The Environmental Protection Act 1990 Section 33 makes it an offence to “deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence. It goes on to state that it is also an offence to store controlled waste without a similar licence.

Waste and construction waste can only be disposed of by holders of a Waste Management Licence or taken to an officially authorised site.

The penalties for such offences were increased by the Clean Neighbourhoods and Environment Act (2005) from £20,000 to £50,000 and a prison sentence of up to 12 months at the Magistrates Court or at the Crown Court a prison term of up to five years and a fine. Alongside this increase in penalties other provisions were made such as the power to require landowners to clear fly tips from their land, the power to recoup costs for clearing fly tips and the power to seize vehicles that have been involved in fly-tipping. The act also extended the powers to prosecute householders whose waste turns up fly tipped and therefore places the responsibility on them to ensure anyone that takes their waste away is a registered waste carrier.

Section 34 of the Environmental Protection Act relates directly to businesses and places them under a ‘Duty of Care’ to manage their waste in a proper and legal manner. In detail this means that waste must be stored securely and only put out when it is due for collection. If refuse escapes such as a ripped bag or tipped over bin, then the owner of that waste must retrieve it. The owner of the waste is responsible for their waste at all times until it is handed over to a person or organisation authorised to receive it.

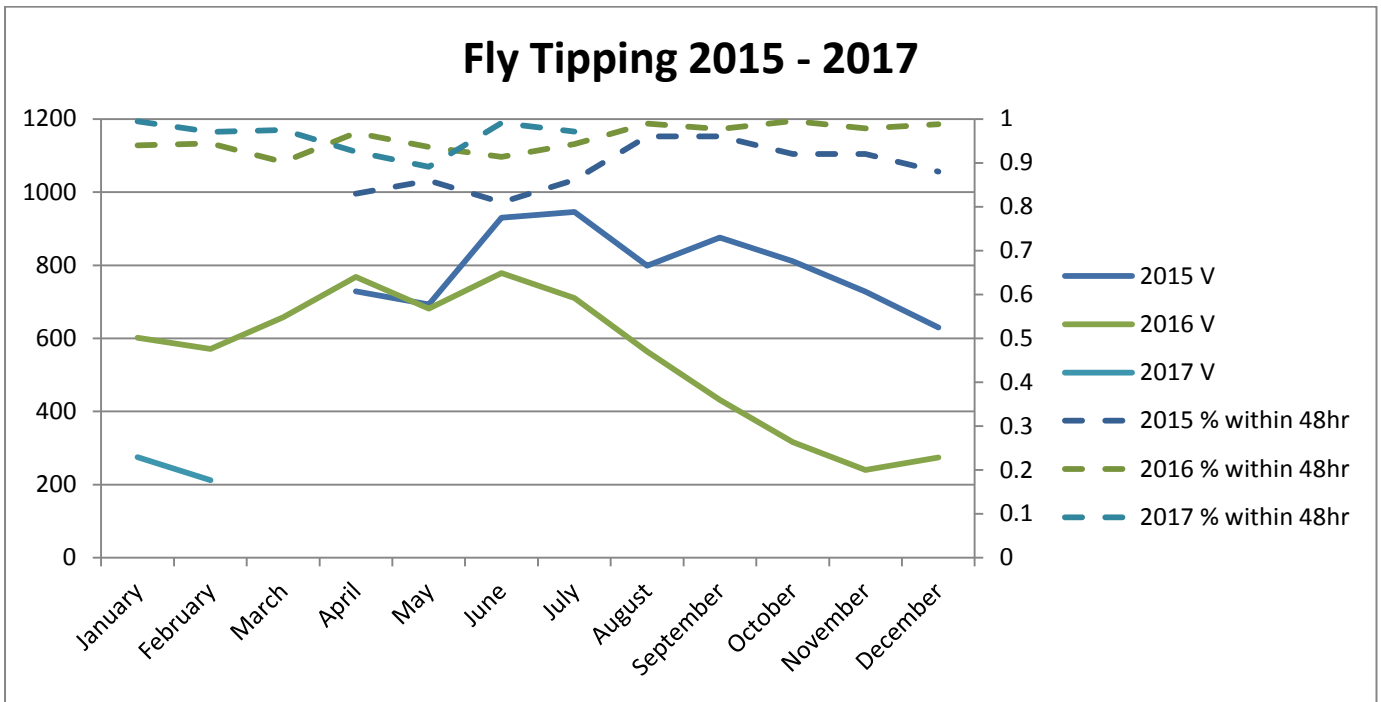
From 9 May 2017 local authorities have been given greater powers to tackle the crime by issuing penalty notices of between £150 and £400 to those caught in the act of fly-tipping anything from old fridges or sofas to garden waste or rubble.

Introducing fixed penalty notices for fly-tipping is the latest move in a government crackdown on waste crime, which costs the economy millions of pounds a year in clean-up costs, undermines legitimate business, and poses serious risks to our environment.

Local Picture

Fly-tipping is a national problem and is increasing across the country. Within Nottinghamshire, 6 out of the 7 districts reported an increase in fly-tipping incidents from 2015/16 to 2016/17. Ashfield reported an increase of 19%, however Mansfield (21%), Rushcliffe (42%) and Newark and Sherwood (44%) all reported higher increases. However the trend within Nottingham City shows that fly tipping has decreased during this period and that Bulky waste collection have increased.

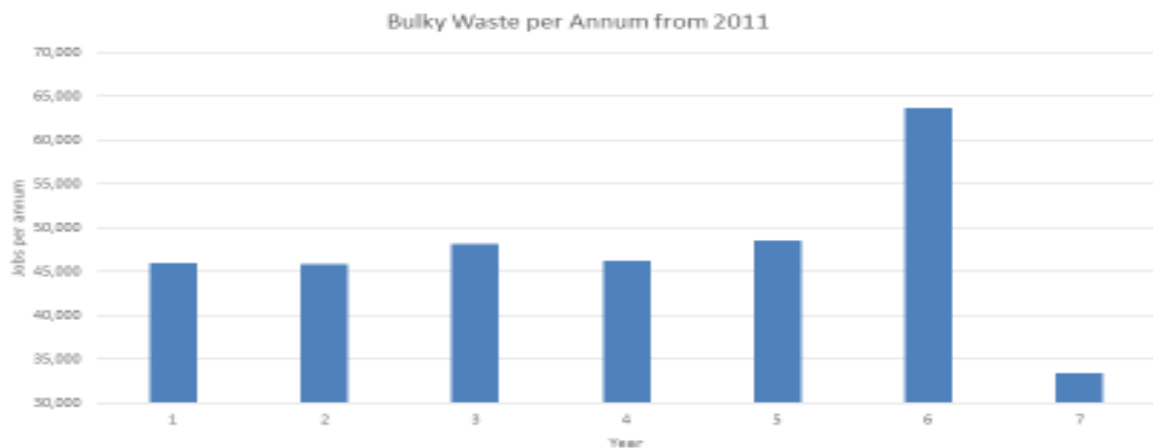
The graph below shows the total number of fly-tipping incidents between 2015 - 2017



The graph below shows the total number of Bulky Waste bookings between 2011 - 2017

Bulky Waste jobs per annum

2011	2012	2013	2014	2015	2016	2017
45,977	45,778	48,157	46,205	48,543	63,691	33,374



Costs of Service

Costs of waste management (street cleaning, bulky waste collection, etc), the % of Council Tax that is spent on the services,

- The total amount raised in Council Tax requirement only is £100.947 million

- Total cost of Waste Management and Streetscene is £8.923 million – This breaks down to £66 per household.
- This equates to 8.8% of the money raised through only Council Tax collected.
- Total amount of Council spend on services in 2017/18 is £524.2m (Council bill publication)
- This equates to 1.7% of the money consumed by all services within Nottingham City Council.

Current Campaigns

The Council ran a major corporate campaign from April to June 2017, with the strapline “Nottingham – let’s keep it clean”. This was aimed at changing behaviour and one of the key targets was to reduce flytipping.

The campaign launched with hard-hitting messages focusing on fines as the penalty for undesirable behaviour like littering, dog fouling and fly-tipping. This was followed up where citizens were encouraged people to pick up litter and join our Clean Champion scheme.

The campaign ended with ‘thank you’ messaging and celebration of the activities of civic-minded citizens who volunteer and help to improve the environment in our city.

The number of fly tipping incidents dropped by 4% when compared with the same period in 2016 over the 3 months of the campaign.

Waste Management Waste Advisors

The 3 Waste Advisors undertake a wide range of work that support the waste operations and support efforts to educate citizens on the services available and the implications of not using them. This includes

Ongoing Campaigns

- Attend week of actions
- Student action plan
- Attend NAT meetings
- Link in with NDO’s & CPO’s

General

- Inspection and monitoring when requested of areas with waste/street scene/commercial issues and arrange for remedial operational works required to maintain service standards via radio including fly tipping, overflowing bins, contamination, APO’s etc
- Assist with receipt & delivery of supplies (containers, boxes, bags, leaflets) at all council properties as appropriate.

Contamination / Assisted Pull Outs

- Undertake surveys for collection schemes and assess new builds and compliance audits regarding council policies including contamination, additional bins & APO's.
- To be fully conversant with the services operational activities, standards and specifications. Devise, operate and maintain appropriate systems and procedures for monitoring works undertaken in relation to the service mainly removal of contaminated bins.
- Keep appropriate / accurate records of properties that contaminate.
- Follow up with citizens after they contaminate from the 2nd occasion and monitor address ongoing.
- Undertake customer consultation on new service proposals and discuss potential enforcement action with stakeholders and appropriate departments for stakeholder non-compliance.

Customer Service / Education

- Follow up complaints about perceived service failures by visiting households and businesses to offer advice on how to comply with waste management policies and provide and organise remedial solutions to complaints.
- Assist with publicising recycling schemes and consulting with householders regarding new and existing recycling services including leaflet distributions.

Operational

- 1 out of the 3 waste advisors has passed his LGV and covers as a driver when required. The 2 remaining waste advisors are working towards getting their LGV also to cover busy operational periods as drivers.
- Inspecting & monitoring vulnerable addresses where service failure has happened and report back to operational team. Also, organise any remedial solutions.

Conclusion – Waste Advisors

The impact on the Waste management service if the waste advisors were not available would be extra pressures on the remaining operational team to pick up these tasks. The current operational team deal with frontline staff management, performance, sickness, disciplinary's, health & safety issues etc and running the day-to-day operations of waste i.e. staff cover, vehicle breakdowns, communication between back office & frontline staff whilst on site etc.

Other implications would be less communication between waste and vital stakeholders., fall down in the APO & contamination bin removal process especially face to face education to residents, record keeping and actual removal of bins. Current operational team would not have the time to carry out the survey's in regards to contamination, APO process, extra bins etc.

Less monitoring of vulnerable service failures & less immediate actions to resolve. General customer consultation would be reduced. Not enough accurate information in regards to new builds and planning them in on routes.

Less staff resource to publicise any waste schemes or have that face-to-face contact in regards to waste management services.

1 (eventually 3) less LGV driver to cover in emergencies for operational purposes.