

SCRUTINY COMMISSION FOR RURAL COMMUNITIES	Agenda Item No. 5
23 NOVEMBER 2009	Public Report

Report of the Interim Neighbourhood Manager for Northern

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RURAL FLY TIPPING

1. PURPOSE

To advise the Scrutiny Commission for Rural Communities of the impact of fly tipping and the Council's actions to tackle it within the rural areas of Peterborough and allow opportunity for these actions to be scrutinised.

2. RECOMMENDATIONS

The Scrutiny Commission is requested to:

1. Scrutinise the methods the councils has adopted in tackling fly tipping
2. Recommend continuation of enforcement actions and
3. Provide recommendations for other methods or approaches which may improve the situation
4. Recommend more efficient and effective ways to ensure a greater impact is had.

3. BACKGROUND

- 3.1 Fly tipping in the rural areas of Peterborough continues to present the rural communities and relevant landowners concerns of their localities being blighted by discarded waste and landowners incurring costs for the removal and disposal of fly tipped items.
- 3.2 Fly tipping is the 'illegal deposit of any waste on to land, private or public areas, that has no licence to accept waste.' It is an offence under the Environmental Protection Act 1990 to fly tip any material. Conviction could lead to a heavy fine.
- 3.3 Fly tipped Waste can include: general household waste, larger domestic items including fridges and mattresses; garden refuse; and commercial waste such as builders' rubble and tyres. Such waste can occur in any quantities at any time in any location.
- 3.4 Although in Peterborough there are ample facilities for removal of waste and unwanted goods and materials sometimes people choose not to use these facilities and dump their waste indiscriminately. This may be down to ignorance, laziness or financial hardship.
- 3.5 Statistics for fly tipping in rural areas are unreliable to outline a true picture of the levels of rural fly tipping as often land owners do not report due to the constant amount they suffer. This is mainly due to the vulnerable nature of the rural localities; there is also limited information on the frequency and hotspots of flytipping in these areas. Peterborough City Council does not have statistics that relate to rural flytipping but hold general data on fly tipping across peterborough on public land and also waste management issues (accumulations) on private land.
- 3.6 National indicator NI196 provides statistics for fly tipping on public land only and this is monitored by the national database called 'Fly Capture'. Flycapture is a web-based, fly-tipping database for England and Wales which will help local authorities and the Environment Agency tackle fly-tipping. It is one of a number of measures to combat fly-tipping which have been introduced to meet the requirements of the Anti-Social Behaviour Act 2003. The Anti-Social Behaviour Act

2003 gave local authorities the power to search and seize any vehicle involved in a fly-tipping incident, making it easier to track down those responsible.

- 3.7 Managed on behalf of the Department for the Environment Food and Rural Affairs (Defra), by the Environment Agency, Flycapture provides much more than just a database - it is a strategic tool that helps authorities improve intelligence on fly-tipping and focus resources on fly-tip hot spots.
- 3.8 Peterborough has experienced an increase in fly tipping in general over the past year and this has not gone unrecognised. There has been a close liaison between departments to identify reasons for this increase and a 'workshop' action group set up.
- 3.9 The council spends about £320,183 a year clearing and disposing of fly tipped waste on areas it maintains. This includes costs for landfill gate fee, landfill tax, collection costs, haulage costs, employees and vehicle maintenance.

4. LINKS TO CORPORATE PLAN, SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT

- 4.1 Within the Sustainable Community Strategy and the Local Area Agreement it sets out the priority of making Peterborough the UK's Environment Capital, by making the city and surrounding rural areas cleaner and greener (Priority EC04). The national indicator NI 196 allows us to monitor the level of 'improved street and environmental cleanliness, fly tipping.'
- 4.2 The Council have stated one of its own corporate priorities is to plan and deliver a safe, attractive and environmentally friendly city. This will help to deliver the vision from the Community Strategy to improve the quality of life of all Peterborough's people and communities.

5. ACTIONS AND SUCCESSES

- 5.1 Since 2006 Enforcement of offences such as fly tipping has been greatly improved. Officers are now working in compliance to the relevant policies and acts necessary. Identification of offenders responsible for waste management offences has increased and enforcement actions have also increased. On lower level offences local authority cautions are being utilised and where evidence permits we have had successful prosecutions through the Magistrates court.
- 5.2 The fly tipping offence itself requires strong direct evidence to enable a prosecution; such as evidence identifying a person placing the waste at the location, such as CCTV footage, a witness to the event or the perpetrator admits to the offence themselves. Our biggest achievement to date has been a successful covert surveillance operation at a fly tipping hot spot at Norwood Lane which resulted in a caution for one offender and conviction for two others. Unfortunately due to the nature of the surveillance and the lack of resources at the council to carry out this task it did result in a cost of £10,636 to the local authority, some of which we recovered through our successful prosecution.
- 5.3 Peterborough City Council Officers have participated in multi-agency 'Stop and Search' days to target rogue traders who were transporting waste materials and likely to fly tip.
- 5.4 We are constantly delivering a rolling education programme to the public in various formats, to schools, residents and landlords, to highlight their duty of care responsibilities for waste management and have recently started a similar programme to businesses within the Peterborough boundaries.
- 5.5 Due to the change in the councils status on NI 196 performance level, on 17th November 2009 there has been a meeting with the workshop group set up to look at options to reduce the fly tipping across Peterborough and actions set to move enforcement forward.

6. CONSULTATION

- 6.1 **LOCALLY-** Peterborough City Council and GPP officers have established a workshop forum to

discuss options for ways to reduce fly tipping, improving recycling and reducing the amount of waste going to land fill.

6.2 COUNTY - We are in partnership with other Local Authorities under the group Recycling in Cambridgeshire and Peterborough (RECAP) which is looking at countywide methods of prevention, intervention and enforcement of environmental offences such as fly tipping.

6.3 NATIONALLY - We are a member of 'Keep Britain Tidy' who offer guidance and advice in Prevention, Intervention and Enforcement for environmental offences as well as involvement in national campaigns.

6.4 All of which provides the ability to maintain a balance in our enforcement actions with providing education; whilst sharing best practises.

7. KEY ISSUES

7.1 Fly tipping constantly blights rural Communities. Peterborough has a transient population and a multi cultural population which brings with it additional problems of constant education, interpretation costs and cultural trends. These demographics have a cost/resource implication that needs to be taken into consideration.

7.2 Peterborough City Council has achieved good performance in maintaining a high level of clearing waste within a specified time period. This has resulted in a trend of some residents' fly tipping their waste and relying on Peterborough City Council to clear such waste. In essence these residents are using the Fly Tipping clearance agenda as a second waste collection option.

7.3 Strong enforcement of this offence relies on best evidence being found. Reluctance of residents to report incidents and/or provide witness evidence coupled with the high level of resources being required to perform surveillance operations seriously reduces enforcement options available. Outsourcing resources to cover this task comes at a high cost.

8. NEXT STEPS

8.1 Any recommendations form the Commission to be taken to the Cabinet Member and officer workshop group for action.

8.2 The workshop group will move forward to take the following steps: -

- Increase education to householders, landlords and businesses, taking into account Peterborough's multi cultural society and transient population.
- Identify hotspots and provide prevention and intervention methods to reduce the re occurrence in the future.
- Utilise all powers and enforcement actions on perpetrators identified.

8.3 Through the new Neighbourhood Management approach we will encourage the communities within these areas to assist in the prevention and intervention of fly tipping offences.

8.4 An education package to be presented to Magistrates is being devised by RECAP to assist in outlining the severity of environmental crime to encourage the awarding of heavier penalties on offenders to deter repeat offences.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

Local Area Agreement - NI196

10. APPENDICES

1. Fly capture statistics 2008-2009 (Fly tipping on public land).

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