



Leicester
City Council

Consideration of the Fly Tipping Strategy

Neighbourhood Services & Community
Involvement Scrutiny Commission

30 November 2016

Lead director: John Leach

Useful information

- Ward(s) affected: All
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1. Purpose of report

- 1.1 The purpose of this report is to provide Members of the Neighbourhood Services and Community Involvement Scrutiny Commission with an overview of fly-tipping incidents in Leicester and ask for their views on the actions taking place to address this issue.

2. Summary

- 2.1 'Fly-tipping' adversely affects the wellbeing of Leicester citizens and visitors to the City; and imposes significant costs on the City Council in terms of protection, clearance and investigation.
- 2.2. The nature of 'fly-tipping' – the improper dumping of domestic and commercial waste – is multi-faceted and many Council Services are involved in preventing and responding to 'fly-tipping'.
- 2.3 Like all cities Leicester is not immune from fly tipping. At times the problem is more acute and visible in some parts of the City and this is reflected in the current targeted response which accepts problem areas vary.
- 2.5 An effective 'control strategy' for the City requires the commitment to an appropriate mix of contributions from different Services and external agencies.
- 2.6 An effective tactical response to incidents, problems and perpetrators requires the sharing of good analysis, management arrangements for designing the response and a frontline capability to deliver.

3. Recommendations

The Scrutiny Commission is invited to comment on the four strands of the strategy:

- Protecting Leicester City Council and other land from being the destination and location of fly-tips
- Preventing the occurrence of fly-tipping by encouraging and facilitating the proper and timely disposal of waste
- Pursuing perpetrators of fly-tipping to recover costs, impose punitive sanctions and deter them and others from similar behaviour
- Preparing the capability and capacity of Leicester City Council and its partners to deliver a response that is more effective, efficient, economic and equitable.

4. Report

4.1 What is Fly Tipping?

4.1.1 Fly tipping is:

- The illegal deposit of waste on land contrary to Section 33(1) (a) of the Environmental Protection Act 1990. It includes the deposit of any waste onto land with no licence to accept waste.
- The deposit of waste that doesn't use an authorised method such as kerbside collection or the use of an authorised rubbish dump.

4.1.2 Waste includes: general household waste, larger domestic items including fridges and mattresses, garden refuse and commercial waste such as builder's rubble, clinical waste and tyres.

4.1.3 Fly-tipping differs from littering in that it involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully. For LCC purposes, waste on the street or elsewhere for example by a 'bring bank site' is counted as a fly tip if it has moved from the place of origin and is too large to be removed by a normal hand- sweeping barrow.

4.1.4 Side waste is excess, unauthorised bags of waste from a household, which is presented for collection at the side of the container.

4.15 There are over 60 recycling bring sites across the City, where people can recycle: books, cardboard, paper; mixed glass bottles & jars; clothes, shoes and textiles.

4.1.6 The definitions used by Leicester are in line with the definitions used by DEFRA to capture data at the national level. The current recording system is Wastedata Flow (replaced Flycapture) and the data collated is in the public domain. www.wastedataflow.org

4.1.7 There are 2 Household Waste and Recycling Centres in Leicester: Freeman's Common and Gypsum Close. Freeman's Common accepts household waste only and does not accept commercial or trade waste. Gypsum Close Recycling Centre also has a trade waste facility and weighbridge for commercial customers. A permit is required if using a van, or a car with a trailer longer than 1.4m.

4.1.8 The following are examples of the fly-tip incidents encountered by LCC:



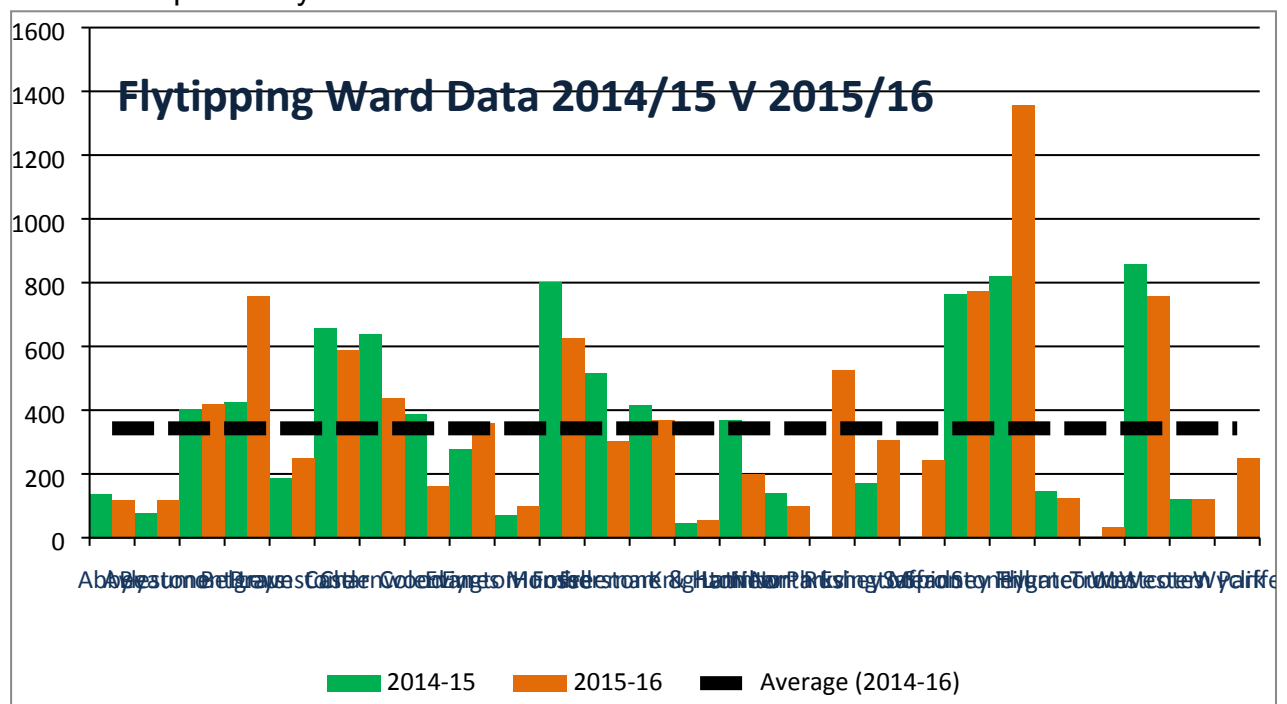
5. The Fly-tipping Problem

5.1 Comparisons between Leicester and other local authorities can be made but this is often not comparing like with like, for a number of reasons.

City	2012/13	2013/14	2014/15	2015/16
Newham LB	28,443	67,930 ¹	66,487	30,900
Manchester City Council MBC	20,085	21,449	18,921	22,251
Liverpool City Council	17,770	17,882	16,179	20,016
Birmingham City Council	14,043	16,186	13,709	12,348
Leicester City Council	8020	6592	8416	9,449
Camden LB	11,478	10,950	8,308	7,268
Peterborough City Council	4,236	6,108	6,890	6,765
Derby	3865 ²	4844	5236	4,283
Nottingham	7680	10549	8357	3,907 ³

Table 1: Number of Reported Fly Tips Comparison Data with other local authorities

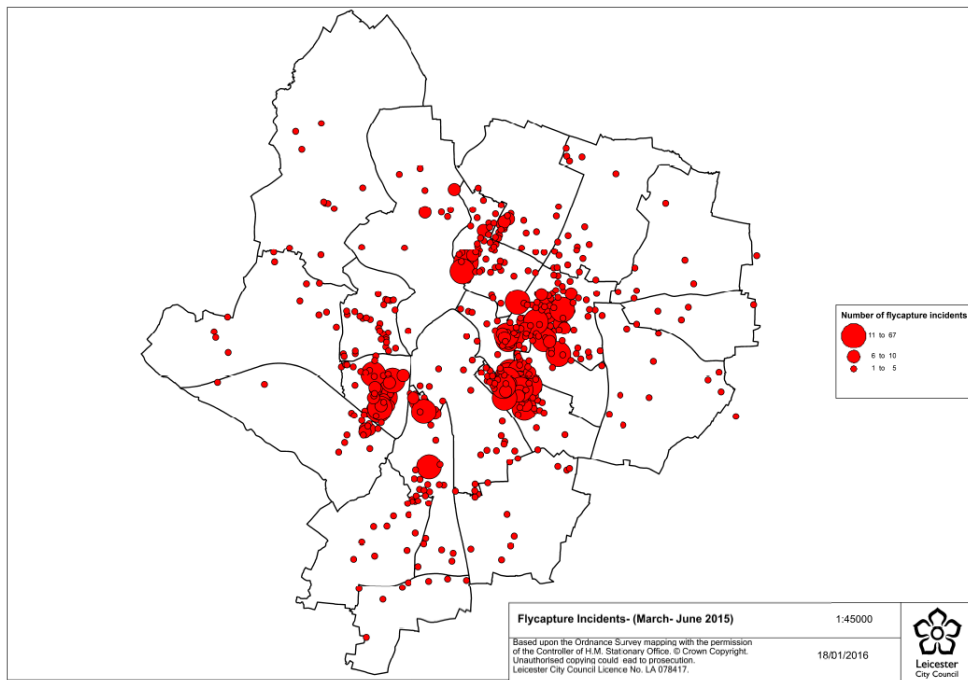
5.2 The picture by ward



¹ Newham reported a change in the way they defined fly tips. This led to higher figures in 13/14 and 14/15.

² The lower incidence of reported fly-tips in Derby is ascribed to the removal of Bring Bank Sites in 2010/11.

³ The reduction is due to additional enforcement action and changes in definition.



Whilst no part of the City is immune from fly tipping the problem is more acute in some parts of the City. These parts of the City are ones of high density residency, high levels of private rented housing, and transient populations.

The increase in reported incidents is due to fly tipping on the highway. The reduction within the bring banks data is mainly due to the reclassification of the waste removed from these sites.

Year	Removed from the Highway	Removed from Bring Banks
2013/2014	4451	2141
2014/ 2015	5361	3055
2015 / 2016	6596	2853
2016 / 2017	8400 Current est	900 Current est

The average cost of clearing a fly tip by Cleansing Services was £34 per incident in 2015/16. The total cost of clearing fly tipping was £322,239 in 2015/16.

5.3 Fly-Tipping Behaviour

There are a number of reasons given to explain why some people fly-tip. They include:-

- Ignorance of the City Council's waste collection services and facilities
- Lack of waste bins or inadequate bins for the property often due to houses being converted to flats/Houses in Multiple Occupation (HMO).
- Lack of transport
- For businesses – a way of reducing costs.

6. The Council's Fly-Tipping Control Strategy

6.1 The Intelligence Led Approach

Leicester City Council is implementing an 'Intelligence Led' approach to fly tipping. This approach is common to many regulatory and law enforcement agencies. In this approach the problem is identified, analysed, understood and an appropriate package of control measures designed and applied. It ensures that there is an effective application of scarce officer resources on a problem.

6.2 Leicester City Council's control strategy to fly-tipping has four streams of activity:

- PROTECT
- PREVENT
- PURSUE
- PREPARE

6.3 **PROTECT** – ensuring that Leicester City Council and other owners of land protect their land from fly tipping

- Target hardening of vulnerable sites:
 - Our Building Protection & Safety Team worked with the owners' of vacant buildings to ensure that their sites are clear of fly-tipped material and have adequate security to prevent re-occurrence.
- Timely removal of fly-tips to avoid accumulation:
 - Fly-tipping on the public highway is the priority for clearance. There is a 24 hour target time for clearance starting from report or discovery. The intervening period is to enable evidence to be secured and removal arrangements made. The actual time for removal of some fly-tips may be extended for the purposes of securing evidence or if the fly tip is not accessible or contains dangerous materials.
 - Fly-tipping on private land is more problematic as it is for the landowner to remove it. It can take over 6 months for the City Council to achieve compliance for a large fly-tip using Section 215 of the Town and Country Planning Act.



6.4 **PREVENT** – enabling and encouraging individuals to dispose of waste responsibly (detering and discouraging)

- Ensuring access to waste disposal services
 - Promoting responsible waste disposal
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In Leicester the ‘intelligence led’ approach has led to the identification of ‘hotspots’ areas which are identified from data supplied by Cleansing on fly-tips, side waste and bins. Any relevant households in those locations are then notified of the problem in their area. In following matters up they have highlighted to them the Council’s waste services and facilities, and the potential legal consequences of fly-tipping that would apply to parties who do this. As the approach is applied areas affected by fly-tipping change.

Fresher’s Week information stand – new and existing students moving into rented accommodation and Halls of Residence are informed of the Council’s waste services and facilities, and provided with bags by the Waste Management Team.

Leicester City Website (and social media) – provides information on weekly household waste collection, orange bag recycling service, recycling centres, bulky waste collection and garden waste service.

New resident’s information pack – this is an initiative in its early days. It involves identifying new households from Council databases and the Waste Management Team sending them an information pack on the Council’s waste services and facilities.

Duty of care inspections – there is a legal duty on persons to ensure that their waste is legally disposed of by persons authorised to do so. Anyone who produces waste has a duty of care under Section 34 of the Environmental Protection Act 1990 to ensure that it is disposed of properly. Businesses can demonstrate that they meet this duty by contracting with authorised waste disposal suppliers. Leicester City Council undertakes inspections to ensure that businesses and other agencies meet their duty. In 2012/13 the City Wardens undertook a significant operation to this effect.

	12/13	13/14	14/15	15/16
Duty of Care Inspections	349	65	31	98

6.5 PURSUE – investigate and take enforcement action against perpetrators of fly-tipping

- Fly-tipping Investigations

Investigations are undertaken by the City Wardens and the Enviro-Crime Team. Where the perpetrator is identified then appropriate enforcement action is taken. The offence of fly-tipping, and the additional offences of ‘knowingly causing’ or ‘knowingly permitting’ fly-tipping, are set out in Section 33 (1) (a) of the Environmental Protection Act 1990. Section 33 is enforceable by both the Environment Agency and local authorities.

	12/13	13/14	14/15	15/16
Submitted for investigation consideration	780	789	913	2438
Direct surveillance authorised under RIPA	3	1	0	2

The increase in 2015/16 is due to improved recording by officers, increased use of Love Leicester, consolidation of reports from CRM into Uniform. It estimated that about 90% of reports considered in 2015/16 relate to fly-tips on highways and 10% to private land.

- Enforcement actions

	12/13	13/14	14/15	15/16
Warnings	46	74	101	203
Fixed Penalty Notices	16	16	4	24
Formal Cautions	1	3	1	1
Prosecutions	9	12	1	12

A recent example:

<p>Swift Wood Services Ltd, Jeremy Swift, Martin Wood</p> <p>Slurry from clearing debris from road caused by building work at De Montfort University, in Mill Lane was disposed of using drains in October and November 2014.</p> <p>At hearing of Leicester Crown Court, JS pleaded guilty to 9 counts of causing controlled waste to be deposited without an environmental permit with connivance, consent or neglect. MW pleaded guilty to depositing controlled waste without environmental permit.</p> <p>Crown Court sentencing hearing Friday 11th November 2016.</p> <p>Martin Wood fined £2,700 and contribution to costs of £3000 Jeremy Swift fined £4500 and contribution to costs of £3000</p>

6.6 PREPARE – enhance our capacity and capability to quickly and effectively tackle fly-tipping.

Effective Reporting arrangements for the public

Alongside Love Leicester there are multiple routes for reporting fly-tips including LCC’s Customer Services, Ward Councillors. Cleansing Services, Parks Team, Highways and City Wardens liaise on referrals, clearance and investigation.

The next gives an example of the kinds of things reported through Love Leicester, including fly-tipping.

Love Leicester Reports 01/04/2015 to 31/03/2016	
Dog Fouling	248
Fly-Tipping	2401
Fly-Posting	7
Graffiti	482
Litter	372
Nuisance Vehicles	12
Bins On The Street Domestic	129
Bins On The Street Commercial	8
Abandoned Shopping Trolley	47

Enhancing understanding of the problem

- Data is collated by Cleansing Services. See Appendix One.

Enhancing internal procedures and competencies

- A process mapping exercise has been undertaken to enable public fly-tipping reports to be processed via the CRM (DASH)
- A comprehensive process mapping exercise of regulatory processes is planned in order to support development of the Council’s CRM system and the re-tender of Regulatory Services IT System/s. It is expected that this will identify improvements in the routing of jobs.

Positive working arrangement with other regulators and law enforcement;

- The LeicesterShire Enforcement Forum meets every six weeks and includes Leicestershire and Rutland authorities, Environment Agency, County Trading standards occasionally MATU. The forum deals with intelligence, cross border work and deal with best practice or problems solving.
 - There are operational links with Environment Agency and the canals and river trust for fly-tips on water courses; and contacts with Network Rail and British Transport Police for fly tipping on their land.
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7. Further Developing our Strategy / Areas for Development

7.1 The following areas are being considered and as appropriate developed to support the Council's newly defined intelligence led approach to fly-tipping.

- Review of process of identification of new flats and houses to ensure that they have access to waste collection services.
- Better targeting of bespoke information for transient households.
- Landlords related intervention to ensure they take responsibility for the waste from their tenants.
- Production of more detailed problem profiles.
- Intelligence on prolific perpetrators.
- Horizon scanning - Early sight of any national/local policy changes that might require changes to intervention practices.
- Clarification of responsibilities for Strategy Lead, Control Strategy work streams and tactical responses.

8. Financial, legal and other implications

8.1 Financial implications

There are no financial implications arising directly from this report. However, the costs of dealing with fly tipping on public land are significant, at £300k - £350k annually. Therefore initiatives that reduce fly tipping have a direct financial benefit for the Council. – Colin Sharpe, Head of Finance, ext. 37 4081

8.2 Legal implications

Fly-tipping is an offence under the Environmental Protection Act 1990, which can result in the offender being fined up to £50,000 and/or imprisoned for up to 12 months in the Magistrates Court or imprisoned for a term not exceeding 5 years and/or a fine on indictment. A successful prosecution by the Council can only be achieved if sufficient evidence exists and there is a realistic prospect of a conviction.

Katherine Jamieson, Solicitor, Legal Services

8.3 Climate Change and Carbon Reduction implications

There are no climate change implications associated with this report.

- Mark Jeffcote, Environment Team x372251

8.4 Equalities Implications

Fly tipping is antisocial and can pose risks to both human health and animal welfare, spoil relationships between neighbours and their wider community, and affect the way people feel about the place that they call home – affecting people from across all protected characteristics.

Surinder Singh, Equalities 37 4148

8.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None