



The management of fly-tipping in Leicester

Neighbourhood Services & Community

Involvement Scrutiny Commission

23 January 2019

Lead director: John Leach

Useful information

- Ward(s) affected: All
- Report author: Bob Mullins, Head of Standards and Development
- Author contact details: (0116) 454 4921; bob.mullins@leicester.gov.uk

1. Purpose of report

The purpose of this report is to provide an overview of the management of fly-tipping in Leicester. It details actions and interventions put in place since the Fly-Tipping report of 30th November 2016 and uses data from that report as a benchmark to demonstrate progress made on reducing incidences of fly-tipping across the City.

Summary

- 2.1 Fly-tipping adversely affects the wellbeing of Leicester citizens and visitors to the City, imposing significant costs on the City Council in respect 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 both the prevention and response to fly-tipping.
- 2.3 Like all urban areas, Leicester is not immune from fly tipping. At times the problem is more acute and visible in some parts of the City, which is reflected in targeted responses whether the problem be by area or by type.
- 2.5 An effective tactical response to incidents, problems and perpetrators requires the sharing of good data, analysis, and management arrangements for designing the response and a frontline capability to deliver.

3. Recommendations

The Scrutiny Commission are invited to comment on the work, and progress made, since the previous report and the developing approach to:

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

4. Report

4.1 What is Fly-tipping?

4.1.1. Fly-tipping is:

- The deposit of waste that doesn't use an authorised method such as kerbside collection or the use of an authorised rubbish dump.
- The deposit of any waste onto land with no licence to accept waste.

4.1.2 Fly-tipped waste includes: general household waste; larger domestic items, including fridges and mattresses; garden refuse; commercial waste such as builders 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.

4.1.4 For recording purposes, and in line with the DEFRA definitions, waste on the street or elsewhere is counted as a fly tip if it has been moved from its place of origin and constitutes a 'black bag's worth' or is too large to be removed by a normal hand sweeping barrow. Incidences of fly-tipping are recorded on DEFRA's Waste Data Flow and are publicly accessible.

4.2 The Intelligence Led approach

4.2.1 The 'Intelligence Led' approach is a common technique used by 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.

4.2.2 This approach is characterised by mapping locations of fly-tips, analysing volumes of waste, and identifying the appropriate resource and/or intervention.

4.3 Resources

4.3.1 These are not confined to one specific service area. The Council's Cleansing, City Wardens, Enviro-Crime, CrASBU, Waste Management, and Private Sector Housing teams all have a part to play in managing fly-tipping.

4.3.2 For the financial year 2017/18 the Council spent £310,859 on the clearance of fly-tips in Leicester.

4.3.3 Nationally it is calculated that local authorities spent £58 million pounds clearing fly-tips in 2016/17, i.e. over £1 million per week.¹

4.4 The national fly-tipping problem

4.4.1 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	14/15	15/16	16/17	17/18
Leicester City Council	8,409	9,442	8,716	8,512
Birmingham City Council	13,709	12,348	14,799	15,993
Camden LB	8,308	7,268	6,778	12,170
Derby City Council	5,236	4,283	5,316	5,640
Liverpool City Council	16,179	20,016	20,832	20,576
Manchester City Council MBC	18,921	22,251	28,508	17,497
Newham LB	66,487	30,900	19,917	15,206
Nottingham City Council	8,357	3,907	No return	7,374
Peterborough City Council	6,890	6,765	8,186	7,198
Blaby DC	602	534	531	588
Charnwood BC	570	522	603	673
Harborough DC	424	475	653	608
Hinckley and Bosworth BC	429	513	754	731
Melton BC	449	298	387	410
North West Leicestershire DC	697	746	884	731
Oadby and Wigston BC	23	11	17	8
Rutland	284	266	461	329

Table 1: Number of reported fly-tips comparison data with other Local Authorities.
Source: DEFRA Waste Data Flow

4.4.2 Table 1 includes data returned from the Leicestershire District Councils and Rutland, clearly the number of fly-tips is less than in Leicester but the volume of material is by number generally far greater. Population size, geography, and in some cases how councils count waste (albeit DEFRA provide detailed guidance) can lead to true comparisons being more challenging.

4.4.4 In Leicester it can be seen that fly-tipping increased in 2015/16 and, to both better understand the reasons why and address the problem, a more strategic, intelligence led approach was adopted, which has led to a reduction of nearly 1,000 reported incidents and a downward trend.

¹ Government Statistical Service, Fly-tipping statistics for England 2016/17, October 2017

4.5 The local picture

4.5.1 The information in Table 1 can be drilled down to ward level. This allows services to analyse volumes, waste type, and, as location details are recorded, identify hot-spot areas.

4.5.2 This in turn allows services to select the most appropriate actions to address the problem. One size does not fit all and a range of interventions are required to address the problem across the City; ranging from the use of deployable and covert CCTV; providing targeted information on services; undertaking programmed visits. These are further discussed in section 4.7.

4.5.3 Whilst data shows that no part of Leicester is immune from fly-tipping it is more acute in some parts of the City. These tend to be areas of high density residency; high levels of private rented housing; transient populations with lower than average vehicle ownership.

4.6 Fly tipping behaviour

4.6.1 There are a number of reasons why some people fly-tip, such as:

- Council has always collected waste
- Habit
- Avoidance of cost
- Lack of transport
- Ignorance of the Council's waste collection services and facilities (sometimes but not always linked to language)
- Ignorance of the law

4.6.2 Interventions and model actions to address the above points are available to put into place. These are more fully discussed in section 4.7 below.

4.7 The Council's approach to the control of fly-tipping

4.7.1 Leicester City Council's approach to fly-tipping hinges on four activity streams:

- Prepare
- Protect
- Prevent
- Pursue

4.7.2 Prepare

Allows the Council to enhance its capacity and capability to quickly and effectively tackle fly-tipping.

- Effective reporting arrangements:
 - There are a number of routes for the public and Council officers to report cases of fly-tipping: Customer Services; Ward Councillors; MyAccount; Love Leicester; direct to Council officers.
- Effective recording mechanisms:
 - Fly-tips are recorded and the data uploaded to DEFRA's Waste Data Flow, which collates national information and from which the figures in Table 1 are provided.
 - Effective recording allows analysis, the better identification of issues and trends, thereby ensuring that resources and interventions are targeted.
- Effective partnership working:
 - The Leicestershire Enforcement Forum meets regularly through the year. Membership includes all the Leicestershire and Rutland authorities and the Environment Agency.
 - There are operational links with Environment Agency and the Canals and Rivers Trust for fly-tips on water courses, and contacts with Network Rail and British Transport Police for fly-tipping on their land.

4.7.3 Protect

Ensures that Leicester City Council and other owners of land protect their land from fly-tipping.

- Target hardening of vulnerable sites:
 - The Council's CrASBU service works with communities and business on installation of alley gates that assist in preventing a range of ASB, including fly-tipping.
- Timely removal of fly-tipping to avoid accumulation:
 - Fly-tipping on the public highway is a priority for clearance. Services have a 24 hour target time for clearance, starting from report or discovery. This 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. In some instances it can take over 6 months for the Council to achieve compliance for a large fly-tip using Section 215 of the Town and Country Planning Act.

4.7.4 Prevent

Enables and encourages individuals and businesses to dispose of waste responsibly through education, deterrents and discouragement.

- Promoting responsible waste disposal:
 - Student information. New and existing students moving into rented accommodation are informed of the Council's waste services and facilities.
 - Website and social media. Information on the weekly household waste collection service, recycling centres, bulky waste collection, and garden waste service is provided.
 - New resident's information pack. New households are identified and information on the Council's waste services and facilities is sent out to them.

- Ensuring access to waste disposal services:
 - The Council provides a range of services and facilities for residents and businesses to dispose of their waste legitimately:
 - Weekly household waste collection
 - Free bulky collections
 - Clinical waste collections
 - Two Household Waste Recycling Centres
 - One Trade Waste site
 - Garden waste collection service

- Targeted interventions – household waste:
 - Analysis of fly-tip data allows the Council to identify the 'Top Ten Streets', i.e. the worst for fly-tipping, over a three month period. Households within the given areas are written to, informed of the Council's waste services and facilities, and of the potential legal consequences. For the most part this works well and what were the worst offending streets have either dropped down or dropped completely off the list. However, occasionally this does not reduce the problem and so more targeted interventions are necessary.
 - The Council, as a member of the Leicestershire Enforcement Forum, participated in the Countywide (including Rutland) *If Only* campaign. This was an educational campaign, followed by an increase in enforcement activity. For Leicester the main outcomes were:
 - 2,679 warning letters and campaign literature sent out
 - Fly-tipping down by 9.5% in May 2018
 - Fly-tipping down by 12% in June 2018
 - An increase in the use of the HWRC
 - An increase in the take up of the Bulk Collection service

- Targeted interventions – Fosse Ward:
 - As mentioned above, occasionally the standard interventions do not always work. The Fosse ward consistently has high levels of fly-tipping and it was thought that this was from the ward being home to a substantial student population. However, further analysis of data

showed that over time the demographic has changed and that now there is a substantial population with an East European background.

- An intervention to ensure that residents are aware of their responsibilities and the services available to them will be initiated in the coming weeks. This will involve use of an information leaflet and officers making contact with known community contacts and attendance at group meetings.
- Targeted interventions – business waste:
 - There is a legal duty on persons to ensure that their waste is legally disposed of by persons authorised to do so. Businesses can demonstrate that they meet this duty by contracting with authorised waste disposal suppliers and/or being authorised to transport their own waste. The Council has developed a programme of visits to the City’s 8,000 plus businesses to ensure that they are complying with their duty of care. Initial analysis of the three areas so far visited indicates that there is approximately a level of 20% non-compliance.
 - Addressing this across the City is expected to help in reducing the level of fly-tips, although it is to be noted that the generated waste is often placed in other waste streams, notably domestic and on-street, rather than being fly-tipped. One effect of this intervention has been to increase use of the HWRC and the number of lower tier waste carrier licences applied for, i.e. allowing small businesses to legally transport their own waste.

	2016/17	2017/18	2018/19
DOC Inspections	106	305	534

Table 2: Business duty of care inspections; 2018/19 = YTD, Apr-Nov
Source: DEFRA Waste Data Flow

- Targeted interventions – Bring sites:
 - The forty-four Bring sites in Leicester account for circa 15% of the total number of recorded fly-tips. Following a successful trial, utilising deployable CCTV cameras, those bring sites with a substantial number of incidents will be targeted through 2019.
 - Temporary Bring sites, as reported in December 2018, can have a positive effect if targeted accurately.
- Targeted interventions – HMO licencing:
 - Houses of Multiple Occupancy (HMO) generally have a transient population, who are not always aware of the Council’s services and facilities. The introduction of licences for HMOs, which cover a range of compliance matters to ensure a safe and suitable residence, has allowed the Council to include the management of waste as a condition. This takes some responsibility, in particular provision of waste storage and the presentation of waste for collection, away from the tenant and places it under the responsibility of the landlord. It is anticipated that as HMO licensing becomes embedded the effect of fly-tipping in high density housing areas, such as Fosse ward, will be reduced.

4.7.5 Pursue

Where the Council investigates and takes enforcement action against the perpetrators of fly-tipping.

- Fly-tipping investigations
 - Generally undertaken by the City Wardens and the Enviro-Crime teams. Where the perpetrator is identified then the appropriate enforcement action is taken.

	2016/17	2017/18	2018/19
Fly-tip Investigations	2,427	1,795	1,738

Table 3: Fly-tip investigations carried out; 2018/19 = YTD, Apr-Nov
Source: DEFRA Waste Data Flow

- Enforcement actions
 - These vary according to each case. Although the majority of fly-tipping in Leicester is relatively small in respect of volumes. It does affect a large number of people. Enforcement should therefore not confine itself solely to the larger cases.
 - However counter to this, in order to assure residents that punitive action is not just taken against individuals and perceived 'easy' wins, it is important for the Council to be shown as prepared to take an even handed approach. To that end those services with enforcement powers have recently been successful in a high profile case against a multi-national company; Foot Locker (£54,000 fine). Other high-profile cases are also useful in demonstrating this, one such case being the 'Blue Barrels' deposited at Thurmaston Boulevard. Information on both these case is given in Appendix F.

	2016/17	2017/18	2018/19
Warnings	2,256	4,415	5,271
Fly-tipping FPNs	104	245	57
Related FPNs	31	45	239
Prosecutions	18	10	12

Table 4: Enforcement actions; 2018/19 = YTD, Apr-Nov
Source: DEFRA Waste Data Flow

4.8 Further developing the strategic approach

4.8.1 In addition to the intelligence led approach, controls and interventions given above, the Commission is invited to note further work that is being carried out by services involved with reducing incidents of fly-tipping:

- Better targeting of bespoke information for transient households
- Landlord related intervention to ensure that they take responsibility for the waste generated by their tenants
- Targeted interventions to suit the identified problem, whether this be by area or by type
- Timely identification of new households to ensure that they have the appropriate access to waste collection services

5. Financial, legal and other implications

5.1 Financial implications

No new or additional pressures are expected from this report, which sets out a more targeted use of existing cleansing and enforcement activities.

Colin Sharpe, Head of Finance, ext. 37 4081

5.2 Legal implications

The report outlines, amongst other matters, the enforcement powers available to the Council and the notable successes achieved in recent times. The Legal Services Division will continue to provide support for robust enforcement action in appropriate cases.

Jeremy Rainbow, Principal Lawyer (Litigation), ext. 371435

5.3 Climate Change and Carbon Reduction implications

Efforts to reduce the number of fly-tipping incidents in the City should have a positive impact on the City Council's carbon emissions, as they should lead to a reduction in vehicle usage and therefore mileage as a result of clean-up operations.

Aidan Davis, Sustainability Officer, ext. 37 2284

5.4 Equalities Implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their activities, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't, and to foster good relations between people who share a protected characteristic and those who don't. The PSED is a continuing duty and remains with the authority when services are commissioned and, therefore, it is important to monitor and, where necessary, set expectations to ensure that due regard is paid to the general aims.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Fly-tipping is unsightly and can affect the quality of life of residents and communities who see it. Scope for a more strategic, joined up, problem-solving approach to fly-tipping with greater use of analysis, more co-operation between authorities and stronger evaluation of initiatives to build a firmer knowledge-base for dealing with

the issues as mentioned in the report should lead to positive impacts for people from across all protected characteristics. It is important to make communications and messages about available services accessible.

Surinder Singh, Equality Officer. Ext. 37 4148

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

N/A

6. Background information and other papers:

- Fly-tipping; Neighbourhood Services and Community Involvement Scrutiny Commission, 30th November 2016.
- Waste minimisation communications – university students; Neighbourhood Services and Community Involvement Scrutiny Commission, 5th December 2018.

7. Summary of appendices:

- None

8. Is this a private report (if so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No.

9. Is this a “Key Decision”?

No.

10. If a “Key Decision” please explain the reason.

N/A.