

Overview and Scrutiny Committee

19 March 2019



Title	Fly tipping		
Purpose of the report	To note		
Report Author	Jackie Taylor Group Head Neighbourhood Services		
Cabinet Member	Councillor Daxa Patel	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	The committee is asked to note this report		
Reason for Recommendation	Not applicable		

1. Key issues

- 1.1 Surrey County Council is the statutory Waste Disposal Authority (WDA) and is responsible for
 - Disposing of residual waste collected by district & borough councils
 - Providing community recycling centres where members of the public can dispose of their waste and recycling
- 1.2 In 1999, Surrey County Council awarded a 25 year contract to SITA to develop and operate waste management infrastructure in Surrey. The contract is supported by approximately £8 million per year of Waste Infrastructure Grant (formerly PFI credits) from the government.
- 1.3 SITA currently operate fifteen community recycling centres and four waste transfer stations on behalf of Surrey County Council and make arrangements for the recycling, treatment or disposal of all waste arising from these facilities. As part of the contracting arrangements, SITA also provide the capital investment required to develop waste management infrastructure.
- 1.4 SCC held a public consultation in 2015 in which 4,581 people responded to give their views on proposals which would result in significant changes at Surreys CRC's. The SCC Cabinet on 24 November 2015 agreed to a number of changes at CRCs, which were then implemented in April and September 2016. The most significant of these changes resulted in people using community recycling centres at various points across the county being charged to dump more than one bag of "non-household waste".
- 1.5 These charges were implemented at nine of 16 recycling centres in Surrey from 1 September 2016, Charlton Lane was 1 of the 9. This new charging

structure resulted in a direct cost to residents to dispose of construction materials including plasterboard, breeze blocks, bricks, rubble, soil, stones, turf and tiles, as well as tyres from motorbikes and other motorised vehicles.

- 1.6 Residents were given a "free daily allowance" of chargeable waste, one bag, one item or a single sheet of plasterboard. Any items in excess of these amounts are chargeable at £4 per bag or item, or £50 a car load. Trade waste is no longer accepted at Charlton Lane. The tipping points for business/trade waste are now located in Epsom, Guildford & Leatherhead.
- 1.7 Whilst we have no evidence to suggest that these changes in 2016 to tipping points for businesses local to Spelthorne and the surrounding area has had a direct impact on the number of commercial type fly tips it is reasonable to accept that this is possible.
- 1.8 The responsibility for the management of fly tipping falls into 3 separate categories:
 - Private land
 - Highway land, roads, carriageways & footpaths
 - Spelthorne owned land

Private land

Land managers, occupiers or owners of private property are responsible for clearing and disposing of any fly-tipping found on private land. However at the land owner's request we may investigate such incidents and where appropriate take enforcement action, we have no obligation to clear fly-tipped waste on private land. The Environment Agency investigates the larger (more than a tipper load), organized (linked to criminal business practices), or hazardous (waste over 75L which have the potential to damage the environment) incidents of illegal dumping on public land.

Highway land, roads, carriageways & footpaths

As a Waste Collection Authority and Principal Litter Authority the Council has significant duties placed upon it, included in these duties is the requirement for SBC to remove fly tips from highway land, where it is safe to do so. Where fly tips are deposited on busy carriageways which require traffic control to remove the debris, responsibility for removal sits with the County Council. These duties are in the main to be found in the Environmental Protection Act 1990 along with specific powers afforded to the Council which it may make use of when discharging these duties. As a Local Authority the Council does of course have a far wider remit and in acting for the community there is a balance to be struck when considering its use of these powers.

The capacity for the Council to respond efficiently and effectively to low level crimes that affect local environmental quality (LEQ) has improved significantly with the commencement of powers afforded to it by the Clean Neighbourhoods Act 2005 and the appointment of the Joint Enforcement Team. Data capture and sharing is also improving with the advent of central information hubs and working protocols that enable the Council and its partners to work together and focus effectively on those issues identified as a priority. Our overall aim is to improve the local environmental quality for residents through co-ordinated awareness, education, control, inspection and enforcement campaigns.

Spelthorne owned land

This usually refers to public open space, public parks cemeteries and allotments. These fly tips are treated in much the same way as if they were on private land. As land owner we are responsible for dealing with the waste and arranging its disposal as well as investigating the incident with a view to prosecuting the perpetrator.

In all cases the Environment Agency will not normally become involved in fly tipping unless the tip is:

- Large
- Linked to criminal business practices
- Hazardous
- An illegal waste site

It is unlikely that the Environment Agency will clear fly tipped waste, although it may provide other assistance or advice if the environment or human health is under threat.

1.9 Reporting of fly tipping is mandatory through DEFRA via WasteDataFlow (WDF) to assist with national statistics on municipal waste arising's. The data is used in many ways, including:

- EU waste statistics regulation data returns
- Waste frame directive
- Public resource
- Parliamentary questions & public enquiries

WasteDataFlow went operational in April 2004, as a web based system developed for local authorities in England, Scotland, Northern Ireland and Wales to report essential information on municipal waste collection and management. The system was developed to replace a number of the traditional municipal waste management surveys, providing a single comprehensive data return and more frequent monitoring of progress against Article 5 of the Landfill Directive.

In addition to the input to WDF the JET officers collate their own statistics to enable us to better understand the effect of fly tipping on our own local communities, and also to enable us to better identify "hot spots" and perpetrators.

1.10 Data taken from WDF which works on base costs for a specific activity indicates the costs of removing fly tipping over the last 3 years is as follows:

- 2016 £76,605
- 2017 £92,790
- 2018 £92,398

1.11 Spelthorne's monitoring of fly tipping indicated in the table and graph at 1.13 indicates that there has been a steady increase of the number of reported fly tips since the changes were implemented at Charlton Lane in 2016.

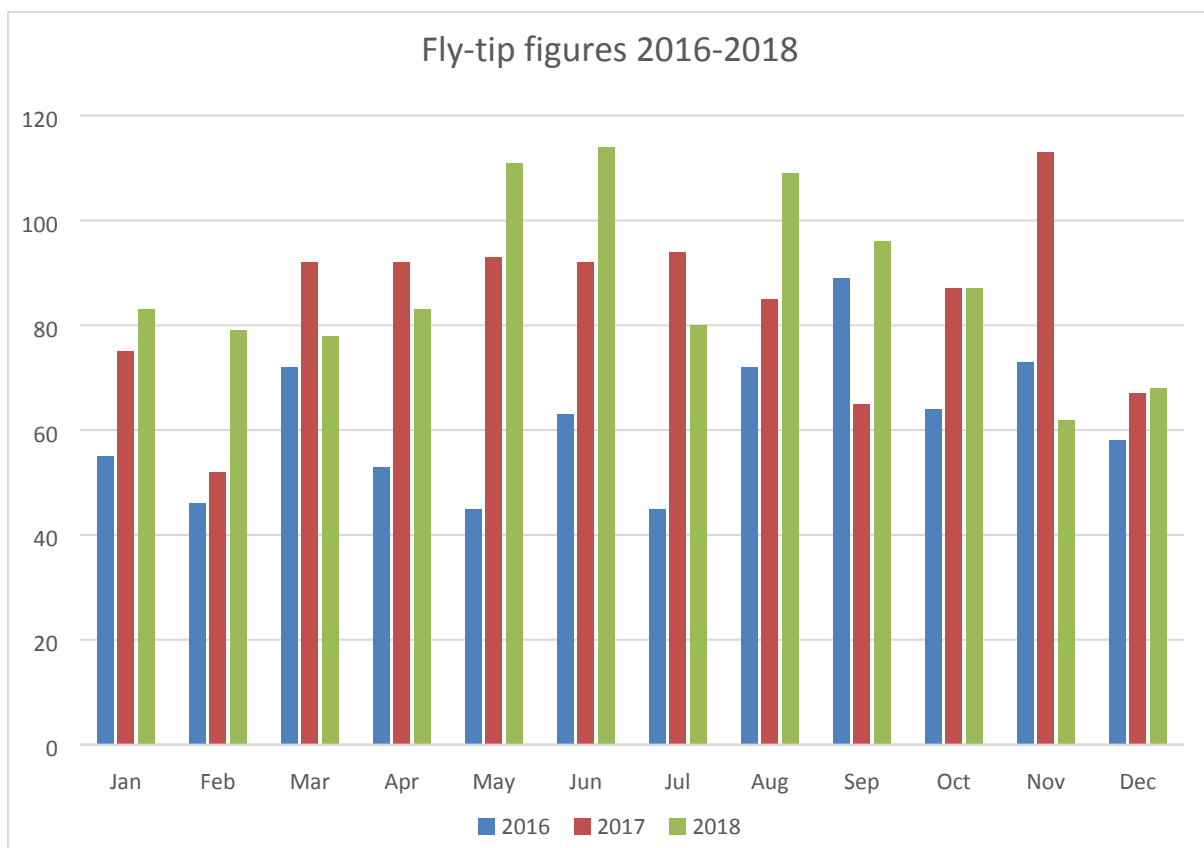
1.12 It is important to note that other changes may have contributed to this increase, these include improved monitoring & reporting, greater communication on

the work of the JET, fly tipping campaigns. National increases should also be taken into consideration, during 2016/17 there was a 16% increase on the previous year.

1.13 Spelthorne fly tipping data

- 2016 735 fly tips
- 2017 1007 fly tips
- 2018 1050 fly tips

Fly tips	2016	2017	2018
Jan	55	75	83
Feb	46	52	79
Mar	72	92	78
Apr	53	92	83
May	45	93	111
Jun	63	92	114
Jul	45	94	80
Aug	72	85	109
Sep	89	65	96
Oct	64	87	87
Nov	73	113	62
Dec	58	67	68



1.14 The National Fly-Tipping Prevention Group (NFTPG) notes that the causes of fly-tipping are many and varied, including:

- financial gain or saving by the perpetrator;

- a lack of waste disposal facilities or access to them; and
- laziness and an attitude that someone else will clear up the waste.

1.15 The House of Commons Communities and Local Government Committee highlighted some of the evidence it had received to explain the increase in fly-tipping cases in its March 2015 Report on Litter and Fly-tipping in England: The Government considered that the increase may, in part, be due to more incident being reported by local authorities due to a new online reporting facilities; whereas witnesses representing local councils and landowners pointed to the introduction of charges for collection of household items and garden waste by waste collection authorities.

2. Financial implications

2.1 It is important to note that the WDF costs referred to in 1.10 are calculated by taking into account set amounts for reporting, investigating, clearing and disposal costs and are not actual figures.

2.2 Due to the way in which Spelthorne collects fly tipping, specific financial data in relation to the management of fly tipping is not recorded.

3. Other considerations

3.1 Surrey County Council launched a consultation in December 2018 entitled “Shaping Surrey’s Community Recycling Centres”. This was one of a number of consultations related to Surreys need to review and reduce spend on all the services it provides for the county’s residents.

3.2 The aim of this CRC review was to make further savings while maintaining the service to residents. Views were sought on the following topics:

- The permanent closure of up to six smaller CRC sites located in Bagshot, Cranleigh, Dorking, Farnham, Lyne (Chertsey) and Warlingham
- Further changes to the charging waste scheme to introduce wood and roofing felt to the scheme
- Introduce a price increase for all materials in the charging waste scheme
- Charge an annual application fee to residents for a van permit (owners of vans, trailers and pick-ups are currently required to register van permit before they can visit a CRC. This is provided FOC and entitles them to 12 visits in a calendar year).

3.3 Spelthorne submitted its own objections and concerns to these proposals as did over 12,000 residents. At the SCC Cabinet meeting on Tuesday 29 January 2019 it was agreed that no additional changes referred to in 3.2 would be implemented. SCC recognised the concerns raised by residents via the consultation and agreed that the proposals/changes would not be implemented if the savings could be found elsewhere.

3.4 It is also worth noting that the Government has issued new powers to enable Councils to issue FPN’s to householders for breach of duty of care in relation to their disposal of their household waste. This change commenced from January 2019 and S.34 of the Environmental Protection Act 1990 has been amended. Prior to this date Householders could only be prosecuted for the breach of duty of care or for fly-tipping if the evidence supported it. The power to issue an FPN along with a period of Education for householders would be another valuable tool in our arsenal for the reduction of fly-tipping. The FPN penalty can be set between £150 and £400. A

report will be submitted to Cabinet in June which will provide more information on this new power.

Background papers: There are none

Appendices: There are none