

13 June 2018		ITEM: 12 Decision 110471
Cabinet		
Fly Tipping in Alleyways		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor Aaron Watkins – Portfolio Holder for Environment and Highways		
Accountable Assistant Director: Andy Millard – Assistant Director Planning, Transport and Public Protection		
Accountable Director: Steve Cox – Corporate Director of Place		
This report is Public		

Executive Summary

Over recent years a number of incidents of fly tipping or unauthorised rubbish disposal in private alleyways have been reported to the Council. This is often unsightly and in some cases can present a risk to public health.

There is no formal policy on the approach that should be taken by Council officers to resolve these service requests.

At the meeting of 28 June 2017 the Council passed a motion calling on the Cleaner, Greener and Safer Overview and Scrutiny Committee to conduct a full review of fly tipping in private alleyways in order to:

- Understand the scale of the issue across the Borough.
- Review the impact on residents of the Council’s approach to fly tipping in private alleyways.
- Evaluate potential policy responses, including understanding the cost to the council of taking action and exploring new, more innovative solutions.
- Make recommendations on the best approach to improving the situation.

The purpose of this report is to report back on the findings of the review undertaken in response to the Council motion and present the recommendation of Cleaner Greener and Safer Overview and Scrutiny Committee to Cabinet.

1. Recommendation

1.1 That Cabinet note and comment on the recommendations of the Cleaner, Greener and Safer Overview and Scrutiny Committee found below:

Committee recommendation:

That in instances where fly tipping in alley ways is identified, officers follow the following sequential approach:

- I. Signposting of concerned residents to funding opportunities such as the Community Environment Development Fund, to assist in target hardening or other measures such as gating to reduce the incidence of fly tipping in alleyways.**
- II. Formally request that the occupiers of adjacent premises clear up their alleyway if concerns about non-hazardous alleyway accumulations persist.**
- III. Offer a paid service to clean up alleyway accumulations on a cost recovery basis where the steps above do not result in the fly tipping being removed.**
- IV. As a last resort, pursue enforcement action to ensure the removal of potentially hazardous accumulations against the occupiers of adjacent properties and to charge occupiers accordingly.**
- V. To communicate this sequential approach to residents and provide information to facilitate resident organization, awareness of and participation in community initiatives to combat fly tipped alleyways.**

2. Introduction and Background

2.1 Incidents of fly tipping or unauthorised rubbish disposal in alleyways are generating requests for service from the Council. In the 2017/18 financial year, 502 such requests have been received.

2.2 The de facto position is that where alleyways are in Council ownership these are cleared by the Council. Where the alleyways or other similar spaces are not in Council ownership it is not the Council's responsibility to clear accumulations. The responsibility for clearance in these cases passes to the owner of the land. In the case of alleyways, where no single owner can be identified the Council can require the occupiers of adjacent properties to clean the alley. The power for councils to require adjacent property occupiers to clean alleyways is provided by the Public Health Act 1936. The Council has no formal policy governing its application of the Public Health Act provisions or procedures for arranging clearance in such cases.

2.3 At its meeting of 28 June 2017 Council passed a motion calling on Cleaner Greener and Safer Overview and Scrutiny Committee to conduct a full review of fly tipping in private alleyways and make recommendations for the best approach to improve the situation.

3. Review Findings

- 3.1 The review has now concluded and the findings of the review were presented to the Cleaner Greener and Safer Overview and Scrutiny Committee at its meeting of 22 February 2018. The report to Cleaner Greener Overview and Scrutiny Committee is included as Appendix 1 to this report. The Committee resolved that recommendation 1.1 above be presented to the Cabinet for adoption as Council Policy.

4. Issues, Options and Analysis of Options

- 4.1 The Council requires a policy to guide the actions of officers tasked with addressing fly tipping in alleyways. This will ensure a consistent approach is taken to resolving these matters.
- 4.2 The policy approach recommended by Cleaner Greener and Safer Overview and Scrutiny Committee for adoption by Cabinet on behalf of the Council is intended to balance the interests of the residents of properties adjoining private alleyways to maintain a clean and safe environment with the financial burdens placed on the Council and those residents.

5. Reasons for Recommendation

- 5.1 The issue of fly tipping in alleyways is prevalent in a number of areas of Thurrock and gives rise to an eyesore and in some instances could give rise to public health risks. Mitigation of the effects of alleyway fly tipping is therefore consistent with the Council's priority to promote and protect the green environment.
- 5.2 The Cleaner Greener Safer Overview and Scrutiny Committee after careful consideration have concluded that the proposed policy is the best option available to address the issue of fly tipping in private alleyways.

6. Consultation (including Overview and Scrutiny, if applicable)

- 6.1 The Cleaner Greener Overview and Scrutiny Committee undertook a public consultation exercise as part of its review. The results of this consultation were included in the agenda pack for the meeting of the Committee of 22 February 2018 and are included as Appendix 2 to this report.

7. Impact on corporate policies, priorities, performance and community impact

- 7.1 The recommendation in this report relates to the Council's priority for clean environments that everyone has reason to take pride in.

8. Implications

8.1 Financial

Implications verified by: **Laura Last**
Management Accountant – Corporate Finance

The Cleaner, Greener and Safer Overview and Scrutiny Committee recommendations have a budget implication for the removal of hazardous waste, in instances where cost recovery is not possible.

8.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

The Council is under no legal obligation to remove waste on private land. The Council has powers to require landowners to clear waste from their land and has powers to enter land and clear it, and may seek reimbursement for our costs.

8.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

A full Community Equality Impact Assessment would need to be prepared to assist in the implementation of the Cleaner, Greener and Safer Overview and Scrutiny Committee recommendations. This would help consider the impact of a policy decision on people with protected characteristics including vulnerable residents.

8.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None identified.

9. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

Council motion.

10. Appendices to the report

Appendix 1 – Cleaner Greener and Safer Overview and Scrutiny Committee Meeting of 22 February 2018 Agenda Item 7 Report Fly Tipping Of Alleyways.

Appendix 2 – Cleaner Greener and Safer Fly Tipping of Alleyways – Consultation Results

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