

15 December 2014		ITEM: 5
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Current response of Thurrock Council to fly-tipping in terms of prevention, enforcement and waste removal		
Wards and communities affected: All	Key Decision: Not applicable	
Report of: Jim Nicolson - Community Protection Manager Daren Spring – Street Services Manager		
Accountable Head of Service: Mike Heath, Head of Environment and Gavin Dennett, A/Head of Public Protection		
Accountable Director: David Bull, Director of Planning & Transportation		
This report is public		

Executive Summary

The number of fly-tips reported to the Council fell by 55% between 2008/09 and 2011/12. Since then the numbers have started to rise, with an increase of 71% in the current year compared with the same period in 2013/14. The cost of removing all the fly-tips in 2013/14 was £117,916. This report sets out the changes in the resources available to respond to this trend and a number of initiatives that are in hand to assist in the maintenance of a robust prevention, enforcement and clean-up approach.

1. Recommendation(s)

1.1 That the Committee note the number of fly-tips being reported and the developments in the way in which these are dealt with.

2. Introduction and Background

2.1 This report was requested by Councillor Tolson following a number of informal reports on the number of fly-tips being reported and the response to them.

3. Issues, Options and Analysis of Options

3.1 The number of fly-tips dealt with by the Council fell from 2,211 in 2008/09, to 999 in 2012/13. This represents a fall of 55% (1,212 fly-tips). However, in 2012/13, there was an increase to 1,119, fly-tips, the equivalent of a 12% rise (120 fly-tips) This trend has continued with 1,133, fly-tips recorded between

April and October 2014, an increase of 71% (472 fly-tips) on the equivalent period on the preceding year.

- 3.2 There appears to be no pattern to the places where these fly-tips are deposited; which are found in almost every part of the Borough. The bulk of the tips comprise building material or garden waste and foliage. In such cases there is very little prospect of recovering any evidence that will identify those responsible for them.
- 3.3 However, some large-scale tips are clearly the result of organised criminal activity. As a result Thurrock Council has joined the newly formed Riverside Group, which comprises a number of East London boroughs and a number of local authorities, as well as the Environment Agency and a number of police forces. The purpose of this group is to focus on these criminal gangs by sharing information and intelligence for targeted action by the enforcement agencies.
- 3.4 In Thurrock the response to fly-tips rests with the Environmental Enforcement and the Street Cleansing teams. The Environmental Enforcement team will, on receipt of a report of a fly-tip, or if they find one when on patrol, investigate for any evidence of who may have been responsible for depositing the fly-tip, either directly or indirectly. They will also identify whether the land on which the fly-tip is, is publically or privately owned.
- 3.5 Where evidence is obtained enforcement action can be taken either in the form of a letter of caution; a Fixed Penalty Notice (FPN); or court proceedings. Comparative enforcement figures from neighbouring boroughs on fly tipping for the twelve months to June 2014 are as follows;

Council	Investigations	Prosecutions	FPNs Issued
Basildon	3239	0	0
Brentwood	58	0	7
Barking & Dagenham	516	0	17
Harlow	972	0	0
Thurrock	228	0	10

(Data from Fly Capture national database)

- 3.6 Until September 2013, the Environmental Enforcement Team comprised 8xFTE officer posts and 2xFTE coordinators. These staff members also dealt with anti-social behaviour complaints throughout the Borough. After that date the number of officers was reduced to 2xFTE with 1x FTE coordinator posts. However, in October 2014, the coordinator post was also removed. These staff members no longer have any role in responding to anti-social behaviour.
- 3.7 The two staff members are now more closely linked to the other enforcement staff within Public Protection. As a result they will be able to train up these colleagues, who will, when other duties permit be able to offer them some

assistance in responding to fly-tip investigations. Their capacity to do so, however, will inevitably be somewhat limited.

- 3.8 In June 2014, five mobile CCTV cameras were purchased to deploy to target locations. The randomness of the pattern of fly-tips locations is such that these have yet to produce sufficient evidence to support any proceedings.
- 3.9 If the fly-tip is on publically-owned land, following investigation, it will be referred to the Street Cleansing Team for clearance. If on privately-owned land, efforts will be made to identify and contact the owner(s), to advise them of their responsibilities to get the fly-tip removed; this would be at their own expense.
- 3.10 If the fly-tip is on unregistered land then it will be referred to Community Pay back for clearance. In the past, the Community Payback Scheme, run by the Probation Service, has been very helpful in clearing fly-tips on unregistered or, in certain cases and with the consent of Probation Service managers, privately-owned land, such as private alleyways. Earlier this year this service was unavailable for some months due to the shortage of supervisors in the Probation Service. This has now been addressed and the service has just been re-established with encouraging early signs that this service will resume to the same level seen previously.
- 3.11 There is, in addition, the possibility, in cases deemed necessary to clear fly-tips on unregistered land with any expense incurred as a consequence being placed as a charge on that land. This would be recovered at some point in the future, should ownership be subsequently registered. This might include fly-tips, the contents of which were hazardous to health, such as broken asbestos sheeting.
- 3.12 It is the case that at some, but not all unauthorised encampments, travellers leave fly-tips. Some of these on privately-owned land have been of significant proportions. The Essex Countywide Traveller Unit now offers advice to private landowners on the more effective way to achieve their removal. It is anticipated that, subject to their other commitments, they will be able to take on the eviction process for private landowners, for payment.
- 3.13 Below is a table in relation to the fly-tips dealt with by the Street Cleansing Team, showing the weight and cost of the removing them for 2013-14, and for the year to date.

Year	2013-14	2014-15 (ytd)
Tonnages	643.64	345.9
Cost	£117,916	£66,828

- 3.14 These figures are collated from the weight of material picked up by the Council's grab lorry vehicle which is responsible for collecting the larger fly tips that the Street services team remove. When smaller fly tipping is reported

it is normally removed by the caged vehicles as part of the daily schedules. In addition, these teams will collect general litter, bags from litter bins, bags of litter generated by manual sweeping, fly tipping from parks or Housing land etc. This makes it impossible to calculate the total weight and the cost of removing these minor fly tips.

4. Reasons for Recommendation

- 4.1 The reason for the Recommendation is so that Members are apprised of current trends in Borough-wide fly-tipping; the costs involved in dealing with them; and the latest developments to reduce the number of fly-tips and to take enforcement action against those who commit these offences.

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

- 5.1 No external consultation has taken place in the preparation of this report.

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

- 6.1 Fly-tips can have a substantial community impact and can be viewed as a threat to public health through hazardous waste or rodent infestation. It is also an indicator of anti-social or criminal behaviour.

By reducing the number of fly-tips, there can be a beneficial impact on three of the Council's Priorities, these being;

1. **Build** pride, responsibility and respect to create safer communities
2. **Improve** health and well-being
3. **Protect** and promote our clean and green environment

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no direct financial implications in this report.

7.2 Legal

Implications verified by: **Alison Stuart**
Principal Lawyer

The legal implications are contained within the report. The report is for noting only.

7.3 **Diversity and Equality**

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

This report deals with the problem of fly tipping throughout Thurrock. In assessing this problem we recognise our responsibility with regard to the Equality Act 2010 and will seek to work positively and proactively to ensure **all** communities are aware of both their rights and responsibilities.

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

Fly-tipping is a criminal offence. It follows that where residents see these being deposited, it can be seen as evidence of increased criminal activity and accordingly raise the fear of crime. This can have an impact on perceptions of safety and on the use of public space.

8. **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):

- No background papers were used in preparing this report.

9. **Appendices to the report**

- None.

Report Author:

Jim Nicolson - Community Protection Manager jnicolson@thurrock.gov.uk (01375 652972)

Daren Spring - Street Services Manager dspring@thurrock.gov.uk (01375 413612)