

Warwickshire Waste Partnership – 7th December 2010

Fly-tipping in Warwickshire

Summary

This report acts as a summary of what is required by local authorities with regards to Fly-Tipping together with highlighting the information supplied by the Warwickshire authorities to Fly-Capture and finally highlights the best practice available to reduce the problem.

Recommendation

There is no recommendation to members of the partnership but hopefully gives the relevant information and guidance about fly-tipping.

1. Introduction

The key facts about fly-tipping are:-

- Someone fly-tips in England every 30 seconds, which is approximately 107,000 incidents per month.
- The most common fly-tip is a black bag of household rubbish at the side of a main road.
- Over 50% of fly-tips dealt with by local authorities are household refuse sacks or other household waste.
- Top five most frequently fly-tipped items are: i) household rubbish, ii) white goods such as fridges and freezers, iii) construction, demolition and home improvement rubbish, iv) garden rubbish, v) rubbish from business.
- Top four favourite spots for fly-tippers are: i) roadside, ii) council land such as housing estates, car parks, parks and open spaces, iii) back alleys, iv) country paths.

2. Background

- 2.1 Fly tipping is defined as “the illegal disposal of waste” and is illegal under Section 33 of the Environmental Protection Act (EPA) 1990. Related to this the EPA also makes it an offence to handle waste without a “Duty of Care” or without a waste management licence/permit.

- 2.2 The responsibility for dealing with fly-tipping and fly-tippers rests primarily with the Environment Agency and Local Authorities. In order to clarify who deals with what, a national working protocol has been agreed (Working Better Together, Fly-Tipping Protocol, 6, 2005). In essence this agreement states that the Environment Agency will deal with the more serious fly-tipping problems irrespective of where they occur and Local Authorities are responsible for smaller fly-tips on public land, roads and by-ways.
- 2.2 The Clean Neighbourhoods and Environment Act 2005 have increased the powers available to both Local Authorities and the Environment Agency. Specifically, it:
- Raises the maximum penalty fine available in the Magistrates Court for fly-tipping from £20K to £50K.
 - Makes a guilty offender pay for all court and investigation costs that local authorities had to pay in bringing the action to court
 - Gives Waste Collection Authorities the power to stop and search vehicles (a police officer must still be present to stop a vehicle) which are used for fly-tipping.
 - All acts of fly-tipping are now arrestable offences.
- 2.3 Alongside these powers the Government encouraged greater local attention to Fly-Tipping by the creation of a Best Value Performance Indicator (BVPI) on fly-tipping (BVPI 199) later to become NI196. Progress against this indicator was through Local Authorities returning information to government through the national “FlyCapture” database with progress indicated through a reduction in the number of fly-tipping incidents reported over consecutive years and an increasing number of enforcement actions taken against fly-tippers.
- 2.4 The aim of the “Fly-Capture” database is to build an evidence base for fly-tipping in order to inform future policy making and to provide local authorities with a management tool.
- 2.5 For the purposes of Fly-Capture a single full bin bag upwards may constitute a fly-tip. Alongside that several carrier bags full of rubbish dumped together would also constitute a fly-tip. Waste placed out at the wrong time could also be counted as

fly-tipping but the reporting system asks local authorities to use their discretion on recording such incidents.

2.6 Careful interpretation of the data is required. Differences in how individual authorities report on Fly-Capture can have a significant impact on the overall figures. Fly-Capture was meant as a management tool to help target action rather than to compile league tables, nevertheless, the figures should still be of interest.

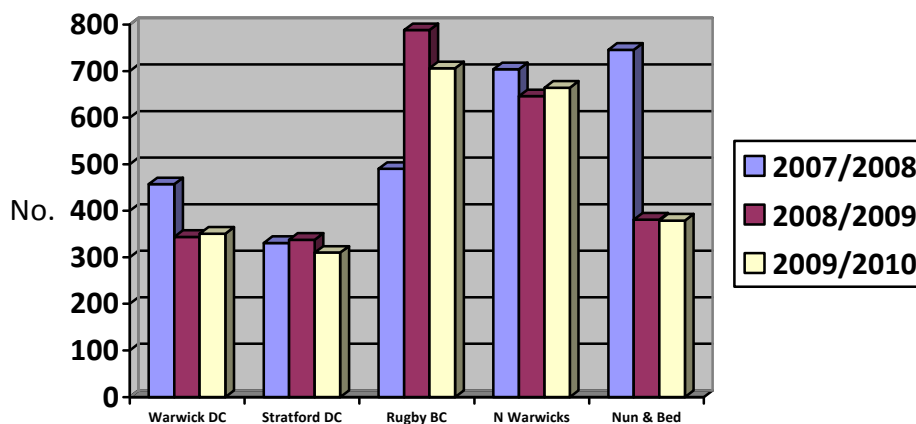
3. Warwickshire in Context

3.1 The national headline statistics from the Fly-Capture database for 2009/2010 are:-

- Approximately 947,000 fly-tipping incidents were dealt with by local authorities in England, a 18.7% decrease from 2008-2009.
- 63% of fly-tips involved household waste
- There was a 2.3% increase in enforcement actions by local authorities

3.2 Figure 3.1 below shows the total number of Fly-Tips that the 5 local authorities within Warwickshire have reported onto the Fly Capture database over the last three financial years.

Fig 3.1 - Total number of reported Fly-Tips



3.3 Due to the variations of the local authorities within Warwickshire and the different factors influencing fly-tipping and enforcement the data cannot be interpreted to say who is "best" and who is "worst". One authority may report a large number of fly-tips and also be taking a lot of action to address the situation and to properly record incidents whereas one

reporting very few may be taking little or no action and to some extent some fly-tipping will always be beyond a local authority's control.

3.4 Table 3.4 below summarizes the action taken by the respective local authorities with regards to fly-tipping during 2009/2010

Table 3.4

	Warning letters	Fixed Penalty Notice	Formal Cautions	Successful Prosecutions
Warwick DC	45	-	-	-
Stratford DC	13	-	-	-
Rugby BC	-	-	-	-
Nun & Bed	-	-	-	-
North Warw	31	1	1	4

3.5 The different local authorities within Warwickshire appear to have a different perception as to whether or not fly-tipping is a minor or major problem. North Warwickshire consider it a major problem with the fly-tips a rough split between Household and Commercial. Nuneaton and Bedworth BC together with Warwick DC believe that their problem is mainly domestic in origin. The perceived problem in North Warwickshire reflects itself in increased legal action and successful prosecutions.

3.6 As mentioned in Section 2.2. there is a national working protocol that details the general split of responsibilities between Local Authorities and the Environment Agency

The link below is to that protocol: -

http://www.environment-agency.gov.uk/static/documents/Research/protocol6fly_tip05_1567953.pdf

This considers that best practice is to have local agreements between the Local Authority and the Local Environment Agency office in place. Some of Warwickshire's Local Authorities have local forums, some do not. A number of years ago there was a Warwickshire Fly-Tipping forum but that ceased partly due to an Environment Agency re-structure.

4. The Way Forward

4.1 If it is considered that fly-tipping is a problem and either collectively or individually we decide we wish to do something there are certain approaches that are recommended: -

4.2 Although it is difficult to reduce fly-tipping it is not impossible. There is no size fits all solution to the issue and something that works in one area doesn't mean it will work in another, this is because: -

- Fly-tipping problems differ from place to place, some areas may have frequent but smaller fly-tips of household waste, whilst others have larger but less frequent deposits of builders waste for example.
- The geography differs. Fly-tipping in densely populated cities differs from that of rural areas.
- Different types/levels of waste disposal services in an area will influence the number and type of people who choose to fly-tip
- How high fly-tipping is on the political agenda
- Ability to find partner agencies may differ from place to place.

4.3 There are recognized ways of working in order to try and prevent fly-tipping and they are: -

- **Increase the effort** – Make it easier to behave within the law while making it harder not to; i.e. increasing the accessibility and

convenience of Civic Amenity Sites and conversely reducing the accessibility of popular sites for fly-tipping.

- **Increase the risks** – A simple increase in the perceived risk of getting caught, i.e. use of CCTV, using signage, publishing all successes.
- **Reduce the rewards** – consider offering free or subsidized bulky waste collection for householders
- **Reduce provocations** – lengthening opening hours at Civic Amenity Sites, making sure that all waste collection times are clearly communicated
- **Remove excuses** – i.e. making residents, businesses aware of their responsibilities and the services available to them.

4.4 The above will not answer all of the problems and ideally it would be useful to create a strategy to consider how to tackle a particular fly-tipping problem and overcome the common barriers to dealing with fly-tipping which include: -

- Maximize resource – Although resources are limited more effective use of that resource can achieve better results. For example: -
i) getting different departments within your local authority whose activities can contribute to dealing with fly-tipping aware of the issue, ii) working in partnership with other agencies, organizations with the same interest i.e. pool resources.
- Partnership working – Develop partnerships with the police for example to encourage those organizations to take appropriate action. As we have within Warwickshire, distinct Waste Collection Authorities and Waste Disposal Authorities we need to work together strategically as some of the drivers for fly-tipping, as highlighted above, are related to waste disposal services yet it is the waste collection authorities that pick up the cost for its clear-up.
- Community Engagement – Members of the community are both victims, offenders and witnesses. Communicating and mobilizing

the community is critical for any campaign that is undertaken on fly-tipping

- Improving investigative outcomes. It is important to think about the quality of the fly-tipping evidence right at the beginning of any investigation. When a case gets to court it cannot be assumed that the Magistrates are knowledgeable about fly-tipping. The context of each case needs to be explained. Given the relative rarity of getting a fly-tipping offence to court it is important to maximize the preventative dividends through the results publicity.

5. Conclusions

- 5.1 If it is considered that fly-tipping is a problem either in individual authorities or as Warwickshire as a whole the key is to work strategically with the local authorities working together with the County Council alongside other organizations such as planning departments. Neighboring authorities working together to make sure that any strategies developed do not contradict each other.
- 5.2 There is no one size fits all approach to fly-tipping. There needs to be an understanding of what drives, encourages and facilitates fly-tipping in order to stop it.

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Background Papers: