

Committee: Sustainable Communities Scrutiny and Overview Committee

Date: 3rd September 2019

Wards: All

Subject: Fly-tipping Strategy

Lead officer: John Bosley - Assistant Director Public Space

Lead member: Cllr Tobin Byers - Adult Social Care, Health and the Environment

Chair of the Health and Wellbeing Board

Contact officer: Charles Baker – Commissioning Manger Public Space

Recommendations:

- A. Members are asked to note the content of the report and provide officers and lead Cabinet Member with any comments or recommendation in regards to the proposed fly-tipping strategy.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report introduces the new fly-tipping strategy and provides members with the opportunity to comment and feedback on the current draft proposal to address the growing concern of the increase of fly-tipping incidents and the associated negative impact this has on the street environment.

2 DETAILS

- 2.1. The assessment of how well managed the street environment is best judged by the satisfaction of the service users and the recent resident's survey suggests a marked decrease in the satisfaction of the service being delivered in street cleansing. An associated pressure to the resources utilised in street cleansing is the rise of fly-tipping incidents.
- 2.2. In order to address these concerns it is recognised that a 'Cleaner Merton' programme needs to be undertaken. The fly-tip strategy and supporting action plan is one element of the wider programme which places focused attention through specific actions to improve outcomes in this specific area.
- 2.3. We have been handling a sustained increase in the volume of fly-tipped waste incidents across the borough which is blighting our communities. The waste deposited damages our environment and our enjoyment of our neighbourhoods is diminished. Unfortunately, fly-tipping has become a common form of anti-social behaviour which constitutes a criminal offence. Since April 2018, we have received over 10,000 fly tipping incidents with increases not only being witnessed locally, but also nationally.

- 2.4. The primary aim of the strategy is to align our approach in tackling fly-tipping, not just through efficient and targeted enforcement but through wider engagement with service partners, community groups and stakeholders with the goal to provide an overall reduction in fly-tipping incidents and an improved satisfaction of our residents regarding the cleanliness of the streets within their communities.
- 2.5. The main strands of focus within the strategy to enable the delivery of improvements are;
- Early intervention – *education, communication and engagement*
 - Preventing reoccurrence – *operational service and target hardening*
 - Targeted enforcement – *FPNs, prosecutions & vehicle stops*
- 2.6. Within these specific areas, we have identified areas of focus that are detailed in the developing fly-tipping action plan. The action plan will be the mechanism that will be reviewed through the year and will support the delivery of agreed actions.
- 2.7. The success of the strategy will be measured generally by the desired reduction on the number of reported fly-tipping incidents and by improvements in the resident's satisfaction of street cleanliness. More specifically, the actions agreed within the fly-tipping action plan will be evaluated on their implementation and the ability to support the delivery of the strategic objectives.

3 ALTERNATIVE OPTIONS

- 3.1. None, for the purposes of this report

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Following on from the role out of the new waste collection service in Oct 2018, we conducted a series of 5 separate workshops, one for each waste collection day, to which all ward councillors were invited. As a consequence, there was cross party representation at 4 of the 5 workshops.
- 4.2. One of the key areas of concern was the increase in abandoned domestic waste and waste presented for collection outside of the scheduled collection date.
- 4.3. It should be noted that these were not meetings to deal with specific casework, rather they provided an opportunity to discuss the broader issues that were affecting waste collection and cleanliness in their specific wards in a spirit of partnership working alongside both Veolia and the Client team representatives.
- 4.4. It is proposed that this exercise is repeated in October and looks at the wider issues of addressing the needs for a cleaner borough.

5 TIMETABLE

- 5.1. The time table is contained within the action plan.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None, for the purposes of this report

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Fly-tipping is the common term used to describe waste illegally deposited on land without an environmental permit. The offence of fly-tipping and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping are set out in Section 33(1)(a) of the Environmental Protection Act 1990. Fly-tipping is a criminal offence that is punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can also attract an unlimited fine and up to five years imprisonment if convicted in a Crown Court.
- 7.2. The FPN process operates in accordance with the requirement of the Clean Neighbourhoods and Environmental Act 2005. This legislation enables the Council to enter into an agreement with a contractor for its employees to issue FPNs. Kingdom Securities Enforcement officers have been individually authorised in writing by the Council to issue FPNs on its behalf.
- 7.3. Although the Council may seek £400 costs the award of costs are at the discretion of the court and they are to be fined as well (the s87 offence could result in a fine of up to £1,000) the court may be unwilling to give a big costs award and instead concentrate on the fine
- 7.4. It is important to note that a FPN is an invitation to effectively discharge liability to prosecution. This means that while this is not an admission of guilt, the offender agrees that an offence has been committed and that by paying the sum of money specified no further action will be undertaken by the council.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. There are no human rights, equalities or community cohesion implications as a result of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There are no crime and disorder implications as a result of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There are no risk management and health and safety implications as a result of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 11.1. Fly-tipping Strategy – *Working toward a cleaner Merton* (draft)
11.2. Fly-tipping Action Plan - *draft*

12 BACKGROUND PAPERS

- 12.1. None

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