

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Scrutiny Committee  
15 February 2018

**From:** Chairman of Scrutiny Committee

**Subject:** **POLICY REVIEW – ENFORCEMENT POLICY ON FLY-TIPPING – DRAFT FINAL REPORT**

All Wards

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### **1.0 SUMMARY:**

- 1.1 The purpose of this report is to consider the draft Final Report prior to submission to Cabinet in April 2018.

### **2.0 BACKGROUND:**

- 2.1 The Committee has previously agreed to undertake this Review and identified information and issues that it would like to consider. The Project Plan for the review is attached as Annex A.
- 2.2 The Terms of Reference of the review are as follows:
- To review the Council's enforcement policy on fly-tipping to ascertain whether it is fit for purpose and effective.
- 2.3 A summary of the key points highlighted from the evidence is attached at Annex B to the report along with a full memorandum of evidence at Annex C.
- 2.4 A copy of the draft report to Cabinet is attached at Annex D of the report.

### **3.0 RECOMMENDATION:**

- 3.1 The Committee is asked to consider the draft Final Report prior to submission to Cabinet in April 2018.

COUNCILLOR STEPHEN DICKINS

**Background papers:** None  
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## SCRUTINY COMMITTEE

### POLICY REVIEW – ENFORCEMENT POLICY FOR FLY-TIPPING

#### TERMS OF REFERENCE:

To review the Council's enforcement policy on fly-tipping to ascertain whether it is fit for purpose and effective.

#### SCOPE

- To review the Council's enforcement policy on fly-tipping.
- To consider whether the enforcement policy on fly-tipping is fit for purpose and effective.
- To explore how successful the Council's enforcement policy is in reducing fly-tipping.

#### OBJECTIVES

- To investigate whether the Council's enforcement policy on fly-tipping is still fit for purpose.
- To explore whether the policy is effective in reducing fly-tipping within the District.
- To explore whether the policy requires any updating to bring it into line with the Council's priorities.

#### WITNESSES

- Director of Leisure and Environment
- Waste and Street Scene Manager

#### DOCUMENTS/EVIDENCE

- Council's Enforcement Policy for Fly-Tipping
- Council Plan 2015-19
- Statistics on Fly-Tipping enforcement (historical and recent)
- Benchmarking statistics (if appropriate)

#### OTHER METHODS/CONSULTATION/RESEARCH

Task and Finish Groups.

#### OFFICER SUPPORT

Louise Hancock, Democratic Services Officer  
Gary Nelson, Director of Law and Governance, Lead Chief Officer

#### TIMESCALE

Commencing October 2017 – Concluding February 2018  
(Report to April 2018 Cabinet)

**Key Points From Evidence**

The following is a summary of the key points highlighted from the evidence received:

- The Committee concluded from the evidence that the current policy for enforcement on fly-tipping was not currently effective and fit for purpose and required updating, although the Committee recognised that this work was currently being undertaken. The Committee requested that the draft policy be submitted to the Committee at the appropriate time for consideration.
- The Committee identified promotion and publicity as an area for potential improvement.
- The Committee suggested that the information contained on the website be reviewed and that an interactive page on the website for reporting incidents could be a useful tool.
- The Committee suggested that more cross-agency working could be of benefit to tackling fly-tipping.

**Memorandum of Evidence**

The Committee took evidence from Paul Staines, Director of Leisure and Environment and Gary Brown, Waste and Street Scene Manager

Paul provided a report on Fly Tipping enforcement which had been circulated to the Committee prior to the meeting. A copy is attached at Annex C(1) for reference purposes.

The Committee was informed that the District Council's Policy did require updating and it was intended to obtain different policies on enforcement from several authorities so that these could be compared and best practice identified and adopted where appropriate. It would also be necessary to take account of changes to legislation and incorporate these into the policy as appropriate.

A Strategy for England was published in April 2017 which was a new Government Litter Strategy for England to curb littering with proposals for new enforcement, education and community engagement (copies were made available on request).

The York and North Yorkshire Waste Partnership had provided some information on the costs to different Councils. However, it was noted that Councils record information differently. There was a new system 'Waste Data Flow' which was now being used by the Group to record data and hopefully this would help improve the comparison of data.

The Committee was informed that, with regard to officers' work schedules regarding abandoned vehicles, there was an officer from North Yorkshire Police assigned to assist us and we have access to the DVLA to help trace ownership.

The Committee was informed that, since the introduction of charges at the North Yorkshire County Council Household Recycling Centre and the closure of the site for one day a week, there had been an increase in fly-tipping. However, this situation would need to be monitored to ascertain the exact effect of this.

The Committee raised that issue of cross-border fly-tipping and enquired how the Council worked with other authorities, such as Middlesbrough, to address this issue. The Committee was informed that this was a difficult issue to address but that the Council did engage with other authorities.

The Committee wished to know how the Council recovered costs and why there were not more prosecutions as this would serve as a warning to others. The Committee was informed that the Council had to have evidence of fly-tipping and it needed to be secure enough for a conviction. It had to be proven that there was a case for prosecution as the work involved in taking a case to court was significant. However, it was recognised that this could be a good deterrent.

The Committee suggested that more press releases were needed stating the number of prosecutions and costs reclaimed as there was a perception that nothing gets done about this issue.

The Committee wished to identify whether the level of fly-tipping across the District differed between the north and south of the District and was advised that there were differences between the north and the south of the District and the Council did focus on these areas.

The Committee asked why fixed penalty fines were not issued and was advised that there had been new regulations that had come into force during 2017 which enabled the Council to issue fixed penalty notices and this was something that was being investigated.

The Committee asked whether signage helped deter perpetrators and was advised that signage was not in itself an effective deterrent. Perpetrators of fly-tipping would do this irrespective of signage.

The Committee asked how somebody would report an incident of fly-tipping, how did the Council get their information and how did the Council decide to deal with it? Also, was there any way of getting more evidence for court, such as DNA? The Committee was advised that DNA had not been explored but that there was an evidence shed and all the collected rubbish was gone through to try and find evidence of who it belonged to, such as names and addresses. The Council would receive emails and telephone calls about incidences of fly-tipping and then the Waste and Street Scene team would deal with this and ultimately remove the rubbish.

The Committee asked whether, with regard to the Council's collection charges, would there be any merit in having a subsidised collection service rather than somebody using a white van and was advised that all authorities charge for household goods but there were differing costs and differing policies.

The Committee asked whether there would be any merit in introducing spot collections on different days in different areas to collect waste and was advised by Councillor S Watson, Portfolio Holder for Environmental Health, Waste and Recycling that the problems occurred in the back borders and that it was not necessary household waste. The key element was to raise awareness. Keeping gates closed to remove opportunities for fly-tipping. Social media could be beneficial to raise awareness and also as a tool to try and identify perpetrators. Education was necessary so that people were aware that if you paid somebody to take your waste away you were still responsible for it – public awareness had to be raised on this.

The Committee commented that it was not all negative. Enforcement work did happen and there was lots of good work to resource the issue. There was legislation regarding scrap metal dealers that said they had to be licensed, was there less people now doing this had what had been the effect? The Committee was advised that the Council was not aware of any particular problems, this fluctuated with the price of steel.

The Committee reiterated that the cross-border issue was a concern and educating our residents was good but what about other authorities, was there any cross-enforcement set up? Our District may be perceived as an easy target and was there any reasons why they target our borders? The Committee was advised that the Council should be taking to our neighbouring authorities and education needed to be encouraged.

The Committee wished to commend the Waste and Street Scene team as they did 'a fantastic job'. It was recognised that these were difficult circumstances and it was work in progress.

Councillor S Watson mentioned that the perception of the problem in Hambleton was far greater than it actually was. The Council do raise awareness and concentrate on hot spots. The Council has to try and make fly-tipping socially unacceptable like using a mobile phone whilst driving. This would come from education and enforcement. Education applied across the whole of street scene – it was not just fly-tipping.

The Committee acknowledged that when Street Scene were contacted about fly-tipping they dealt with this really quickly and they did a good job. The Committee would like to see more convictions including fines and perhaps look at public space protection orders. Parish Councils had to take ownership too.

The Committee requested that when the updated Policy is available, which would take into consideration new legislation and would be incorporated into the Policy, could Scrutiny being given the opportunity to review the updated Policy.

The Committee took additional evidence from Paul Staines, Director of Leisure and Environment and Gary Brown, Waste and Street Scene Manager

The Committee was advised that in respect of cross-border fly-tipping, specifically with regard to neighbouring authorities, little work had been done, enforcement teams generally performed these duties. However, where evidence was found relating to tipping from addresses in neighbouring authorities this was pursued.

There would be a meeting taking place on 21 March 2018 which North Yorkshire County Council would be leading on and Hambleton District Council would be attending to discuss closer working and campaigns across North Yorkshire.

The Committee was informed that, with regard to prosecutions, prosecutions did take place where it was possible. The Council did recover costs where it could and offenders were also asked to contribute towards the costs which came back to the authority. If it went to court the average fine was £140 which did not come back to the Council, the Council only got £140 of the costs back.

With regard to differences between the North and the South of the District, there were differences. In the North the overflow came from Middlesbrough and Teesside, in the South it came from York.

The Committee was informed that the Policy was currently being updated, which included looking at best practice from other authorities. The authority was looking at enforcement for Environmental Health and Waste and Street Scene being a joint policy, looking at powers and best practice. Identifying staff resources and who could issue fixed penalty notices and enforcement – broaden out to get more resilience and this would be included in the Scheme of Delegation. The Policy would be submitted to Cabinet for consideration however it was envisaged that the draft Policy would be submitted to Scrutiny Committee for their comments in line with this review.

The Committee sought clarification as to who sets the levels of fine and was advised that levels of fines were set by Government and the Ministry of Justice.

The Committee suggested that it may be worth writing to the Local MP.

The Committee also suggested that it was not necessarily about prosecution but more about promotion and about what was being done to tackle the issue. If the authority advertised what had been done, how many prosecutions, etc, and made a public statement. Promotion and publicity was a deterrent. It was acknowledged that this was an area that could be looked at as an area for improvement.

The Committee commented that this issue was evolving and we needed to be aware of this. The Committee did not wish to see the policy reviewed and implemented then legislation change and that there needed to be scope for any changes in legislation to be implemented into the Policy.

The Committee suggested that it would be a useful tool to have an on-line portal whereby somebody could report an incident of fly-tipping by identify locations by dragging and dropping icons. It was also suggested that, as this is a North Yorkshire issue, perhaps the Council could investigate more cross-agency working.

**HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
17 April 2018

**From:** Scrutiny Committee

**Subject: POLICY REVIEW – ENFORCEMENT POLICY ON FLY-TIPPING – FINAL REPORT**

All Wards

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**1.0 SUMMARY:**

1.1 Between July 2017 and February 2018 the Committee undertook a review of the Council's Enforcement Policy on Fly-Tipping. This report sets out the Committee's findings, conclusions and recommendations.

**2.0 INTRODUCTION:**

2.1 The Enforcement Policy on Fly-Tipping was considered an appropriate topic for review because concern had been raised about whether the Council's current policy was effective. Fly-tipping was an increasing problem nationally and there had been a significant rise in the number of fly-tipping incidents and the quantities of material recovered in York and North Yorkshire in the last 3 years.

2.2 The Committee as a whole undertook the review pursuant to the following terms of reference:

- to review the Council's enforcement policy on fly-tipping;
- to consider whether the enforcement policy on fly-tipping was fit for purpose and effective; and
- to explore how successful the Council's enforcement policy was in reducing fly-tipping.

2.3 In order to determine whether the District Council's plans, policies and practices were effective, the Committee decided to:-

- review the District Council's Enforcement Policy on Fly-Tipping;
- review statistics on incidences of Fly-Tipping; and
- review benchmarking information from other Authorities.

**3.0 EVIDENCE**

3.1 The following witnesses attended meetings of the Committee to give evidence, namely:

- Paul Staines, Director for Leisure and Environment, Hambleton District Council (HDC); and
- Gary Brown, Waste and Street Scene Manager (HDC).

3.2 The Committee also reviewed the following documents in detail:

- Street Scene Management Enforcement Policy;



- statistics of fly-tipping incidents in Hambleton; and
- a report on levels and volumes of fly-tipping, costs and benchmarking and enforcement action.

## **4.0 FINDINGS**

4.1 Based on the written and oral evidence presented, the Committee's findings were as follows:

- 4.1.1 The Committee acknowledged that the District Council's Policy was currently being updated and it was intended to compare this policy with other similar enforcement policies so that best practice could be identified and adopted where appropriate. It was also necessary to take account of changes to legislation and incorporate these into the policy as appropriate. The draft of the revised Policy was not available at the time this review was undertaken but it was envisaged that this would be submitted to the Committee for consideration in due course.
- 4.1.2 The Committee recognised that collection and enforcement action were carried out in-house by members of the Street Scene Team and that the Council employed one full time Senior Street Scene Officer who had responsibility for investigation, surveillance and enforcement of a range of offences, including fly-tipping.
- 4.1.3 The Committee was advised that enforcement action was difficult and time consuming to carry out and efforts were constantly being made to improve the service both in terms of enforcement and in prevention and improved reporting.

### Levels and Volumes of Fly-Tipping

- 4.1.4 The Committee was informed that there had been an increase in the number of fly-tipping incidents in Hambleton from 237 in 2014/15 to 293 in 2016/17. The overwhelming majority had taken place on the highways.
- 4.1.5 Whilst incidents of fly-tipping of household waste had decreased, there had been an increase in the incidents of fly-tipped tyres and construction waste. This showed a direct correlation with the implementation of charging for these materials at the North Yorkshire County Council run Household Waste and Recycling Centres.
- 4.1.6 The Committee recognised that cross-border incidents of fly-tipping were difficult to identify. However, where evidence was found relating to tipping from addresses in neighbouring authorities, this was pursued.

### Costs and Benchmarking

- 4.1.7 The Committee was advised that the costs associated with removal and disposal of fly tipped materials had risen significantly over the last three reported years. Costs had risen between 22% and 302% across North Yorkshire authorities.
- 4.1.8 Within Hambleton the cost had risen from £23,028 in 2015/16 to £44,485 in 2016/17. This was a rise of 93% and reflected the tonnage collected from fly-tip sites and not just the number of individual tips. Some significant tips especially of tyres and construction waste require several trips or the use of large vehicles to remove them.
- 4.1.9 There was no reliable data available on fly tipping enforcement in other authorities at the time the review was undertaken.

### Enforcement Action

- 4.1.10 The Council was responsible for the investigation and removal of fly-tipping from public land and the investigation of fly-tipping on private land. Prosecution was pursued if it was considered to be in the interest of the Council/members of the public.
- 4.1.11 The deployment of cameras, signage, investigation and case preparation work were undertaken by the Senior Street Scene Officer. Collection of fly-tipping was generally undertaken by Waste and Street Scene staff. There were occasions where appropriately qualified sub-contractors were contracted to undertake the collection and disposal of hazardous waste, such as asbestos, or where it was not possible to collect with staff within Waste and Street Scene. The original cameras used for surveillance were damaged beyond economical repair while deployed in the field. Replacement cameras were purchased in April 2017. They have since been deployed in 7 locations, in total 60 days/nights. Unfortunately, whilst 1 fly tip was detected, no vehicle registration plate was visible.
- 4.1.12 It was estimated that the Senior Street Scene Officer spent approximately 2 days per week directly undertaking fly-tipping investigation and enforcement duties. The Committee reported that incidents of fly-tipping were dealt with very quickly and wished to commend the Waste and Street Scene team for their efforts in tackling this problem.
- 4.1.13 In the last three years there had been no prosecutions for fly-tipping. This was due to insufficient evidence in some cases and in others the offenders had been willing to pay the District Council's costs without the need for prosecution. In 2015/16 five offenders paid a total of £754, in 2016/17 three offenders paid £490 and in 2017/18 (up to October 2017) one offender had paid £200, with a second being summonsed to court.
- 4.1.14 The Council introduced garden waste charging in April 2017 and this had drawn considerable resource away from other service areas. However, now that the system was up and running staff had been able to prioritise other work and since September 2017 there had been increased publicity around fly-tipping, with prominent features on the website, increased signage being deployed around the district, press releases and social media items. It was planned to continue this push and to encourage people to name and shame if they saw a fly-tip they could trace to an individual or business.

### Promotion and Publicity

- 4.1.15 The Committee suggested that more should be done to raise public awareness regarding fly-tipping. Informing the public about what steps the authority takes to tackle the issue of fly-tipping could be a good deterrent. Making public statements about prosecutions and incidents of fly-tipping would help highlight this issue and show that this matter is taken seriously and is dealt with accordingly.
- 4.2.16 The Committee also suggested the introduction of a more interactive portal on the website to enable the reporting of incidents. This could also be a useful tool. This could be an alternative to emailing or reporting the incident by telephone and would assist in mapping any hot-spots or increases in levels of fly-tipping.
- 4.2.17 It was acknowledged that the level of information contained on the website could be improved and this was identified as an area for further development.

## **5.0 CONCLUSIONS:**

- 5.1 The Committee concluded from the evidence that the current policy for enforcement on fly-tipping was not currently effective and fit for purpose and required updating, although the Committee recognised that this work was already being undertaken. The Committee requested that the draft policy be submitted to the Committee at the appropriate time for consideration.
- 5.2 The Committee also identified promotion and publicity as an area for potential improvement.
- 5.3 The Committee suggested that the information contained on the website be reviewed and that an interactive page on the website for reporting incidents could be a useful tool.
- 5.4 The Committee suggested that more cross-agency working could be of benefit to tackling fly-tipping.

## **6.0 RECOMMENDATIONS:**

6.1 To recommend to Cabinet that:-

- (1) it be noted that the current Enforcement Policy on Fly-tipping was not currently effective and fit for purpose and required updating, although the Committee recognised that this work was already being undertaken;
- (2) the draft updated Enforcement Policy be presented to Scrutiny Committee for consideration at the appropriate time;
- (3) consideration be given to providing more promotion and publicity about fly-tipping and enforcement to raise awareness;
- (4) information on the Council's website regarding fly-tipping be updated, including exploring the possibility of an interactive portal to report incidents; and
- (5) consideration be given to more multi-agency working to tackle the issue within North Yorkshire.

COUNCILLOR S P DICKINS  
CHAIRMAN

Background Papers: None  
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