

A Report of the Housing and Neighbourhoods Overview and Scrutiny Committee, 2nd February 2021

Reducing Fly-tipping - Executive Commentary

I would like to thank the Chair and Members of the Housing and Neighbourhoods Overview and Scrutiny Committee for their time and effort in carrying out this important inquiry.

There is no doubt that fly-tipping is an abhorrent activity that causes distress to local communities. Like many other councils, we are trying to keep pace with the increase in illegal dumping, but we must find a better way to deter it in the first place and prosecute more offenders.

Dumping of waste on any land not authorised to accept it is a serious criminal offence for which the perpetrators can be prosecuted, although compiling the required evidence to support that is complex as is the enforcement legislation and its interpretation and implementation.

The inquiry carried out by scrutiny colleagues has heard from our officers on the activity and measures already in place and has explored additional activity that may help in our efforts to combat fly-tipping including practices adopted by other councils. By way of demonstration of the activity carried out by the Waste Enforcement Unit the table below shows the intervention for the period April 2020 to December 2020 – enforcement action carried out despite the impact of the pandemic on the council's services:

Reports and service requests received and triaged by the WEU	3,463
Duty of Care - proactive compliance inspections/enquiries with businesses over commercial waste disposal arrangements	643
Duty of care enquiries carried out as part of other business statutory inspection programmes	322
Statutory [Section 34] notices issued to businesses over commercial waste disposal arrangements	623
Fixed penalty notices issued to businesses over Section 34 non-compliances (£300)	44
Fly-tipping investigations that necessitated police support [intelligence and/or operational]	187
Fly-tipping and allied waste related investigations yielding sufficient evidence to submit a recommendation for prosecution proceedings to BCC Legal Services	31
Fly-tipping investigations yielding sufficient evidence to support the issuing of a criminal fixed penalty notice for incidents legally defined as 'small-scale' (£400)	44
Fly-tipping investigations with circumstances where a littering fixed penalty notice was determined legally appropriate (£80) as an alternative to a fly-tipping FPN	3

Fly-tipping and waste related offence concluded through Magistrates/Crown court during the period - [The majority of trials scheduled to take place in 2020 were adjourned by the court due to COVID-19] - (£32,187 of fines imposed and 2 conditional discharges)	20
Number of locations subject to surveillance authorised by the magistrates' court under the Regulation of Investigatory Powers Act	8
Number of fly-tipping offences detected during the course of RIPA authorised surveillance	32

The recommendations set out in the inquiry report will only serve to support the good work we are already doing. Some we will be able to implement quickly whilst others present significant challenges in terms of resourcing. They will need thorough exploration and consideration. If resources can be identified and directed, these proposals could contribute further to our combined efforts to reduce fly-tipping across our city.

Councillor John O'Shea
Cabinet Member for Street Scene and Parks