

## **REPORT OF THE ENVIRONMENT SCRUTINY PANEL**

### **SCRUTINY OF FLY-TIPPING WITHIN THE CITY OF DURHAM AREA**

The Panel was tasked with reviewing the Council's approach to tackling the problem of fly-tipping.

#### **1. BACKGROUND**

The subject was allocated from the Scrutiny Committee to the Environment Panel, the initial proposal for the topic coming from the Chairman of the Environment Scrutiny Panel. As the Durham County Council have instigated a permit system for use of their Household Waste and Recycling Centres, Members felt this may have had a negative effect, causing the number of fly-tipping incidents to increase.

#### **2. AIMS**

It was the remit of the Panel to consider the problems associated with fly-tipping and to ascertain whether there was an increase in the number of incidents, and if current practise was felt to be working well in the City of Durham area. Also to see if any further ideas could be generated to help tackle this issue.

#### **3. ACTIONS**

From the various panel meetings and submissions from the relevant Officers and Organisations, the following information was obtained:

##### **3.1 Current Procedure**

There are three main areas to be considered when looking at fly-tipping:

- 3.1.1 Operational
- 3.1.2 Education
- 3.1.3 Enforcement

##### **3.1.1 Operational**

At the moment, any incidents of fly-tipping within the City of Durham Area can be brought to the Council's attention y contacting one of the following:

- Council staff at any of the City of Durham Offices.
- Neighbourhood Wardens out within the District.
- Local Members.
- City of Durham CityInfo (0191 301 8499).
- City of Durham Environment line (0191 301 8669).
- County Council's Fly-tipping Hotline (0191 383 5595).

City of Durham Staff currently responds to approximately 70 incidents per month. The City of Durham target is to remove fly-tipped waste within 24 hours of notification, though the City is currently responding to incidents within 4 hours. This rapid response is attributed to the Neighbourhood Service Delivery System employed in dealing with removal of fly-tipping and the close links between the Officers involved with the street scene, Neighbourhood Wardens and the local communities within the District. Also, the City Council's Environmental Services Staff are vigilant as regards fly-tipping and different sections regularly contact each other to ensure swift resolution of any problems that are brought to light. In cases of persistent fly-tipping, it may be necessary to enter into partnership with Local Members, Residents' Groups and the Police to tackle the situation.

### **3.1.2 Education**

Education of the public as to the environmental and health dangers of fly-tipping is very important in order to pro-actively reduce the numbers of incidents within the district. Neighbourhood Wardens have visited schools and businesses to explain individuals' and companies' duty of care regarding waste. In addition, the Technical Support Section may be able to be used to help bring the issues to the public's attention similar events regarding our cigarette butt campaign, held in the Durham market place.

### **3.1.3 Enforcement**

Enforcement is the final method by which fly-tipping can be tackled. For small instances it may be more appropriate, and cost effective, to have a Neighbourhood Warden issue a £50 fixed penalty notice for littering rather than prosecution for fly-tipping. For more persistent fly-tippers it would be appropriate to seek evidence to ensure a conviction against the offenders. To this end, the relevant Officers are PACE (Police and Criminal Evidence Act 1984) trained to ensure that the evidence gathered is of sufficient quality for Court. The City of Durham has been in partnership with the Environment Agency, County Council and other neighbouring Local Authorities for 3 years with an Officer being employed by the Environment Agency, based at the County Hall, to take cases to Court on behalf of the partner Authorities. The Joint Fly-Tipping Enforcement Officer is a former Policeman and is well versed in collating evidence required to secure prosecutions. The up-to-date figures for the last 18 months for City of Durham are:-

- 6 cases presented to Court with fines ranging from £100 - £2,500 (costs charged to Offenders in addition).
- 32 warning letters sent out from the Environment Agency.
- 49 no further action – lack of evidence.
- 11 cases are currently ongoing – awaiting replies / interview evidence.

## **4. OUTCOMES**

The Panel discussed the information gathered on the topic and noted the following:-

- Members of the public have a “duty of care” when using contractor who subsequently remove waste material from said individuals property / land or when an individual hire a skip for waste disposal. An individual can be held accountable for a fly-tipping offence where evidence of the source of the waste can be recovered. Therefore individuals must ensure that before waste is taken off-site to check that the Contractor / Skip Hire Company holds a

valid Waste Carriers' Licence from the Environment Agency for the disposal of the relevant materials.

- A lack of sufficient education regarding the subject of fly-tipping and the associated procedures for disposal of waste, via waste bins, green waste bins, "Kerb-It" recycling, Household Waste and Recycling Centres and recycling points across the District is a major cause for concern, leading to fly-tipping through a lack of knowledge of the alternatives.
- The Fly-Tipping Enforcement Officer based at the County Hall (working for the Environment Agency) is funded from various sources, but it was noted that whilst Easington District Council were due to "come onboard" from April 2006, Sedgefield Borough Council have now pulled out from the joint funding.
- The Clean Neighbourhoods and Environment Act 2005 is a piece of legislation which covers a wide range of issues which the Environmental Services Department deal with. There are many opportunities to use new or extended powers set out within this Act to help tackle the issue of fly-tipping. However, it must be ascertained which approach is most suitable for the City of Durham in each case.

## **5. RECOMMENDATIONS**

The Panel agrees that the subject of Fly-Tipping within the City of Durham area requires a joint approach, not only regarding enforcement, but also with the education of the public wherever possible.

Therefore the following recommendations are made:-

1. That the City of Durham act such that:
  - (a) The City of Durham urge that the Environment Agency to continue the post of Joint Fly-Tipping Enforcement Officer when the current phase of funding reaches completion.
  - (b) The City of Durham also continues its support for this post.
  - (c) Local Members are informed as regards any enforcement that is envisaged, that which is being considered and that which is to be implemented.
2. That the City of Durham continues to utilise the various means at its disposal to combat Fly-tipping:
  - (a) By education of the Public by press releases, articles in Durham City News, notices within Council buildings, public libraries etc. with particular emphasise on individuals' and Contractors' "duty of care" when disposing of waste especially as regards the removal of waste via skip hire companies.
  - (b) In addition, Neighbourhood Wardens could help to inform residents of the various options available as regards waste disposal, with a mind to reduce the number of incidents of fly-tipping from individual households.
3. That the City of Durham's Environmental Services Department research how best to use the powers set out within the Clean Neighbourhoods and Environment Act 2005.