

Report to: **Executive**
Date: **4 April 2006**
Report of: **Executive Member for Environment and Transport**
Subject: **County Durham Fly-Tipping Partnership**
Ward: **All**

1. Purpose of the Report

1.1 The purpose of this report is to seek approval regarding proposals to join the County Durham Fly-Tipping Partnership.

2. Consultation

2.1 Consultation has been carried out with the Executive Member for the Environment and Transportation and the Environment Agency. The Scrutiny Management Board has considered this potential partnership and has commented that Service Delivery Scrutiny Committee should be kept informed of progress in tackling fly tipping.

2.2 Consultation feedback from Area Forums clearly reveal a strong public interest in the Council strengthening its enforcement operations, and the proposed Fly-Tipping Partnership presents an opportunity to contribute to work in this area.

3. Background

3.1 The Council has established teams of street wardens and environmental wardens who investigate fly tipping incidents and take enforcement action where evidence regarding perpetrators can be found. In the case of larger fly tipping incidents involving commercial operators joint investigation and enforcement action is carried out with the Environment Agency. In recent years 3 successful prosecutions have been taken directly by the Council relating to serious fly tipping incidents and around 50 spot fines have been issued in respect of less serious offences.

3.2 The Council was invited to join the County Durham Fly-Tipping partnership in 2004. The project involved the Durham Districts, the County Council and the Environment Agency jointly contributing to one fly tipping officer to investigate all fly tipping incidents across the whole county. For many Durham Districts this was a service improvement, as they had no dedicated staff involved in fly tipping investigation. At that time it was not felt appropriate for Easington to contribute to this joint post as we had established

Item No.

enforcement teams and an in-house legal advisor to give training and support regarding prosecutions. It was considered that the money required to join the scheme would be better spent on staff training and direct legal costs. The scheme was initially intended to run for two years ending 31/3/06.

4. Position Statement and Option Appraisal

- 4.1 Based on performance to date, the partnership has agreed to extend the scheme and the District of Easington has been invited to join commencing on 1/4/06. The duration of the scheme has not been set and the participating Councils and Environment Agency will review the position annually.
- 4.2 There have been a number of changes in circumstances that now make it more attractive to join the scheme. The Partnership's Fly-Tipping Officer is now in a position to give training and guidance to investigating officers. Although the officer is based between County Hall and the Environment Agency Offices in Newcastle it will be ensured that regular planned visits are held at Easington Council Offices to review cases with enforcement personnel. A steering group of member authorities meet quarterly to monitor performance and Council Officers will attend this group to ensure that the project represents value for money. Reports on progress will be made to Service Delivery Scrutiny Committee.
- 4.3 This Council's enforcement officers currently seek legal advice from Crutes at Teesside and direct access to the Partnership Officer would allow regular access to highly specialised training, advice and support regarding fly tipping investigations. The scheme offers a better route to taking prosecutions in that once our investigating officers have carried out an investigation and produced a file for prosecution, the Partnership Officer will assess the evidence and take over the prosecution through the Environment Agency's legal teams thus saving the Council the costs of paying Crutes to take prosecutions directly. Discussions have been held with the Environment Agency regarding publicity of successful prosecutions and it has been agreed that any media releases should be co-ordinated between the Agencies press office and the District of Easington Communications Unit.
- 4.4 The Partnership will enable us to arrange joint training and development sessions with Environment Agency staff, which will help develop our enforcement officer's skills and experience and reduce training costs.

Item No.

4.5 Joining the partnership will allow us to make better use of the new powers under the Clean Neighbourhoods and Environment Act 2005, which are being introduced this year. It will also enable us to arrange joint enforcement activities with the environment agency and police, such as stop and searching of vehicles transporting waste to make sure waste transfer notes are correct.

4.6 In addition fly tipping investigation is now a best value performance indicator (BVPI 199(d)) and this initiative will help improve performance and have a greater impact on fly-tipping.

5. Implications

5.1 Financial

The cost of joining the scheme is £4,000 per annum and during 2006/07 this money will be found from existing Environmental Health and Licensing Unit budgets. It is proposed to review the effectiveness of the scheme after the first year. It is anticipated that there will be a saving to the Council in legal costs that will offset some or all of the cost of joining the scheme.

5.2 Legal

Joining the scheme will allow more effective use of new powers under the Clean Neighbourhoods and Environment Act 2005.

5.3 Risk

There are no risks above the corporate appetite.

5.4 Corporate

This initiative will help deliver the Council's corporate priority regarding clean and tidy communities and related corporate plan commitments including targets to improve BVPI 199 performance. Performance of the scheme will be reviewed quarterly and reported to Service Delivery Scrutiny Committee.

5.5 Policy

There are no relevant policy implications.

6. Recommendation

- 6.1 That the proposal to join the County Durham Fly Tipping Partnership be approved.

Background papers/Documents referred to
Clean Neighbourhoods and Environment Act 2005