

**OVERVIEW & SCRUTINY COMMITTEE**

*On 14 May 2007*

**Report Title: Fly Tipping Scrutiny Review**

**Report of:** The Chair of the Scrutiny Review Panel – Councillor David Winskill

Wards(s) affected: **All**

Report for:

**1. Purpose**

To report the Fly Tipping Scrutiny Review Panel's recommendations

**2. Recommendations**

That the Committee consider and agree the recommendations of the Scrutiny Review Panel, as outlined in Section 9 of the attached report.

Report Authorised by: Councillor David Winskill

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**5. Local Government (Access to Information) Act 1985**

The background papers are set out in the attached report.

**6. Background**

See attached report.

**7. Consultation**

N/A.

**8. Summary and Conclusions**

Please refer to the attached scrutiny review report

**9. Recommendations**

See paragraph 9 of the attached scrutiny review report

**10. Legal and Financial Comments**

The Legal service has been involved in the preparation of the report. Finance implications will be sought on the Executive's response to the Scrutiny review report.

**11. Equalities Implications**

Equalities Implications will be sought on the Executive's response.

**12. Use of Appendices**

The Scrutiny Review report.



# **Report of the Scrutiny Review on Fly tipping**

**April 2007**

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## **1. Chair's Foreword**

- 1.1 There is a great deal of national and local concern about the environmental and financial cost of fly tipping.
- 1.2 This Scrutiny Panel was convened as a result of suggestions from residents and councillors who were concerned that the efforts made to improve the Borough under the Better Haringey banner are being undermined by the thoughtless dumping of residential and commercial waste by a tiny minority.
- 1.3 During our research, panel members were impressed by the determination and enthusiasm shown by waste management and enforcement officers whose job it is to tackle this problem.
- 1.4 If one recommendation is to be taken forward it is that there must be a clear Borough wide determination to eradicate the problem.
- 1.5 Haringey must provide adequate resources to tackle fly tipping and take the lead in inspiring our partner organisations in a concerted effort to beat the tippers.

## **2. Executive Summary**

- 2.1 To ensure that the review was properly focussed and able to achieve maximum effect it was agreed that it should concentrate on prevention methods.
- 2.2 Since the introduction of the Better Haringey programme with more resources and the use of CCTV, there has been a gradual decrease in reported fly tipping. The panel looked at ways to ensure that fly tipping will continue to decrease.
- 2.3 As part of the review, the Panel examined national and regional legislation, talked to officers, residents and stakeholders and examined best practice elsewhere.
- 2.4 The Panel's recommendations are set out in Paragraph 9.

## **3. Background And Reasons For The Review**

- 3.1 Better Haringey, now in its fourth year, was set up in response to residents' priorities in wishing to see Haringey as cleaner, greener and safer. It is a priority programme for the Council aimed at making visible improvements to the Environment. Fly tipping (which is regarded as an anti-social problem) has been identified as an issue that needs to be addressed in order to continue the success of Better Haringey.
- 3.2 The House of Commons Environment Committee, in common with many experts, believes that litter accumulates as part of a self perpetuating spiral of decline which can lead to increased criminal activity and the fear of such activity. Improving the environment and cleaning up areas can, therefore help to reduce the amount of crime.
- 3.3 In recent years, as the problems associated with fly-tipping intensified and environmental pressures increased, the need to find a solution became more

urgent. The problem has been discussed by a number of bodies and organisations. These include:

- The European Community
  - various government departments,
  - The House of Commons Environmental Audit Committee;
  - Greater London Authority,
  - Local Government Association,
  - Local authorities.
- 3.4. The Department for Environment, Food and Rural Affairs (Defra) who are committed to tackling the illegal disposal of waste, have consulted widely on a comprehensive fly-tipping strategy aimed at enhancing and improving the powers available to deal with this issue. The responses it received were used to help frame new legislation. The Department also commissioned the Jill Dando Institute to carry out further research into the causes and incentives for fly-tipping, and is considering amendments to the Waste Carrier registration system.
- 3.5 The Environment Agency and the Local Government Association have agreed a protocol for dealing with fly-tipping. The Agency has also developed a web-based fly-tipping database, known as "Flycapture". It has been operational since April 2004 and is a strategic tool that will inform policy and strategy decisions as well as enabling resources to be concentrated on hot spots. Flycapture includes the facility to record registration details of vehicles involved in fly-tipping to determine whether they have been involved in similar crimes elsewhere. However it would seem that there is room for local interpretation regarding what is counted as a fly tip making it difficult to use this information to compare performance against other local authorities.
- 3.6 The European Community has also been involved in this issue and has passed a number of waste directives including those regulating the disposal of 'fridges and other electrical and electronic equipment.
- 3.7 Initially the Panel had proposed to involve the Jill Dando Institute of Crime Science, the acknowledged experts in fly tipping. However the Panel was impressed by both the proactive and reactive action already taken by the Service to prevent fly tipping. It was also pleased that all of the recommendations made by the Jill Dando Institute were already being implemented in Haringey. For this reason it was not considered necessary to involve them or other external agencies in this review.

#### **4. The Law and Fly tipping**

- 4.1 Although there is no legal definition of fly tipping, it is usually described as the unlawful disposal of waste and illegal dumping of items such as:
- general household waste
  - large domestic items (eg 'fridges and mattresses)
  - commercial waste (eg builders' rubble, tyres)
  - garden refuse
  - litter, refuse accumulation

- soil

4.2 Fly tipping is illegal and Appendix A summarises the legislation relating to Fly tipping and the enforcement action that can be taken.



## 5. The Way in which the Scrutiny Exercise has been carried out

5.1 The Membership of the Panel was Councillors Winskill, Hare and Lister.

5.2 During the course of the review we:

- Thoroughly researched relevant background documents and identified key national and regional stakeholders who had undertaken relevant research
- Held two Resident Focus Groups (Appendix B)
- Announced details of the review in two consecutive editions of Haringey People
- The Chair went on a tour of known hotspots
- Met with officers from the Waste Management and Enforcement Teams
- Consulted with other Boroughs
- Heard the views from a consultant on Waste Management
- Sought the views of Accord, the Council's Waste collection and street cleansing Contractor
- Consulted with the Police Safer Neighbourhood Teams
- Consulted, via a questionnaire, with all councillors as well as businesses and residents' associations (Appendix C)

## 6. The Present Situation In Haringey

Where does it occur?

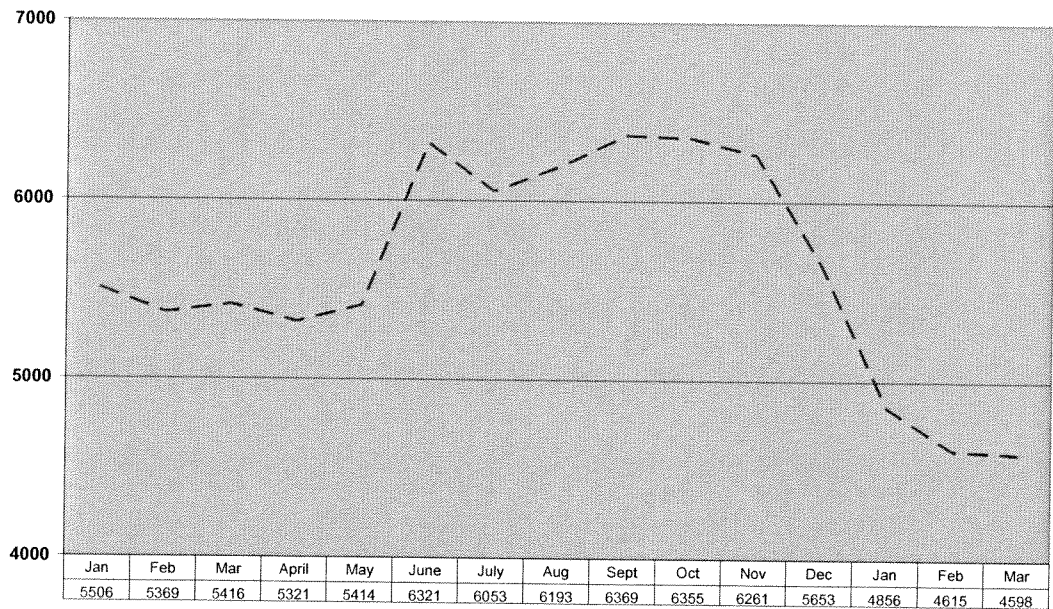
- 6.1 Incidents of dumping are mainly concentrated in the N17, N15 and N22 postcode areas, which cover Bruce Grove, West Green and Noel Park. In January 2007 these three postcodes made up 75% of the reports of fly tipping made by residents in the Borough.
- 6.2 Private Land - Where dumping occurs on private land which is accessible to the public, the Council can take action against the land owner or occupier to have the land cleared, if necessary, it can require the owner/occupier to take action to prevent a re-occurrence of the dumping by erecting fences to restrict access. In 18 months over 1000 notices were served on owners for the removal of dumped waste and in a majority of cases no further action was necessary. Only in a minority of cases was it necessary to serve Notices requiring fencing to be erected to avoid further dumping.
- 6.3 The Clean Neighbourhoods and Environment Act 2005 extends powers to require private land owners to "gate" a property and it is the intention of Enforcement Services to make use of these new powers as required. They could be used for instances where private alleys were constantly used as a dumping ground. Prior to these powers being introduced, Haringey Council undertook a series of proactive interventions where known hot spot alleys were causing problems to local residents. This included "gating" 12 alleys with the costs being met by regeneration grants. There is also limited funding available for unadopted alleys to be gated. Owners or occupiers of privately owned alleys may also be prepared to pay for them to be gated to prevent fly tipping.

#### How much is dumped

- 6.4 Both Haringey Accord and the Waste Management Service collect data on levels of fly tipping.
- 6.5 As Figure 1 below shows, there has been a decline in the number of incidents of fly tipping since September 2006. This is due mainly to changes in reporting methods and the success of the Fly tipping hot spots action plan.(referred to in Paragraph 6.9). Prior to the winter of 2006 the incidence of fly tipping was reported by Accord in terms of the number of bags collected (i.e. 6 black bags in one location would be 6 Fly tips). Now it is recorded by a location rather than number of bags i.e. 6 bags in one location is 1 Fly tip.

*Figure 1: Trend of Total incidents of fly tipping in Haringey, January 06 – March 07*

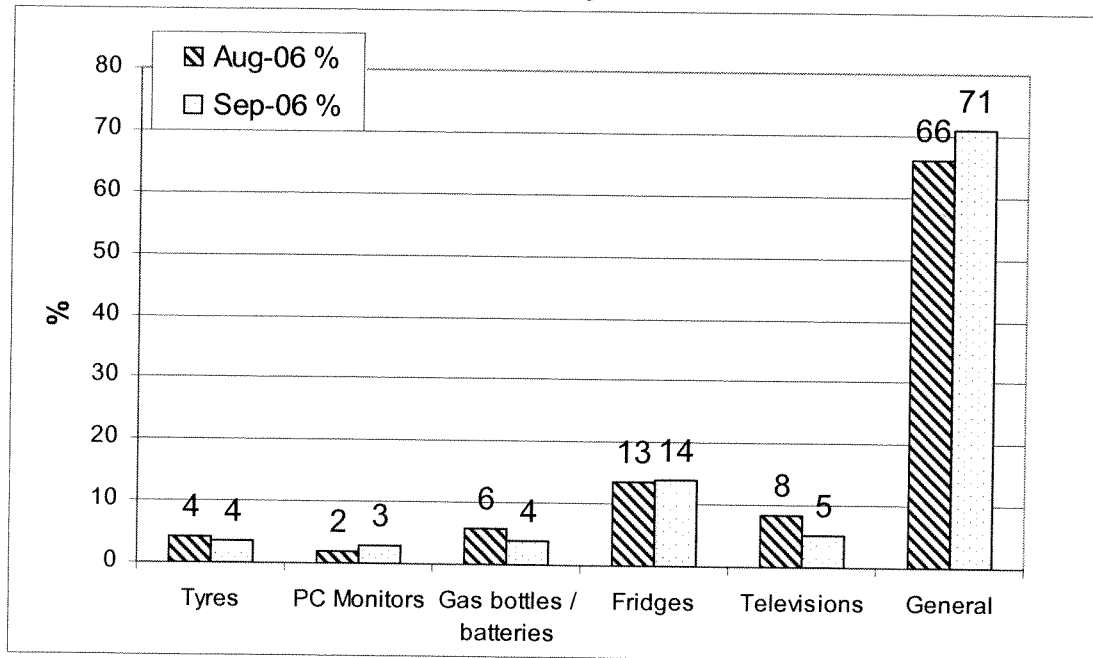




What material is dumped?

6.6 The Haringey Accord Call Centre uses the Flycapture categories of waste, including a 'General' category, which includes black bags, broken furniture, household items etc.

Figure 2 – Analysis of waste by percentage of total



6.7 During December the Waste Management Service monitored the work of the Accord managed dumps' clearance service. Their findings showed that the vast majority of fly tipped waste was actually household waste often gathered in small piles on pavements and awaiting collection, from flats above shops. A further quarter of dumps recorded were found to be commercial waste – predominantly orange Accord trade bags. In terms of the size of fly tips more than half were found to be around the size of a car boot load or less.

- 6.8 The Panel was told that the survey had indicated that not much commercial waste was dumped, but, what is, causes concern - especially dumping outside normal business trading hours. There was, however, evidence that commercial dumping was a significant problem in industrial estates in the east of the Borough. Also the Borough suffers from some dumping of items such as tyres, car batteries and TV's which are all now considered to be hazardous waste.
- 6.9 The Council has worked extensively with Accord in identifying hotspot sites, devising action plans for each location and executing them. As a result a significant number of sites have been tackled. In just over a year Enforcement Services have eradicated 75 of the Borough's identified top fly tipping hotspots. and a second tranche of sites has now been identified for action.

## **7. Preventative Action taken by the Council**

7.1 The Jill Dando Institute, who carried out significant research in this area identified five types of intervention that can prevent fly tipping. These are:-

- Increasing the effort for the potential offender
- Increasing the risks to the potential offender
- Reducing the rewards for the potential offender
- Reducing provocations of potential offenders
- Removing the excuses available to potential offenders

### **Increasing the effort**

*In most cases fly tipping takes very little effort. Perversely it can take more effort to dispose of rubbish legally than to tip it illegally. Therefore efforts must be taken to alter the balance and make it easier to get rid of rubbish lawfully.*

- 7.2 The Panel heard that the Environmental Crime Group are committed to reducing the availability and accessibility of fly tipping hotspot and are undertaking a number of projects.
- 7.3 An example is the three year Better Haringey Eyesores project which is carried out by the Heavy Enforcement Team (HET). Many fly-tipping hotspots are easily accessed and on poorly maintained land, owned or controlled by large organisations. Through partnership work and service of legal notices the HET, without any cost to the council, has cleared large dumping hot spots at these locations and had larger more robust fencing installed as a formidable obstacle to access.
- 7.4 Phase three of the project which is due to start in 2007, targets eyesores on industrial estates. These are common targets for fly-tippers. The "eyesores" project is also designed to develop "target hardening" strategies such as gating entrances and exits to make it more difficult for offenders to access potential fly-tip areas.
- 7.5 There is also a Strategic Team who initiate long term borough wide projects and investigate long term solutions to hotspots.

## Increase the risk

*Currently fly tipping is not very risky as the chances of detection and prosecution are relatively slim. It is also difficult to trace the person who dumped the waste. It is not hard to find a quiet time and place to dump rubbish and it is quick and easy to do so. Even if offenders are caught the penalties are not high.*

7.6 The Council has implemented several initiatives aimed at increasing the risk to offenders, and combined these are reasonably effective. In October 2005 Street Enforcement Team and the Street Warden Teams became operational. (in partnership with Waste Management) with the aim of ensuring that:-

- all commercial properties have a commercial waste contract
- businesses and the public are advised and educated about how to lawfully dispose of their waste.

This Team also investigates fly tipping on the public highway or land adjacent to it, and, where appropriate, takes enforcement action.

7.7 Two officers are allocated to the borough wide Rapid Response Team who answer any complaint or enquiry within 24 hrs. They also investigate waste complaints and any potential fly-tipping within the borough.

7.8 Accord informed the Panel that they would like to continue working alongside enforcement and perhaps provide a vehicle with driver, to thoroughly search dumped bags to obtain evidence of the dumper. The Waste Management Service supports this initiative and would welcome the introduction of a pilot scheme, which, if successful, could be made permanent. Such close working could help ensure that a higher volume of bag searches are made at confined dumping hotspots and increase the risk to fly tippers of being detected.

## CCTV

7.9 The use of CCTV cameras is effective in creating a risk and detecting fly-tipping offenders. Street Enforcement services currently have ten CCTV cameras that are under their control and on specific operations. For specific operations the Street Enforcement Team have access to the central CCTV network controlled at Ashley Road Depot.

7.10 Throughout the review the Panel received requests from the public that more use should be made of CCTV cameras in preventing fly tipping. However, officers stressed that whilst CCTV cameras could act as a deterrent to the average offender, they would only offer limited effectiveness when used for criminal enforcement. Surveillance work was notoriously resource intensive and could often be unfruitful. However, joint working between agencies and shared usage of CCTV assets should be fully exploited.

## Notices

7.11 Many known regular fly tipping hotspots are sign posted, warning potential offenders of the penalties for unlawful fly tipping. Light weight signs have been designed and manufactured in several languages and are placed on lamp columns near to fly tipping hot spots to warn potential offenders not to unlawfully fly tip at these locations, or risk prosecution.

## Partnership Working

- 7.12 The Council in partnership with the Police Safer Neighbourhoods Teams have initiated "Operation Stop It". Vehicles carrying waste are stopped and drivers checked to ensure that they are registered waste carriers. The legislation allows officers to issue a fixed penalty notice of £300 to the owner/driver who does not have the appropriate documentation. Since April 2006 when this power became available over 400 vehicles have been stopped and searched. Illegal operators who drive through or use Haringey as a dumping ground now take a very real risk.
- 7.13 The Panel noted that each ward now has a dedicated Police Safer Neighbourhood Team whose officers can observe and report fly-tipping to Waste Management. Whilst enforcement and prevention of fly-tipping remain predominantly a local authority responsibility, there is an important role to be played by these teams in passing on intelligence and conducting joint operations. The Council needs to ensure that the benefits from liaising with Safer Neighbourhood Teams are maximised.
- 7.14 Operation "Mystery Shopper" is used by the Environmental Crime Group to create a risk for potential fly tippers. Local papers are monitored for adverts offering "white van with man" services; the service provider is contacted and a "sting" operation executed. If the van driver/ owner is not an authorised waste carrier they are subject to a £300 fixed penalty notice or are prosecuted.
- 7.15 This type of operation creates a risk for waste carriers who operate illegally within the Borough and feedback shows that, as a result "cowboy" waste carriers are ceasing to operate and fly tip in the Borough. Legal waste carriers fully support this type of action which removes cheap unlawful competition.
- 7.16 Clear enforcement policies and strategies have been agreed with the legal team, which has instigated several successful prosecution cases. As a result, high fines and full costs have been awarded to the Council. These successes have been publicised by the Council's press team as has the enforcement team's activities against fly tipping. This has supported the development of a risk culture amongst potential fly tippers.
- 7.17 Close partnership work has been developed with the local Magistrates' Courts. For instance the Panel was advised that a visit was being arranged to Tottenham and Wood Green Magistrates' Courts for a presentation to magistrates about the anti-social nature of fly tipping, its effects on neighbourhoods and the costs to the Council of prevention and clear up. The Panel considered that the Council should urge the Magistrates Association and local magistrates to be robust with offenders. It was also suggested that the Magistrates Association should be asked to consider sentencing offenders to work on the Community Payback Scheme.
- 7.18 The report commissioned by the Panel from Essellar Waste Management Consultants confirmed that the Council makes good use of existing legislation. Local businesses consulted as part of the review, all supported the view that the highest penalties should be imposed and maximum publicity given to the sentence.

## Community Payback Scheme

7.19 The Waste Management Service has been working in partnership with Probation and the Police on the Community Payback Scheme. Community Payback involves offenders with unpaid work orders being used to carry out work for the local community. This Scheme aims to clear fly tipped material from unregistered land and land with complicated ownership arrangements. It is hoped this scheme will be expanded further in the future.

## Reduce the Rewards

*A major motive for fly tipping is to avoid the costs associated with legitimate means of disposal. Businesses such as builders, gardeners and garages may generate large amounts of commercial and hazardous waste and the financial gains from fly tipping can be substantial.*

- 7.20 There are many ways in which Haringey has tried to reduce the rewards from fly tipping. For instance Waste Management has carried out bench marking programmes to ensure that waste disposal charges are competitive. This is because:-
- high charges encourage potential offenders to fly tip
  - the more cheap but legitimate waste disposal service operators within the Borough, the less likely unlawful waste carriers will be used.
- 7.21 As part of the Better Haringey brief, the Environmental Crime Group and Waste Management are working on a borough wide communication strategy to ensure that all commercial and domestic waste producers in the borough are well informed and aware of the Council's waste disposal services.
- 7.22 A Resident Focus Group and other residents suggested that the Council's collection charge for bulky waste should either be free, or a reduced rate should apply to those on a low income, benefits and the elderly. Their opinion was that if the £16.84 charge was removed, people might be more willing to have rubbish cleared from their premises, thus avoiding fly tipping. However the Panel heard from officers that residents could access the free Community Clear Up Skip Service if they wished. Moreover an evaluation of Council bulky waste collection services in England published in the Chartered Institute of Waste Management's Scientific and Technical Review, found that 75% of Authorities charge for bulky waste collection at an average cost of £18 for three items. The study also found that there has been a widespread shift from free collections to a charging system. Of the Councils that do charge, 43% give discounts to residents on low incomes. The Authorities most likely to provide a free service are those serving densely populated, less affluent metropolitan areas. This is the situation in London where 44% of London boroughs provide a free collection service. On balance the Panel favoured reducing or completely removing the charge for specific sections of the community.

## Reduce Provocations

*If is important that Reuse and Recycling Centres are located in accessible sites and are convenient to use e.g. no long queues to reduce the incentive to fly tip.*

## Re -Use and Recycling Centres

- 7.23 There are two Reuse and Recycling Centres in Haringey, one in the east and one in the west of the Borough. They are open seven days a week from 8.30am to 4pm on weekdays and 9am-4pm at weekends. Both centres are closed on Christmas Day, Boxing Day, New Year's day and Good Friday.
- 7.24 A scheme to allow householders with vans access to Reuse and Recycling Centres has been developed. However the Panel heard from residents that there is not enough publicity in respect of opening hours and actual location of centres, particular the Hornsey Reuse and Recycling Centre. The Waste Management Service has been addressing this. For instance, details of Reuse and recycling Centre locations and opening arrangements for Bank holiday refuse collection days are advertised in Haringey people and the local press. Also, the recent recycling leaflet delivered to 40,000 households contained details of locations and opening arrangements for the Reuse and recycling Centres.
- 7.25 Haringey Reuse and Recycling Centres are not allowed to accept trade waste but it has been agreed that the Centre will provide information about the disposal of commercial waste. At present certain types of hazardous waste, such as asbestos and paint are collected from residents under a contract with the City of London. It was suggested that consideration should be given to the possibility of expanding the range of hazardous waste that can be accepted at the Reuse and Recycling Centres. For instance from July 2007 it will be possible to dispose of gas discharge ( fluorescent) lamps at the Reuse and Recycling Centres.

## Remove Excuses

- 7.26 Individuals who fly tip often rationalise and excuse their behaviour. Fly tippers think it is acceptable to tip their rubbish where there is already waste material. Some even think that this behaviour is legitimate. Tactics to remove these excuses are required in an effective strategy to reduce fly tipping.
- 7.27 The Panel looked at how accessible and convenient it was to dispose of rubbish legally and found that the Council offers a range of collection services for residents (which are outlined below) as well as the two reuse and recycle centres at Park View Road, N17 and Hornsey High Street, N8.

Table 1 *Summary of collection services in Haringey*

<b>Collection Service</b>	<b>Frequency</b>	<b>Cost to residents</b>	<b>Items collected</b>
Community clear ups	Once per year to eligible households	Free	All bulky items except hazardous waste, green waste and building waste
White goods collection	On demand	Free	'Fridges, freezers, washing machines, dishwashers, ovens, IT equipment, gas bottles, car tyres and car batteries

Bulky waste collection	On demand	£16.84 for 6 items	All bulky items except hazardous waste
Community skips	By arrangement with The Waste Management team	Free	All bulky items except hazardous waste, green waste and building waste

### More frequent collections in problem areas

- 7.28 Waste Management Services provides households without off-street storage space with higher frequency collections to avoid waste being left on the street throughout the week. Waste is left out on specific days in specific time slots. Waste left out at other times is considered to have been fly tipped. This scheme mainly applies to flats above shops.

### Timed Collections

- 7.29 Since first being introduced on Green Lanes, timed trade waste collections have been introduced to a number of other roads in the borough. This scheme has been very successful as it has been shown to improve amenity and cleanliness and the Council would like to extend it. However Accord are reluctant to expand this scheme as they consider that the Council has not invested the additional sums in the contract for the roll out of timed collections to more roads. They state that they would be unable to comply with strict time bandings for all of the roads unless more funding is made available.
- 7.30 However the Panel noted timed collections would make enforcement easier although it might require additional resources and that in other Boroughs a timed collection service appeared to be common practice. This needs to be taken into account as part of the discussions on the renewal of the Waste Contract which are already taking place.

### Communications

- 7.31 An important element of the Haringey Communications Plan is to raise awareness about fly tipping. Leaflets have been published encouraging residents to report fly tipping, for example the 'On the street' guide. In addition, leaflets have been distributed to all borough households encouraging people, to use the Reuse and Recycle Centres, community clear up service and the free white good collection service.
- 7.32 More information about such services which may help to eliminate fly tipping is planned in further recycling publications. All Waste Management Service leaflets will now carry information about the wide range of services on offer to help people dispose of their waste responsibly. Successful operations and prosecutions are also advertised in local newspapers to support the view that fly tipping is illegal, anti-social and will not be tolerated.
- 7.33 The Panel heard evidence from residents who felt that it is not always clear who they should contact about waste matters. Many felt that there should be a single telephone number for residents and traders to report missed collections and fly tipped rubbish as well as requesting bulky waste collection and replacement bins and recycling boxes. Although there is a single number (020 8885 7700) it is

clear that the perception is one of confusion and measures should be taken to promote the single number.

- 7.34 The monthly Clean Sweep campaigns have focused on tackling 'grot spots' and cracking down on a range of environmental crime, including fly tipping. Publicity for these campaigns carries the Accord Call Centre number to encourage residents to report problems with rubbish and forms an important part of ongoing communications around tackling fly tipping.
- 7.35 Environmental Crime Officers have carried out nearly 1500 visits in 2006/07 (880 in 2005/6) educating, advising and warning commercial traders of their responsibilities for the correct disposal of their waste. They also frequently carry out business waste "duty of care audits" in target areas where fly tipping has increased.
- 7.36 There has been a wide campaign throughout the Borough informing residents about the Waste Management Service. This communication strategy is also re-enforced by the Commercial Food Team who, when inspecting food premises, enquire whether a commercial waste contract is held by the premises.
- 7.37 Information/warning signs are placed at recycling stations and on bins making it clear that it is not acceptable to leave waste anywhere other than inside the waste/recycling receptacles. These signs are also used to advise and deter offenders from continuing to use a known fly tipping hotspot. If a sign clearly states it is an offence to leave waste at these locations it is difficult for an offender to plead ignorance if caught.
- 7.38 Over the next year it is planned to launch a communication campaign to educate businesses and residents about the dangers of using unregistered waste collectors. Once this education campaign has been completed, officers will issue fixed penalty notices to residents and businesses that use unregistered waste collectors.
- 7.39 The Panel discussed the possibility of local businesses giving out leaflets to customers purchasing new white goods on how to dispose of their old items.
- 7.40 A number of schools have taken part in Junior Wardens activities with the local Neighbourhood Street Wardens. This has either been stand-alone project work, or as part of the Clean Sweep campaign. The Junior Citizens activities include briefing children on what to do if they see rubbish dumped in the street.

## **8. Costs and effective use of resources**

- 8.1 The Integrated Waste Management and Transport contract provides that there is a fixed cost of £723,000 per annum to remove fly tipped waste on public land (including land under Homes for Haringey management). In this review the Panel were not able to conclude to what extent the amount represented value for money. To do so would require comprehensive analysis and comparison. If it is decided that this work is necessary then this detailed process should be carried out as a separate scrutiny exercise next year.



- 8.2 For 2006/7 Haringey has been given an interim score of 2 compared with 3 in 2005/6 Local Street and environmental cleanliness – Fly-tipping. This is good because the lower the score the better the performance.
- 8.3 Whilst officers should be congratulated, they should not be complacent. The Panel suggest that each year Overview and Scrutiny Committee should receive an annual report on the 20 worst dumping area and the action being taken to alleviate problems.
- 8.4 It is also important to ensure that there is no complacency in developing good practice and ensuring line between prevention and enforcement is right. It is expected that the Government will shortly release its revised English Waste Strategy. This is expected to confirm mechanisms to prevent waste production and make provision available for variable waste charging by local authorities. The impact of any measures that will increase the cost of waste disposal might also result in an increase in fly tipping. This potential effect must be taken into consideration when revising any waste disposal tariffs.

## **9. Recommendations**

1. That the Council acknowledges that the fight against fly tipping is a continuing one and its success depends on collective action supporting the objective of preventing this antisocial behaviour, and making a long term commitment to properly resourced preventative and enforcement activities.
2. That the Director of Urban Environment considers:-
  - a) The appropriate introduction of timed trade waste collections on primary and secondary roads as part of the specification for the new integrated waste management and transport contract in 2009.
  - b) Reducing or removing the charge for bulky waste collection for those on low incomes, benefits and the elderly (if the cost of administering such a scheme proves too expensive, then consideration be given to abolishing charges completely).
  - c) Further advertising the fact that there is a single borough wide telephone number to:-
    - allow residents and traders to report missed collections, and fly tipped rubbish,
    - request bulky rubbish collection, replacement bins and recycling boxes,
    - answer recycling enquiries.
  - d) Increasing residents' awareness of services by improving publicity of the Council's waste management services and the action taken to reduce fly tipping.
  - e) Providing local traders with leaflets for distribution to customers on means of disposing of unwanted items at the point of purchase of bulky new goods, such as beds, white goods, televisions etc.

- f) Providing “Haringey People” with regular information of successful prosecutions against fly tippers as well as news on new initiatives in waste collection generally.
  - g) Giving special attention to discouraging fly tipping in industrial areas including making full use of CCTV and prosecuting where possible.
  - h) Liaising with the Parks Department and other appropriate departments to identify and seek funding to bring small marginal areas of waste land that currently attract fly tippers back into mainstream use – possibly as allotments, pocket parks etc.
  - i) The feasibility of introducing a scheme whereby Accord search dumped bags to gain evidence as to the identity of fly tippers with targets being set for the number of searchers per month.
  - j) Allowing residents’ to use the Reuse and Recycling Centres to dispose of safely transportable hazardous waste.
3. That Ward Councillors be encouraged to work with officers to help ensure hard to reach groups know about waste collection services (If appropriate, signage should be translated into ethnic languages).
  4. That the Leader of the Council write to all utility companies that own land in the borough reminding them of their duties to ensure that their land is well fenced and of their responsibilities to keep their land free of fly tipping.
  5. That officers submit an annual report to the Overview and Scrutiny Committee on the current top 20 hotspot sites and the action being taken to eradicate Fly tipping at those sites.
  6. That Overview and Scrutiny Committee be recommended to consider commissioning a future Scrutiny Review to examine a breakdown of the cost of clearing fly tipping etc so that this can be compared with other Borough’s to ensure that the Council is providing a cost effective service.
  7. That Police Safer Neighbourhood Teams’ Inspectors and appropriate Haringey officers regularly meet to review fly tipping, reporting levels, training needs, lines of communication and to decide on possible joint operations.
  8. That the Head of Legal Services urge the Magistrates Association and local magistrates to be robust with offenders and to consider the use of the Community Payback Scheme as a penalty for fly tippers.

## Appendix A

### Current Legal Remedies for Dealing with Waste on Land

Public Health Act 1936 sec 78

Public Health Act 1963 sec 34

Prevention of Damage by Pests Act 1949 sec 4

Environmental Protection Act 1990 sec 33, 34, 59,87,88,92,93

Refuse Disposal Amenity Act 1978 secs 2,6

Town and Country Planning Act 1990 sec 215

Anti-Social Behaviour Act 2003

Clean Neighbourhoods and Environment Act 2005

Table 01.

Summary of Acts that can be used to deal with waste on land

Ref	Act or Regulation	Section	Purpose	Comments
01	Public Health Act 1936	78	Power to cleanse common courts, yards, passages etc that are not maintainable at public expense	Default power to recover reasonable costs
02	Prevention of Damage by Pests Act 1949	4	Power to serve notice requiring landowner to remove accumulations of waste which could provide harbourage for vermin	Default power to recover costs also available
03	Public Health Act 1963	34	Power to remove any "rubbish" from any land in the open air that is seriously detrimental to the neighbourhood	Useful for accumulations of waste in gardens etc
04	Control of Pollution Act 1974	22(3)	Power to Clean land in the open air to which the public have access	Recharge can be made to owner/ occupier
05	Refuse Disposal (Amenity) Act 1978	2,6	Powers to remove dumped waste (refuse). Power to prosecute offenders for offence of dumping Duty to remove Abandoned vehicles Power to prosecute for abandonment	FPN also available for abandonment offence
06	Environmental Protection Act 1990	33,34,59, 87, 88,92,93	Extensive range of powers	See detail elsewhere in report
07	Town & Country Planning Act 1990	215	Power to serve notice on land occupiers requiring tidying of land which is detrimental to local amenity (removal of waste)	
08	Anti-Social Behaviour Act		Power for relevant organisation to issue ASBOs	A number of examples already exist

	2003		in certain cases of fly-tipping	
09	Powers of Criminal Courts (Sentencing) Act 2000	147 (3)	Power of magistrate to impose driving disqualification in cases where vehicles are involved in the commission of the crime	May be useful in cases where a vehicle has been used to fly-tip material
10	Proceeds of Crime Act		Powers of courts to confiscate assets etc	( no detail of fly-tipping cases known)
11	Clean Neighbourhoods Act 2005		Extensive powers in relation to waste etc.	Introduces use of FPN's for a wide range of waste related offences

Table 02.  
Environmental Protection Act 1990-Relevant sections

Section	Purpose	Comments
33	Unlawful deposit of waste on land not having a WM licence (dumping offence)	Commonly used device for prosecuting fly-tipping cases
34	"Duty of Care" offences	A number of offences are possible under sub-sections of this sec. Can also give weight to prosecution cases under sec 33 above where incorrect disposal is suspected
59	Powers to require land owner/ occupier to clear land of dumped materials	Powers to require landowners/occupiers to clear land under their control which has been tipped on
87	Litter offence	"Litter" can have a wide interpretation and many local authorities historically have used this section to prosecute for dumping
88	Fixed Penalty device in lieu of prosecution under sec 87	FPN can be used in lieu of prosecution of litterers. Many L.A's use this FPN for fly-tipping cases as their primary method of dealing with the problem of dumping
92	Litter Clearance Notice	Can be used to remedy and help manage problems of waste accumulations on land-including for example where landowners have allowed their land to become a tipping problem
93	Street Litter Control Notice	" " " " "

## **APPENDIX B**

### **Notes of Resident Focus Groups on Fly tipping held on 6 December 2006**

There were two residents Focus Groups held on 6 December, one in the afternoon and one in the evening.

In attendance PM -Mr I Sygrave, Mrs D Miles, Mr D Duckworth, Mr J Russell, Mrs S Williams, Mrs M Batten, Mr W FNicholls, and Ms V McKone

In attendance Evening – Mr B Dore, Ms M Chowdhury, Mr H Hickey and Ms A Thomas

The session was facilitated by Janette Gedge, Consultation Manager. Cllr Dave Winskill, Chair of the Scrutiny Review on Fly tipping introduced the meeting and explained the purpose and details of the Scrutiny review. Carolyn Banks, Principal Scrutiny Support Officer was in attendance.

#### **What is Fly tipping?**

Dumping of waste – domestic, commercial and toxic  
Beds and mattresses  
Anything out of a car boot  
Tyres, gas bottles, car batteries  
Dumping of bizarre and mundane objects  
Can occur immediately outside residents' homes and is quite indiscriminate  
Dumping on public spaces

It is both illegal and covert

Unsure if green refuse bags on pavements was fly tipping. However this encouraged other rubbish to be dumped.

Queried whether there was a difference between dumping and Fly tipping and littering

#### **Why does it occur?**

Many can't afford the £15 collection charge  
Laziness –people can't be bothered to dispose of legally. It is easier to walk to the end of the road to dump.  
Cost of Land fill tax too high  
Too many Houses in Multiple Occupation (HMOs)– there is a direct correlation between HMOs and dumping, particularly mattresses when new tenants move into a property. Dumping is from landlords. Council needs to invest more money into enforcing HMOs.

People do not have space to store items until they have 6 items. Difficult for people who live in small properties or flats.

It is easy and convenient. Some people are ignorant and are not aware of services and processes for disposal. Others see rubbish dumped and operate a "Copycat" approach. Insufficient publicity and fear of the consequences. Not enough offenders are being caught and where they are caught, the fines are small in comparison with the benefits of fly tipping.

There is a lack of respect for the local area. This is particularly the case with some communities, such as Eastern European where it is normal to push and test the boundaries of Authority. In some communities it is considered that individuals should keep their own space clean and tidy and in fact they generally have a great deal of pride, but they also consider their responsibility ends at the boundary of their property.

Issue of recycling/re-use is seen as a problem not a potential resource

Cost of hiring a skip - the license is too high and procedures are not easy. You have to visit in person and during normal office hours to obtain a license, its not obtainable by e-mail.

Disposal of car batteries seen as difficult.

There appears to be a link between car crime hotspots and dumping hotspots.

Green waste recycling bags on pavements encourages other bags to be dumped with them.

### **Who does it?**

Anyone –Residents who buy new gear

White Van Drivers

Builders/ Cowboys –unethical companies

HMO\* Landowners

People who don't have access to a car

Ignorant, lazy or poor, mean, disorganised people.

Some people do not read information on disposal.

Or there is a lack of understanding from residents. Perhaps people do not understand the difference between rubbish and fly tipping.

People who do not care for the environment or those that have a high tolerance for rubbish/chaos

Travellers/Disenfranchised/Those with no stake or investment in the area i.e. short term renters

People moving home.

### **What can be done?**

Advertising stickers placed on litter bins. Issue of fridge magnets with disposal details.

Offer rewards for proper disposal/recycling/ reporting e.g. money off Council Tax or the more you re-cycle the more you get off or Green Stamps.

Introduce a Crimestoppers type reporting system. (i.e. anonymous information acted on – no need for a name and address of the person reporting to be given)

Involve Neighbourhood Watch/Residents Groups to report hotspots  
Council should design out hotspots

Put more resources into Enforcement Team to increase chances of catching offenders.

Heavier fines to be issued.

More CCTV cameras

There needs to be social stigma attached to Fly tipping

There are too many phone numbers to contact, it is not clear who you have to ring to report what. There should be one phone number to contact. Also it should be made easier to report, there are too many statements that need to be made and residents often not willing to give their name and address for fear of reprisals. Protection needed for residents that report. However residents should be encouraged to report and to do more themselves i.e. curtain twitching which may frighten them off.

More warning signs should be put up, with info on the level of fines that can be issued

CLRs should be encouraged to be more proactive in walkabouts and in reporting. Also greater use should be made of Community Wardens.

More resources spent on identifying the causes of fly tipping and in particular the social conditions that lead to it

Review £15 charge for waste collection –possible free collection or free to pensioners, disabled and those on benefits

Make it easier to get items taken away i.e. possibly more community skips on streets regularly/ less forms to complete i.e. for disposal of paint pots, chemicals

Commercial vehicles should be confiscated if caught Fly tipping. Courts to be encouraged to be hard, possibly, even by removal of driving license.

Greater use of CCTV. More follow up action and enforcement. Motion triggered CCTV cameras should be used, particularly useful at entrances to Industrial Estates

Better street lighting needed. Street lights have been moved to the back edge of the pavement and there appeared to be less light or rather pools of light

with dark spaces between and so Fly tipping was occurring between the lights.

Need to have a National Campaign to better educate the public and to generate respect for the environment.

Retailers to charge extra £15 for purchase of items and customers given a ticket enabling the Council to dispose of items.

Have an "Improve your street programme" Best Street Competitions - similar to Clean Sweep. Residents Associations should be involved.

Need to ensure that Council services were working in partnership i.e planning, housing and enforcement such as with regard to HMOs\* (see previously)

Invite charities to collect furniture – people don't know that charities will pick up unwanted furniture.

There was a lack of knowledge about the Recycling and Re-Use Centres. More publicity, in particular better road signage needed for the Hornsey site.

All Safer Neighbourhood Teams should be asked to deal with Environmental crimes as seriously as other crimes (as per Haringay Ward)

Make it easier to get a skip (see above)

Further publicity, promotion, education campaigns needed.

There should be more bulky waste collection days and need to ensure that everything is collected on the day

Lobby Government for more resources

Ensure close liaison with Environment Agency



## **Appendix D**

### **Contributors to the Review**

The Scrutiny Review Panel wish to thank the following who gave advice and help during the course of this review:

<b>Name</b>	<b>Organisation or Title</b>
Robin Payne	Assistant Director Enforcement
Stephen McDonnell	Assistant Director Streetscene
Robert Curtis	Tactical Heavy Enforcement Manager
Michael McNicholas	Head of Waste Management & Transport
Tony Chapman	Street Enforcement
John Suddaby	Deputy Head of Legal Services
Emma Smyth	Waste Management
Joyce Golder	Legal Services
Steve Robinson	Essellar Waste Management
Kelly Peck	Rapid response Team
Robeson Engur	Strategic Team
Geraldo Eghan	Area Based Officer
Mr I Sygrave	Local Resident
Ms D Miles	Local Resident
Mr D Duckworth	Local Resident
Mr J Russell	Local Resident
Mrs S Williams	Local Resident
Mrs M Batten	Local Resident
Mr W F Nicholls	Local Resident
Ms V McKone	Local Resident
Mr B Dore	Local Resident
Ms M Chowdhury	Local Resident
Mr H Hickey	Local Resident
Ms A Thomas	Local Resident
Alec Worley	Operations Manager - Accord
Dan Smith	Islington Council
Penny Bond	LB Waltham Forest
Gloria Laycock	Director University College London
Ian Kibblewhite	SNT – Inspector for Partnerships and Youth
Janette Gedge	Consultation Manager