

Report for: Cabinet, 2 April 2019

Title: Fly Tipping Strategy 2019 - 2024

Report authorised by: Stephen McDonnell, Director for Environment & Neighbourhoods

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Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key

1. Describe the issue under consideration

1.1 This report seeks to present Haringey's Fly Tipping Strategy (2019 – 2024) for approval. The Strategy aims to:

- Halve the number of fly tips in the borough over this period, from 24,000 to 12,000;
- Significantly reduce resident perception that fly tipping is almost always or frequently a problem in their neighbourhood from 39% to 27% in this period.

1.2 The Fly Tipping Strategy and Action Plan set out a series of approaches, embedded with engagement, education and enforcement, which aims to tackle fly tipping hot spots.

2. Cabinet Member Introduction

Fly tipping is an environmental crime and a blight on our neighbourhoods. It affects our communities in many ways, being linked to anti-social behaviour and our feelings of Civic Pride for the place we all live.

The cleanliness of our streets, open spaces and parks is something we know our residents are passionate about. Our new Borough Plan includes commitments to improve this and this Fly Tipping Strategy and action plan will help us deliver on this ambition.

Our Fly Tipping Strategy reflects that action is required from all levels – residents, community groups, ward Members, landlords, council services and our partners – if we are to make a difference. The council has a key role to play and we are committed that we will take the toughest enforcement action we can to catch and fine those who are responsible.

3. Recommendations

That Cabinet:

3.1 Adopts the Fly Tipping Strategy 2019 – 2024 attached at appendix 1

3.2 Notes the Action Plan for 2019-2020 attached at appendix 2.

4. Reasons for decision

4.1 A fly tip is rubbish left on the street (or other land) without arrangements for its collection and without agreement with the council. A small proportion of fly tips in Haringey is left by illegal waste collectors (just 4%) – the vast majority (83%) is household waste, often presented in the wrong place and/or at the wrong time. The remaining 13% of fly tips is from local businesses. Of the fly tips that are household waste, nearly half are carrier bags or black bin bags and over a quarter is furniture.

4.2 Last year (2017/18), Haringey received reports of 24,000 fly tips and a similar level is projected for 2018/19. The cost to Haringey's tax payers to collect fly tipping is over £3 million per year. This has a wider impact on the council's Medium Term Financial Strategy, and the council's ability to provide other vital services to our residents.

4.3 Haringey's Borough Plan has made a firm commitment to reducing the levels of fly tipping in the borough, as part of the Place Priority. Our ambition is for a borough which is cleaner, accessible and attractive. We know from our 2018 Resident Satisfaction Survey that cleanliness is a top priority for residents (11% of residents saying this makes a difference to their day to day quality of life), second only to safety (13%).

4.4 The Fly Tipping Strategy sets out an approach using three strands, to be delivered through a series of 'hot spot' targeted locations (see section 6.11):

- Education, communication and early intervention
- Prevention of recurrence
- Targeted enforcement

4.5 The approach in the draft Strategy has been defined over a five year period using existing resources across the Waste Client Team, Enforcement, Communications and our waste contractor Veolia.

5. Alternative options considered

5.1 Do nothing. There is clear ambition in Haringey for a cleaner environment, as captured in the new Borough Plan's 'Place' Priority. Doing nothing to tackle the issue of fly tipping would not be consistent with this level of ambition.

5.2 The recommended approach. This is set within business as usual activity and requires a minimal investment in staff resources. The approach is expected to deliver the reduction in fly tip levels and increase in resident satisfaction over a five year period. A Project Manager is required to co-ordinate delivery of the plan, and it is planned for this cost to be shared with Veolia and mitigated within

existing budgets. A capital application of £150K over five years will be made for making small works to the streetscene to design out fly tip hot spots. This option allows for a sustained effort, supported by Corporate Communications and our waste contractors Veolia, over a period of time, which will give sufficient time to embed behaviour change in our communities.

- 5.3 Accelerated approach. This alternative model would accelerate the reduction of fly tipping in the borough using an enhanced communications campaign and more enforcement. This approach would be high profile and would aim to deliver reductions in fly tipping in the borough over two years instead of five. This would be delivered through an increased focus on behaviour change and enforcement. To deliver this option, dedicated resources will be needed above those in the five year approach. The total cost for this option would be £945K over two years and for this reason it is not recommended.

6. Background information

Haringey's Approach to Tackling Fly Tipping

- 6.1 The Strategy sets out an approach to tackling fly tipping using three strands:
- Education, communication and early intervention
 - Prevent recurrence
 - Targeted enforcement

To look at each of these in turn:

Education, communication and early intervention

- 6.2 A key element to delivering the strategy is a successful communications campaign. Communications will be both at a borough wide level, led by Corporate Communications, and localised as part of the hot spot project approach. A major borough-wide campaign is planned for May-July 2019, to be followed up by smaller campaigns throughout the year.
- 6.3 Wider communications and publicity campaigns will target residents with behaviour change messages and information on responsible disposal of waste. Messages will include:
- Civic pride – care about where you live
 - Most residents dispose of their waste responsibly
 - The council doesn't fly-tip – we will work with our communities to stop it
 - All residents pay for clear up
 - It is easy to present your waste responsibly
 - There are tough penalties if you don't
- 6.4 On a local level, the approach will provide advice through signage, leaflets and other communications. Engagement will take place with members, resident groups, business / trader partnerships & landlords to gather intelligence and we will use these same groups to help publicise our successes. We will also work with the HMO Licensing Team and ensure that we correctly enforce against landlords or tenants who fly tip (see 6.12).

Prevent Recurrence

6.5 This will be delivered by designing out fly tips wherever possible and creating designated waste collection points at locations where waste is routinely left in the wrong place and/or at the wrong time. The success of these changes will be dependent on driving the behaviour change needed to ensure waste is left appropriately for collection.

Enforcement

6.6 Fly Tipping is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a magistrate's court. If convicted in a crown court, the offence can attract an unlimited fine and up to 5 years imprisonment. Where officers catch fly tippers, they can issue a Fixed Penalty Notice (FPN) of £400, with no early payment option. This is the maximum we can legally charge, and in 2018, 374 FPNs were issued in Haringey for fly tipping.

Tackling Fly Tips using Hot Spots

6.7 We know that fly tipped waste often occurs with more frequency in 'hot spot' areas. Often these hot spots are distinct areas or clusters of roads where waste has been deposited and collected for many years, becoming informal collection points. We also recognise that litter bins and recycling/textile banks can become attractors for dumped waste. Our approach will focus on such areas to either design out or formalise collection waste points.

6.8 A hot spot approach will be used to target resources at areas which are most affected by the issue, using the three strands of the Strategy's approach as set out above (communications, intervention and enforcement). To inform this approach we will use data that pinpoints the locations around the borough which suffer the highest number of fly tips. Each hot spot is likely to be just a handful of roads where we know there are high levels of fly tipping. On a borough level, this is shown below in Figure 1 as a heatmap of all fly tips in Haringey in 2018.

6.9 At each hot spot, we will have a visible presence in the area, both through communications and officer presence. Communications will be highly localised to make sure residents are aware of the issues. We will work with local champions, including resident or trader groups and members, to engage the community and drive a local response.

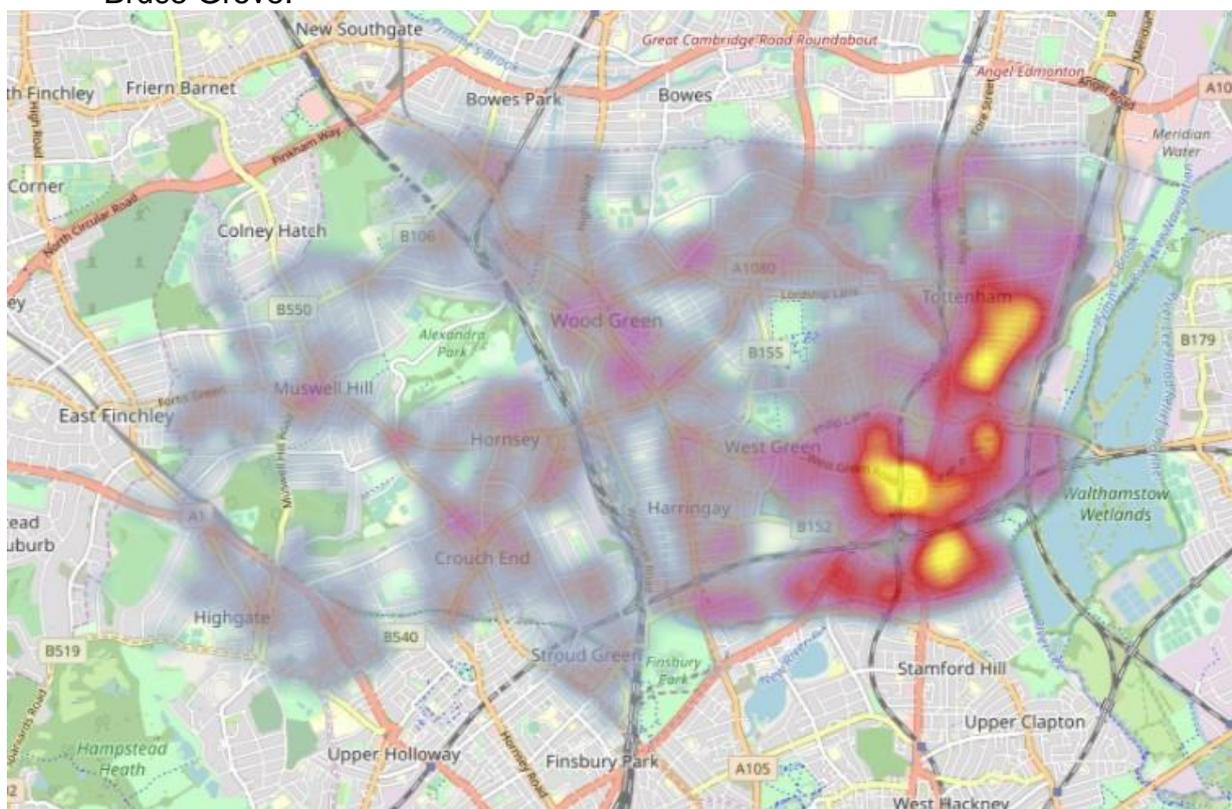
6.10 The hot spot approach is a phased over an 8 week period:

- Phase 1 (weeks 1-2): Intelligence gathering, site visits and analysis;
- Phase 2 (weeks 3-4): Advice and education, ensuring residents have the necessary capacity to store and dispose of waste correctly;
- Phase 3 (weeks 5-6): Designing in innovative solutions for waste presentation where possible;
- Phase 4 (weeks 7-8): Enforcing where necessary.

6.11 Initial trials of the hot spot approach have been rewarded with some success. The recent Noel Park hot spot (Jan/Feb 2019) has resulted in a 25% decrease in fly tips in this area in the following month. We will continue to monitor this area to ensure this is sustained. The team has compiled a series of case

studies where interventions have been trialled to date to demonstrate the hot spot approach in action.

Figure 1: Heatmap of all Fly tips in Haringey 2018 showing a density of fly tips in the east of the borough, particularly down the Tottenham High Road corridor and Bruce Grove.



Working with Landlords & the Licencing Scheme

- 6.12 It is recognised that the most challenging demographics for waste collection are high density, high turnover properties which weren't designed for 21st century waste disposal needs. Haringey has a higher proportion of such properties than most boroughs.
- 6.13 The recent work in designing the additional licencing scheme for HMOs and investigating a selective licencing scheme for private rented properties generally has established a clear link between reported complaints and environmental crime. The dumping of small and large scale domestic rubbish accounts for nearly three quarters (72%) of all such complaints relating to private sector dwellings.
- 6.14 The licencing scheme should help to reduce such complaints, by the inclusion of licencing conditions relating to waste:
- The licence holder shall provide suitable and sufficient refuse and recycling bins with lids in a suitable and easily accessible location for occupants of the property to use. The licence holder shall ensure that all tenants on commencement of tenancy are given details about the refuse storage arrangements, including the collection date for refuse, recycling and green waste and how to present their waste for collection.

- The licence holder must ensure that all gardens, yards and forecourts within the curtilage of the property are kept in a reasonably clean and tidy condition. Under no circumstances should old furniture, bedding, rubbish or refuse from the property be left immediately outside the property, on the public highway, or on private land by either the licence holder, tenant or tenant's visitors.

6.15 By working with landlords through the Licencing Scheme we can try and influence in-home solutions recognising that most residents have made their waste disposal decisions before they leave their property. We are unlikely to be able to influence property redesign (retrofit) extensively but we can produce landlord/tenant packs to advise on the correct waste disposal options and sanctions for not complying.

Learning from Best Practice

6.16 Fly tipping is a problem across the country and many authorities have tried different approaches to address the issue. We aim to learn from the experiences of other authorities and will capture this in our annual implementation plan.

6.17 Barking and Dagenham have established a strong approach to tackling fly tipping which is engrained across their organisation, using CCTV images of perpetrators caught fly tipping and publishing these online on a 'Wall of Shame'. This is used to encourage the community to identify perpetrators to be followed up by enforcement and/or prosecution, and acts as a deterrent. There is also a strong narrative for the borough that Barking and Dagenham doesn't accept fly tipping and needs help from across the community to tackle it.

6.18 Newham has also done extensive work in recent years to tackle fly tipping, including setting up a dedicated Fly Tip Task Force in 2016, backed with £1m of investment. The task force consists of 10 officers (1 manager, 2 senior enforcement officers and 7 enforcement officers). Some of their core activity included:

- Investing in eight camera vehicles, 50 camera devices, two CCTV vans and five service cars to respond to fly tips;
- Tackling organised crime industrial fly tips;
- Monthly joint tasking operations with the Police, licencing, trading standards, immigration and cleansing;
- Hot spot operations and patrols;
- Building research and intelligence on offenders;
- Communications and media campaigns.

6.19 In the 18 month period between May 2016 and October 2017, Newham have issued 251 £400 FPNs and taken 31 cases of fly tipping to court (with a 100% success rate). They report that their Task Force has been a good deterrent and has particularly helped them to reduce and prevent industrial scale fly tips.

6.20 We have also been working with Keep Britain Tidy on their national research of fly tipping best practice and their learning is captured in our Strategy. Furthermore, Haringey has been selected by Keep Britain Tidy to do focused trials around tackling black bag waste which we have been developing with

them since May 2018. We have also worked with the London Environment Directors Network to share best practice.

- 6.21 There is a risk that the communications and activity around fly tipping may have an adverse effect on residents' satisfaction with cleanliness e.g. by highlighting the problem people become more aware of the issue. This was seen in the Team Noel Park pilot (2015-2017) where during the life of the project, despite targeted local communication campaigns and activities, resident satisfaction across a range of cleanliness measures actually decreased. The Team Noel Park pilot demonstrated how hard it is to influence residents' perception of cleanliness, and also showed that behaviour change takes time to build momentum and for norms to shift.

7. Contribution to strategic outcomes

- 7.1 The Fly Tipping Strategy supports the Place Priority of the Borough Plan, specifically 'A cleaner, accessible and attractive place' with the objective to improve cleanliness and reduce the levels of fly tipping.
- 7.2 The Fly Tipping Strategy also aligns with the existing and prospective Community Safety Strategy for Haringey.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

The council pays a fixed fee to Veolia for fly tipping collections so the costs of the contract will not be affected by implementing this strategy. The cost to the council for the collection and disposal of fly tipped waste is around £3 million per year.

There are no direct financial implications in adopting the recommended strategy in this report. The costs of the project manager will be shared with Veolia and contained within existing budgets. The programme of small capital works to design out fly tipping hotspots will be subject to a separate capital bid through the normal processes. Any increase in Fixed Penalty Notices or court fines will be used to off set the costs of the project manager. There may be some financial benefits to the council through reducing unpaid commercial waste through enforcement. This will mean the council does not have to pay for the collection and disposal of unpaid trade waste as more businesses comply with their duty of care for waste disposal.

The recommended approach is predominantly contained within business as usual activity and existing budgets. It may be possible to capitalise project management costs, subject to a successful capital application. This option also includes £150K capital budget for small streetscene works, which will also be subject to a successful capital application.

8.2 Procurement

Strategic Procurement notes the contents of this report and is supportive of the recommendations. There are no procurement implications as the expenditure relates to staff costs.

8.3 Legal

The Assistant Director of Corporate Governance has been consulted in the preparation of this report.

Fly tipping is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a magistrate's court. If convicted in a crown court, the offence can attract an unlimited fine and up to 5 years imprisonment.

Legislation authorises the issue of FPN - colloquially called "on the spot fines" – by the Council as an alternative to prosecution. The Council has adopted that power and issues Fixed Penalty Notices of £400 - this is the maximum we can legally charge. If the recipient of the FPN fails to pay the penalty, the Council may then prosecute for the original offence.

One sentence available to the Courts, more severe than but short of imprisonment, is a Community Sentence. Community payback schemes are schemes developed as Community Sentences which punish offenders and allow them to make amends in their local communities by carrying out unpaid work on local projects.

This Strategy is not required by statute, and there is hence no statutory requirement to consult. This is a new strategy which is not anticipated to have a negative impact on residents, and so the Council's policy does not require consultation.

While this Strategy is intended to assist in achieving the objectives both of the Borough Plan and the Community Safety Strategy it forms part of neither. That being the case, the decision to adopt is for Cabinet.

The Assistant Director sees no legal reason why the recommendations in this report should not be adopted.

8.4 Equality

An Equalities Impact Assessment Screening Tool is attached as Appendix 3.

The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

The decision is to approve the Haringey Fly Tipping Strategy 2019 – 2024, the aims of which are to halve the number of fly tips in the borough and significantly reduce resident perception that fly tipping is a problem in their neighbourhood.

The heatmap at figure 1 demonstrates that in 2018 fly tips most commonly occurred in the east of the borough, particularly down the Tottenham High Road corridor and Bruce Grove. The demographic profile of these geographic areas indicates that residents from BAME communities, residents from minority religious or faith groups, and children and young people, lone parents, and those with long-term health conditions or disabilities are more likely than the borough average to live in areas affected by fly tips. It can therefore be anticipated that the strategy will have a positive impact on individuals and groups with these protected characteristics, while benefiting all residents across the borough.

As the Fly Tipping Strategy does not involve any removal or reduction of any existing service available to residents with protected characteristics, this decision is not expected to have any negative impact or disproportionate impact on any residents with protected characteristics.

Compliance with the Public Sector Equality Duty will be taken into account in all aspects of the strategy's delivery. Communications and education will be accessible to residents with all protected characteristics. Enforcement will be undertaken fairly in order to not discriminate against any person or group. Tackling hot spots will help to eliminate a known equality that adversely affects residents with protected characteristics as noted above.

9. Use of Appendices

Appendix 1 Fly Tipping Strategy 2019 – 2024
Appendix 2 Fly Tipping Strategy Action Plan 2019/20
Appendix 3 EqlA Screening Tool

10. Local Government (Access to Information) Act 1985

N/a