



DERBY CITY COUNCIL

Community Commission  
30<sup>th</sup> March 2009

**Report of the Director of Environmental  
Services**

# ITEM 10

- 1. The inter-relationship between charges for large item collection from domestic properties and the incidence of fly tipping, and**
- 2. The costs of enforcement, the removal of flytips and the tracing, billing & prosecuting of offenders**

## **Recommendations:**

1. To explore managed systems for bulky waste and best practise in other local authorities.
2. Identify a system for managing bulky household waste which minimises the need for householders to resort to fly-tipping in Derby
3. To explore potential partnerships with key stakeholders to fund and/or manage any proposed scheme which helps improve local environmental quality.

## **SUPPORTING INFORMATION**

### **2.1 The inter-relationship between charges for large item collection from domestic properties and the incidence of fly tipping**

#### **2.1.1 Bulky Waste current issues**

- Demand for the Bulky Waste collection service has reduced in Derby, since a charging policy was introduced.
- Returning to a free service is estimated as needing 3 more vehicles and crews to meet the anticipated demand. This would equate an additional £300,000 per year in operational costs.
- Derby offers no concessions to those on fixed incomes or who claim other benefits.
- Clear outs in student areas a prevalent during July and September.
- When a free bulky collection service was suspended in Derwent, fly-tips in that area increased.
- The vast majority of Cities and all but one Derbyshire Local Authority have some form of charging policy for bulky waste.
- Research from other authorities shows high level of demand for bulky waste collection services in areas of social deprivation.
- If the right outlets are found, a percentage of bulky waste can be recycled.
- Other techniques for collecting bulky waste can be used including:
  1. "Clean-up Campaigns" on Saturday mornings,
  2. Supervised skips in conjunction with the local community,
  3. Targeted clearance activity in conjunction with social housing landlords.
  4. Targeting "free" services in areas of greatest need.
- Derby Community Safety Partnership often funds addition clean-ups and skip days.

### **2.1.2 Fly-tipping current issues**

- Fly-tipping has stabilised at the 07/08 figures.
- NI 196 requires a falling rate of fly-tips and an increase in enforcement and awareness campaigns
- Public perception of cleansing is linked to satisfaction with Council performance overall.
- Private back alleys are being dumped on by local tenants/residents.
- Major problems of fly-tipping are in areas of high social deprivation and in areas of high turnover of population.
- Around £450,000 is currently being spent in the NEAT areas dealing with predominantly fly-tips.
- Although there is a city-wide and annual stabilisation recently fly-tipping is on the increase in the NEAT areas
- NEAT teams deal with predominately bagged flytipped waste

### **Inter-relationship between bulky waste collections and fly-tips**

Fly-tips can be reduced by offering a managed system for the removal of bulky and other large quantities of household waste. However evidence shows that merely offering free “on demand” bulky waste collections creates resourcing problems for waste services which results in many customers being disappointed due to the demand overwhelming the ability of the service to meet promised deadlines.

Other techniques of encouraging householders to manage their waste need to be explored and examples of good practice elsewhere examined to establish their suitability for Derby. Some of those examples have been highlighted in 2.1.1 above. These are not exhaustive although they do require funding and once in place can become a very popular feature of council services in a local area.

Additionally linking with potential partners particularly social landlords could be another way of not only sharing the financial burden, but ensuring a shared approach to local environmental management amongst key stakeholders.

## **Tracing, billing and enforcement issues**

### **2.2**

#### **2.2.1 Background**

- The legislative provisions relating to fly-tipping are generally contained within the Environmental Protection Act (EPA) 1990.
- Enforcement is carried out by Local Authorities and the Environment Agency.
- Fly-tipping is the common term used for controlled waste that illegally deposited on land where there is no waste management licence. It falls under Section 33 of the EPA 1990. Controlled waste has a wide definition and includes household waste, commercial waste and industrial waste.
- In general terms a single bin bag upwards would constitute a fly-tip.
- The fly-tipping offence under Section 33 does not apply in relation to household waste from a domestic property.
- The offence is a criminal offence with the burden of proof being ‘beyond reasonable doubt’.
- There are also powers in the Control of Pollution (Amendment) Act 1989, to take action against the owner of the vehicle involved in flytipping.

- Where a person is convicted of a fly-tipping offence under Section 33 provisions are in place for the authority to recover investigation and enforcement costs, and the costs incurred in clearing the deposit.

### 2.2.2 Tracing offenders

- In terms of tracing an alleged offender the success of any enforcement action is dependent on the evidence available.
- There needs to be clear evidence that a known individual or an identifiable vehicle is involved and this is backed up with a reliable witness statement or other evidence such as CCTV footage then the case is more likely to be able to be successfully investigated.

Where an identifiable vehicle is involved prescribed procedures are in place to enable the vehicle to be traced.

### 2.2.3 Billing offenders following conviction

- Derby City Council has been successful in recovery of costs in the cases that have been taken to court so far. Examples include:

Incident	Costs recovered
Deposit of washing machine on Sinfin Moor Lane	£400 investigation costs £82.50 clear up costs
Deposit of waste (furniture) on Markeaton Lane	£845 investigation costs £79.21 clear up costs
Deposit of waste (mixed household waste) on Shaftesbury Crescent	£900 investigation costs £200 clear up costs

### 2.2.4 Enforcement Issues

- The number of cases that end up in court are a very small proportion of those that are reported.
- Other options available to the Council are to issue a simple caution for less serious offences or issue a warning.
- There is no fixed penalty provision for fly-tipping offences,
- Surveillance can be time consuming, often with little reward.
- In the majority of cases there is either no evidence found or there is no witness to the event.
- Some witnesses are unwilling to give a formal statement as they would not wish to be identified in court.
- The majority of cases of tipping reported are small scale deposits such as refuse sacks. The approach has been to issue a warning, although in small number of cases litter fixed penalty notices have been served.
- The criminal burden of proof 'beyond reasonable doubt' applies in these cases and the fact that the waste contains a name and address does not legally prove that it was put there by that person.

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