



HERTFORDSHIRE WASTE PARTNERSHIP

MEMBERS GROUP 30th July 2018

Item 5: Fly Tipping – Update (updated 30th July 2018)

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1. Purpose of the Report

- 1.1. To update the Group with respect to the latest developments relevant to fly tipping.
- 1.2. This report should be read in conjunction with:
 - Item 5a – Fly Tipping – Recorded Incidents (master - of 09.05.18)
 - Item 5b – HWP Summary 2017/18
 - Item 5c – FTG Prosecutions Log 2017/18 (final)

2. FTG Work Programme April 2018 – March 2020

- 2.1. The FTG's second formal work programme started in April this year and includes 7 work streams. The latest updates are shown in Table 1 below:

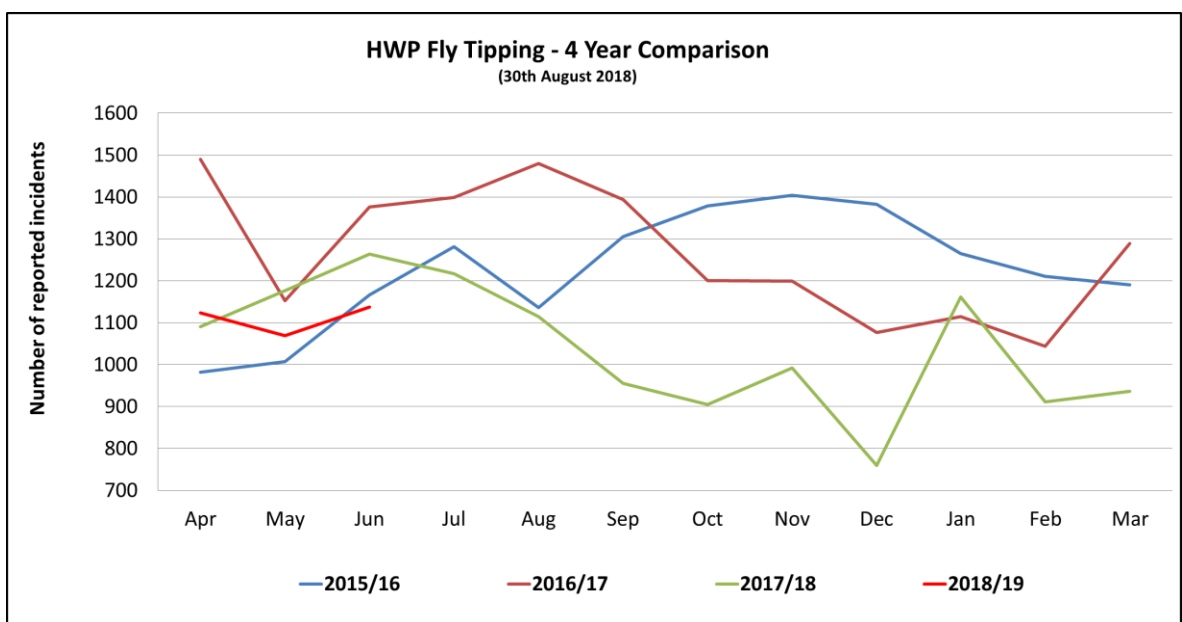
Table 1	Update – as of May 2018
1. Joint Legal Function	The prosecutions log for 2017/18 indicates that Broxbourne and North Herts prosecute the highest number of offenders through the courts. So initial efforts will concentrate on understanding the systems they have in place to achieve this.
2. Working with Magistrates	The report arising from last year's 'Working with Magistrates' survey was considered by the FTG at their meeting in June 2018.

	<p>The second part of this work is to survey Hertfordshire Magistrates to gain their perspective and view on how well the Boroughs and Directors pursue prosecutions for fly tipping. To this end an initial draft survey has been put together based on questions ‘crowd sourced’ from the FTG.</p> <p>The draft surveyed has been circulated to the FTG for final comment. In addition discussions are being held with the OPCC to see if we can ‘test run’ / ‘sense check’ the survey with a small number of Magistrates before launching the proper survey.</p>
<p>3. Fly Tipping on Highways</p>	<p>In some parts of the County there appears to be confusion with respect to the roles and responsibilities of Boroughs, Districts and the County Council when it comes to clearing fly tipping on both the motorised highway as well as the Rights of Way network.</p> <p>An initial report to explore the issue is being tabled for consideration at the FTG in June which will be followed by further consideration at the HoWG meeting later that month.</p> <p>The intention is to conclude the work stream with a written protocol which defines who responds to fly tipping in set circumstances.</p>
<p>4. Communications</p>	<p>This work stream is largely underway following the recent launch of the FTG’s fly tipping campaign.</p> <p>The main outstanding action is an audit of each Partner Authority’s website to make sure we are giving out the same guidance when it comes to reporting fly tipping.</p>
<p>5. Fly Tipping on Private Land</p>	<p>Following the presentation of an initial paper to both the Heads of Waste and Directors Groups earlier this year, feedback from that process has now been discussed with representatives from the Office of the Police & Crime Commissioner.</p> <p>As a result the proposed trial removal of fly tipping from private land has been amended to drop the requirement to investigate.</p> <p>The next stage is a meeting between OPCC representatives, the FTG Chairman as well as colleagues from Three Rivers and Broxbourne to discuss implementation of the trial.</p>

<p>6. Lobbying & Legislative activity</p>	<p>The FTG recent put together a joint response to the recent Defra Waste Crime Consultation which covered changes to exemptions, competent person criteria and proposed FPNs for Section 34 offences.</p> <p>The response was based on work undertaken for the National Association of Waste Disposal Officers which the Partnership Development Manager sits on with special responsibilities for waste crime matters and is a good example of the work and influence of the FTG and wider HWP on the national stage.</p> <p>In similar fashion a response is currently being put together to answer a new consultation on the proposed FPN for Section 34 offences.</p> <p>This latest consultation has arisen as result of the consultation noted above and underlines the importance of local government organisations responding to such opportunities.</p>
<p>7. Miscellaneous</p>	<p>So far under the context of the current work programme which runs from April 2018 – March 2020 there have been a number of significant developments:</p> <ul style="list-style-type: none"> a) Select members of the FTG are putting together a dialogue to discuss how Hertfordshire’s public bodies can improve how they share intelligence in order to tackle environmental crime. b) During August select members of the FTG, including the Chairman, the police, the OPCC, then Environment Agency and Welwyn Hatfield BC will be holding a workshop to see how we respond too and therefore might improve our response to serious and organised crime involved in fly tipping. c) On the 12th Sept 2018 the FTG will be hosting a regional workshop on the use of anti-social behaviour legislation as part of a wider legislative tool kit to tackle environmental crime. Given this is a much under-utilised area of law representatives from regional two-tier areas have been invited to attend with a view to running similar workshops in their areas. To date colleagues from Bucks, Essex, Norfolk and Suffolk have confirmed their attendance. Representatives from the Country Landowners Association will also be attending.

3. Fly Tipping Statistics 2015/16 'v' 2016/17 'v' 2017/18 'v' 2018/19 so far...

- 3.1. The graph below shows that for the most part the number of fly tipping instances reported throughout 2017/18 reduced compared to both 2016/17 and 2015/16. The graph also includes provisional numbers for April, May and June 2018.
- 3.2. Consequently from April 2016 through to March 2018 fly tipping reduced in 15 months out of 24. The provisional numbers for April show a slight increase whilst the numbers for May and June show further reductions.
- 3.3. In 17 out of the last 27 months since April 2016 fly tipping has reduced. In the last 12 months (July 2017 – June 2018) fly tipping has only increased in January and April 2018.



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3.4. Table 2 below breaks down results for 2016/17 and 2017/18:

Table 2 – comparison from April - August				
Authority	2016/17	2017/18	Difference	%age
Broxbourne	754	686	-68	-9.0%
Dacorum	1,261	1,165	-96	-7.6%
East Herts	1,114	1,083	-31	-2.8%
Hertsmere	800	1,012	212	26.5%
North Herts	925	924	-1	-0.1%
St Albans	1,324	910	-414	-31.3%
Stevenage	4,287	2,468	-1,819	-42.4%
Three Rivers	721	824	103	14.3%
Watford	1,366	998	-368	-26.9%
Wel / Hat	2,664	2,415	-249	-9.3%
Sub totals...	15,216	12,485	-2,731	-17.9%

3.5. As noted above during 2017/18 the number of reported incidents fell by 2731 equating to a 17.9% reduction on 2016/17. Overall, reductions were recorded in 8 of 10 Boroughs and Districts with only Hertsmere and Three Rivers showing net increases compared to 2016/17.

3.6. In Hertsmere the implementation of the FTGs agreed definition of fly tipping appears to have been a factor with increases in Three Rivers partly down to improvements in reporting capability which is allowing enforcement officers to be more productive.

3.7. Consequently the average number of fly tips reported during 2017/18 reduced to 1040 which is below the previous 2 years and puts 2017/18 on a par with 2014/15 as shown in Table 3 below:

Table 3 – Average no. of fly tips per month						
2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19 So far...
856	992	1040	1226	1268	1040	1110

- 3.8. Table 4 below updates the analysis previously presented with the 2017/18 numbers now complete.
- 3.9. The numbers continue to reinforce the point that the vast majority of fly tipping is linked to domestic sources of waste that have 'leaked' from established waste disposal routes.
- 3.10. This is why the FTG campaign focuses on emphasising **Duty of Care** requirements:

Table 4 – Percentage of reported incidents by waste type				
Category	2014/15	2015/16	2016/17	2017/18
Animal carcass	0.32%	0.12%	0.04%	0.14%
Green	3.70%	2.85%	2.58%	3.16%
Vehicle Parts	0.81%	0.97%	0.85%	0.94%
White goods	4.59%	6.35%	6.72%	5.81%
Other electrical	1.73%	2.13%	2.07%	2.80%
Tyres	3.04%	1.29%	1.19%	1.63%
Asbestos	0.93%	0.54%	0.41%	0.53%
Clinical	0.14%	0.05%	0.04%	0.05%
Constr / demo / exc	10.50%	9.68%	8.91%	7.20%
Black Bags commercial	0.75%	0.45%	1.14%	1.02%
Black bags household	17.15%	18.80%	17.30%	15.54%
Chemicals, fuel, oil	0.49%	0.41%	0.51%	0.44%
Other household waste	45.13%	49.55%	50.81%	52.82%
Other commercial waste	3.04%	2.81%	2.16%	2.32%
Other (unidentified)	7.67%	4.02%	5.26%	5.60%
Sub total	100.0%	100.0%	100.0%	100.0%
Domestic fly tipping	62.29%	68.35%	68.11%	68.30%

5. Enforcement

Fixed Penalty Notices

- 5.1. 2017/18 saw a significant increase in the use of fixed penalty notices (FPNs) for fly tipping offences under Section 33 of the Environmental Protection Act 1990 (EPA) with 114 issued during the course of 2017/18 compared to 31 in 2016/17.

Authority	2016/17	2017/18
Broxbourne	5	19
Dacorum	4	10
East Herts	0	1
Hertsmere	7	22
North Herts	0	0
St Albans	0	4
Stevenage	0	27
Three Rivers	2	2
Watford	10	23
Welwyn Hatfield	3	6
Total...	31	114

- 5.2. As part of the FTG's response to Defra's Waste Crime Consultation earlier in the year the Group supported the idea of introducing a similar FPN for Duty of Care offences under Section 34 of the EPA as a logical extension to the FPNs for Section 33 offences.
- 5.3. Based on the latest Defra consultation the FTG expects the new FPN for Section 34 offences to be introduced before the end of the calendar year and is currently putting a response to Defra on various issues linked to how such an FPN should operate including related issues such as updated guidance for householders.
- 5.4. It is anticipated that North Herts, whilst still favouring use of the courts, will implement their FPN regime sometime during 2018/19 with informal feedback indicating that they will look to align their fines and discounts for early resolution with the rest of the FTG.

Prosecutions

- 5.5. During 2016/17 the FTG recorded 45 prosecutions for fly tipping.
- 5.6. For 2017/18 the number of people prosecuted was slightly lower at 36. However, this is not unreasonable given the much more significant use of FPNs during 2017/18 which were not previously available as an 'enforcement tool'.
- 5.7. The 2017/18 prosecutions log has been circulated as Item 5c. The log shows that 7 out of 10 Boroughs and Districts secured prosecutions during 2017/18. The log also indicates differences in aspects such as compensation costs indicating further works needs to be done in this area.

6. Garden Waste Collection Charges & Fly Tipping

- 6.1. There is currently regular commentary linking increases in fly tipping to the implementation of charges for collecting garden waste. The following looks at the available data to provide further commentary on the issue.
- 6.2. Table 6 below details the number of fly tipping incidents reported as 'Green' on Wastedataflow for each of the Partner Authorities that implemented charging during the period 2015/16 – 2017/18:

Table 6 - %age of fly tips logged as 'Green' on WDF for Partner Authorities that charge for garden waste collection				
Authority	2015/16	2016/17	2017/18	Charging Implemented
Broxbourne	4.8%	2.1%	3.4%	April 2017
Three Rivers	4.2%	7.5%	4.4%	July 2016
Welwyn Hatfield	2.1%	2.9%	3.3%	April 2017

Total	2.9%	3.5%	3.5%
Average	3.7%	4.2%	3.7%

- 6.3. Table 6a shows a similar analysis using the same data but this time only for those Partner Authorities that do not charge for garden waste collection:

Table 6a - %age of fly tips logged as 'Green Waste' on WDF for Partner Authorities that <u>do not</u> charge for garden waste collection			
Authority	2015/16	2016/17	2017/18
Dacorum	3.7%	3.6%	2.0%
East Herts	2.1%	2.2%	2.3%
Hertsmere	2.8%	3.8%	5.0%
North Herts	9.1%	6.2%	5.3%
St Albans	3.3%	2.9%	4.6%
Stevenage	1.4%	0.8%	2.0%
Watford	1.5%	1.3%	1.7%

Total	2.8%	2.2%	3.0%
Average	3.4%	3.0%	3.3%

- 6.4. The data noted in Tables 6 and 6a would seem to suggest there is only a marginal increase in the amount 'Green' logged as fly tipping in those Partner Authorities who charge for garden waste compared to those that do not.
- 6.5. It is further suggested that the difference is so small that it should not materially impact on any policy decision to charge for the collection of garden waste.