

OVERVIEW AND SCRUTINY COMMITTEE

8 NOVEMBER 2023

Title: Fly tipping status update	
Report of the Cabinet Member for Public Realm and Climate Change	
Open Report	For Information
Wards Affected: All	Key Decision: No
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Accountable Director: Rebecca Johnson – Director of Public Realm	
Accountable Strategic Leadership Director: Leona Menville – Strategic Director of My Place	
Summary Fly-tipping is one of the top environmental challenges faced by many local authorities in this country. It is a crime, a nuisance and a hazard, with significant costs – both financial and environmental. This report provides information on the current status, issues and challenges around fly tipping within the Borough, along with the actions and strategies being taken to address moving forwards.	
Recommendation(s) The Overview and Scrutiny Committee is recommended to: (i) Note the contents of the report and the actions being taken to address fly tipping within Barking and Dagenham; and (ii) To endorse the formation of the Cleaner Communities approach to collaboratively addressing fly tipping and associated issues within the Borough	
Reason(s) Fly tipping is an issue that creates a negative aesthetic and perception of an area and by endorsing the Cleaner Communities approach to collaboratively addressing these issues supports the Council's objectives around creating a cleaner, greener and safer place to live, work and visit.	

1. Introduction and Background

1.1. Fly-tipping is one of the top environmental challenges faced by many local authorities in this country. It is a crime, a nuisance and a hazard, with significant costs – both financial and environmental. Around a million fly-tipping incidents are reported in

England every year and almost two-thirds of all recorded fly-tips are made up of household waste. Despite resources going into tackling fly-tipping – education, monitoring, enforcement and removal – incidents of fly-tipping continue to create an environmental and aesthetic issue for the country.

1.2. Based on Government guidance and legislation, fly tipping can be classified as anything from one or more bags (domestic or otherwise) left in unsanctioned locations i.e. potentially anything outside of a bin. Fly tipping can be anything from a black bag up to mattresses, sofas, building waste and more. All of which create unsightly and often hazardous conditions. The photos below are just some examples of the fly tipping that teams tackle on a daily basis across the Borough and show the variance of types and quantity.



1.3. LBBD reported 2,714 instances of fly tipping in 2021/22, ranking 30 out of the 33 London Boroughs for total number of fly tips. This was a 22% reduction from 2020/21. 2022/23 figures have not been officially released, however our indicative figures show that the number of fly tips reported has increased over the last reporting year, with a 42% increase in reports from 2021/22 to 2022/23.

1.4. Whilst services in LBBD work tirelessly to address fly tipping, increasing population, financial pressure and a moral obligation to improve the environment means that more is required to ensure operational clarity and placing greater emphasis on preventative actions with greater accountability.

2. Data and performance

2.1. Fly tipping is formally reported via a form on the LBB council website, which allows Borough users and employees to report incidents of fly tipping on both public and private land. The form also allows detail on type of fly tipping reported e.g. black bags, white goods, tyres etc.

2.2. Reports are generally split into three operational categories for clearance:

- a) Public land
 - (i) No evidence – passed to the Street Cleansing team where it is cleared within 48 hours
 - (ii) Evidence – passed to Enforcement Service for investigation before then reported back to Street Cleansing service for clearance
- b) HRA land – passed to the Caretaking Service for clearance
- c) Private / unregistered land – as a general rule is responsibility of the landowner and the clearance outcome of this is more bespoke to the situation. Enforcement Service investigate and address as applicable

2.3. Reported fly tipping is collected by a dedicated fly tipping team within the Street Cleansing service and that is what is formally recorded and reported as such. However recent changes to the operational model within the service mean that across the residential areas of the Borough, teams undertake a one-pass approach to cleansing. This means that during a teams scheduled work they will not only clean an area of litter, but also empty any litter bins and collect any fly tipping that they come across. Whilst this is a more efficient use of resources and creates a cleaner borough, it means that the proportion of fly tipping within that is not recorded as such and may not give a true indication of the issues.

2.4. Table 1 shows the total number of formally reported fly tips by year and the tonnage of those collected.

Year	Total no. incidents reported	Fly tipping collected (tonnes)
2012-13	2417	2732
2013-14	1282	2244
2014-15	2564	772
2015-16	2361	737
2016-17	2423	1245
2017-18	2628	669
2018-19	2901	524
2019-20	3794	690
2020-21	3494	532
2021-22	2714	393
2022-23	3845	1622

Table 1

2.5. The data shows that the number of fly tips reported has increased over the last reporting year, with a 42% increase in reports from 2021/22 to 2022/23. It is important to note that the number reported includes both private and public land and also may include duplicate reports of the same fly tip. 2022/23 has seen a peak in reports, which

in conjunction with the increase in tonnage suggests an increase in challenges for the Borough around this issue.

2.6. Whilst the formal route for reporting fly tips is via the website, it is recognised that other unofficial routes are also utilised for reporting and collecting fly tips including Members Feedback, complaints and by the frontline staff who clear without official reports. Currently, due to the nature of how these are reported, they are not currently recorded and therefore may not sufficiently represent the level of fly tipping issues across the borough.

2.7. Where applicable, enforcement action is undertaken to help address the fly tipping issue within the Borough.

Year	Fly tipping / rubbish related reports received	No. waste/litter related FPN's issued	Waste offences prosecutions
2019	1519	746	3
2020	1404	370	4
2021	1611	391	22
2022	867	287	25

Table 2

2.8. Table 2 shows that the number of fly tipping/rubbish related reports received dropped in the last year, but it is important to note that some of these reports may be duplicates of those reported under the street cleansing reports.

2.9. The number of FPN's issued data shown in table 2 covers elements other than just fly tipping, but also includes littering and waste commercial enforcement action that can often be a contributory factor in fly tipping incidences. Whilst table 2 also shows that the number of FPN's issued has dropped in recent years, it is important to note that the Service undertakes significant interventions that do not necessarily result in an FPN being issued. The objective is always to try and eliminate the root cause and prevent further issues and often an FPN is not the best or most logical solution.

2.10. There is a significant cost associated with fly tipping as a Borough-wide issue, a proportion of which can't be easily calculated due to the span of services that it impacts. In simple terms, based on tonnage collected via the dedicated fly tipping team, in 2022/23 it cost the Council £283,850 in disposal costs alone. This includes fly tipping from public land only and does not take into account the proportion of dumped waste on HRA land that is collected by the caretaking dedicated bulk waste crews, or any fly tipping that is collected via the street cleansing residential teams. The true cost of fly tipping is unknown but is likely to be significant if the additional disposal, resources and officer time is truly taken into consideration.

3. Challenges

3.1. When considering an approach to addressing fly tipping within the Borough, it was important to understand the challenges and obstacles to creating a cleaner street space. Service stakeholders within LBBD were brought together to establish what those challenges were and accept accountability on how to address and seek solutions as a co-operative.

3.2. The group established that these challenges/obstacles could be grouped into three key areas:

(i) Operational process and policy

- a. Challenges around cross-service working due to inefficient processes and lack of clear policy, particularly around issues such as private and unregistered land
- b. Increasing population and visitors to the Borough creating financial pressure on service delivery

(ii) Data, insights and systems

- a. Challenges around quality of data available for suitable analysis and performance management
- b. Lack of sufficient digital solution to enable intelligent use of data for improved service delivery

(iii) Behaviour change and engagement

- a. Perception and understanding around waste – what to do with it and the impact of incorrect disposal
- b. Borough user behaviour around waste disposal
- c. Insufficient engagement and work with the community around this area to stimulate effective behaviour change

3.3. Fly tipping and the illegal disposal of waste is particularly a problem in Houses of Multiple Occupation (HMO's) which are residential properties housing multiple tenants in a single house. Barking and Dagenham is unique as it requires all landlords of all types of privately rented properties to be licensed under delegated authority of the Housing Act 2004. This is a useful tool that allows the Private Sector Housing Team to carry out compliance checks which assists in combatting fly tipping from these property types.

3.4. Following a scrutiny audit carried out in September 2020, the local authority applied new licensing conditions stating that both landlords and tenants have a responsibility to ensure waste is managed appropriately. During compliance inspections, officers will educate the tenants on how to manage and dispose of waste appropriately. One of the key challenges of fly tipping within HMO's often reported by officers is a lack of accountability and ownership of responsibility. With multiple people residing in properties, there is an increase of waste, and this increase contributes to fly tipping in communal areas of our communities.

3.5. Licensing and Enforcement is one strand of work conducted by the enforcement team and the service does utilise fines and legal penalties for offences committed, however fly tipping is a complex problem and one that demands a multifaceted approach to find solutions. Property licensing is a valuable tool in providing regulatory oversight, education, and inspections to achieve compliance.

4. Cleaner Communities

4.1. During 2021/22 a joint task force of key stakeholder service areas, led by the Strategic Director of My Place at the time undertook a project called Keeping Our Streets Clean (KOSC). The project consisted of a number of pilot ideas with a focus on behaviour change and addressing some initial system and operational challenges.

4.2. The project had a number of successes, including the Cleaner Greener Campaign that led to an increase in positive messaging and actions around tackling elements such as littering and fly tipping. It also led to an improved customer experience around reporting fly tipping which has helped the service reduce some operational inefficiencies. KOSC created a foundation of knowledge and intelligence which has now developed into the commissioning of Cleaner Communities.

4.3. The purpose of Cleaner Communities is:

- a) To create a multi-faceted and multi-agency approach to delivering a cleaner community
- b) To create a strategy that brings about a change of attitude for the Council, focusing on an integrated approach involving cross-departmental working as well as involving our communities and businesses
- c) To develop a framework that provides operational clarity but also places greater emphasis on preventative actions to tackle the root cause of litter and fly tipping, therefore improving environmental quality and reducing costs
- d) To adopt a more intelligence-led approach to addressing the street scene with clearly defined policies, procedures, roles and responsibilities that effectively manages key stakeholder expectations

4.4. The group consists of Public Realm services along with Enforcement, Landlord Services, Highways, Communications and Participation and Engagement to collaboratively address the key three challenge areas identified in 3.3.

4.5. The work has been split into two key working groups, one around operations and the second around behaviour change (communications and engagement).

4.6. Operational working group

- Identified the key operational issues around fly tipping that require a process or policy change
- Looking at the strategic direction for operational services around addressing fly tipping
- Commissioning a system strategy to look at how we further digitalise the Public Realm services to improve data gathering and operational delivery
- Have created a definitive and shared hotspot list for fly tipping across the Borough
- In the process of commissioning a Task and Finish Group that will develop individual action plans for the hotspot sites (based on a prioritisation criteria), exploring creative solutions for historically challenging sites – taking 5 sites as a pilot with a vision to creating a permanent group with its own budget for addressing these issues moving forwards
- Commissioning a project to look at how we address the streetspace in regard to the HRA and public realm interaction, with a view to taking an alternative approach to collaborative operations

4.7. Behaviour Change working group

- Commissioned a 12-month communication and engagement programme with key messaging around what users of the borough do with their waste to incite behaviour change and ultimately reduce instances of litter and fly tipping

- Looking at how we improve perception by our community in regard to cleanliness, how do we use the community to be an extension of our services and how can we improve customer service and delivery
- Working with the community to develop engagement opportunities and champions to positively affect behaviour change

4.8. Cleaner Communities is a key example of how several services can come together to address a Borough wide and national issue such as fly tipping. It is recognised that this is an issue that cannot be dealt with by silo working and demonstrates the benefits of collaborative action.

5. Consultation

5.1. The formation of Cleaner Communities and its priorities has been formed via consultation and joint working with the key service areas within the organisation.

5.2. The content of this report were considered and endorsed by the Executive Team week commencing 23 Oct 2023.

5.3. Formal consultation is not required at this time

6. Financial Implications

Implications completed by: Joel Gandy – Finance Business Partner

6.1. The cost of fly tipping is a challenge for Councils across the country. Measuring the cost of this activity is not easy as it is often carried out as an activity within different service teams rather than one specific unit. At LBBB, clearance on HRA land is the responsibility of the Caretaking Service whereas on other public land it is the responsibility of the Street Cleansing Service.

6.2. The authority offers within its fees and charges a bulky waste collection service. This report references that approximately two thirds of the waste is housing waste, and not from trade. This means the authority is also potentially missing out on income from bulky collections.

6.3. The cost of fly tipping impacts on many other service teams as well such as Highways, Landlord Services and Enforcement. The latter may well receive income from charging notices, but this is unlikely to cover the wider cost of this illegal activity.

6.4. The level of tonnage in 2.4 for 2022/23 is a cause for concern given the authority has not experienced levels like this since 2013/14. It stands to reason that the more fly tipping that occurs, then the more our existing limited resources are pulled away from their core duties, to respond.

7. Legal Implications

Implications completed by: Dr Paul Field Principal Standards & Governance Solicitor

7.1. The Environmental Protection Act 1990 (the Act) Section 33 makes it an offence to “deposit controlled waste, or knowingly cause or knowingly permit controlled waste to

be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence". It is also an offence to store controlled waste without a similar licence.

- 7.2. The penalties for such offences were increased by the Clean Neighbourhoods and Environment Act 2005 from £20,000 to £50,000 and it carried a potential prison sentence of up to 12 months at the Magistrates Court or at the Crown Court a prison term of up to 5 years plus a fine. Alongside this increase in penalties other provisions were made such as the power to require landowners to clear fly tips from their land, the power to recoup costs for clearing fly tips and the power to seize vehicles that have been involved in fly tipping. The Act also extended the powers to prosecute householders whose waste turns up fly tipped and therefore places the responsibility on them to ensure anyone that takes their waste away is a registered waste carrier.
- 7.3. Section 34 of the Act relates directly to businesses and places them under a Duty of Care to manage their waste in a proper and legal manner. In detail this means that waste must be stored securely and only put out when it is due for collection. If refuse escapes due to a ripped bag or tipped over bin etc, then the owner of that waste must retrieve it. The owner of the waste is responsible for their waste at all times until it is handed over to a person or organisation authorised to receive it.
- 7.4. There is also a power under the Town and Country Planning Act 1990 section 215 to serve a notice requiring landowners to clear up their sites irrespective of who deposited the waste. It provides a local planning authority (LPA) (the Council) with the power, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. A section 215 notice will set out the steps that need to be taken, and the time within which they must be carried out. LPAs also have powers under s219 to undertake the clean-up works themselves and to recover the costs from the landowner. The use of such notices is discretionary, and it is therefore up to the Council to decide whether a notice under these provisions would be appropriate in a particular case, taking into account all the local circumstances such as example, the condition of the site, the impact on the surrounding area. Section 215 action can be taken against both land and buildings as section 336 of the Town and Country Planning Act states the definition of 'land' includes a building.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None