

<i>REPORT TO:</i>	Scrutiny Commission
<i>SUBJECT:</i>	Fly Tipping in Charnwood
<i>LEAD OFFICER:</i>	Matthew Bradford, Head of Cleansing and Open Spaces
<i>CABINET LEAD MEMBER:</i>	Cllr. Leigh Harper-Davies, Lead Member for Community Support and Equalities
<i>ORIGIN OF ITEM:</i>	
<i>BRIEF FOR THE COMMITTEE</i>	To scrutinise the levels of Fly Tipping with Charnwood Borough

1. EXECUTIVE SUMMARY

1.1. The Council has legal responsibilities regarding the investigation and removal of fly-tipped waste. This report sets out the Council's obligations, examines current fly-tipping trends, and looks at our enforcement activity.

2. PURPOSE

2.1. To scrutinise the levels of Fly Tipping within Charnwood Borough.

3. FLY-TIPPING IN CHARNWOOD

3.1. Charnwood Borough Councils Responsibilities:

Fly-tipping is illegal dumping of liquid or solid waste on land or in water. The waste is usually dumped to avoid disposal costs.

The Council must remove and dispose of all fly-tipped waste if it's on relevant land. Relevant land is defined as land where all the following points apply:

- it's open to the air on at least one side
- it's under the Councils direct control
- it's publicly accessible (with or without payment)

In addition, the Council must also keep any highway they're responsible for both clean and clear of litter and refuse (as far as is practicable). This includes fly-tipping

In exception to this, the Environment Agency is responsible if the illegally dumped waste is:

- more than 20 tonnes (about 20 cubic metres)
- more than 5 cubic metres of fibrous asbestos or 75 litres of potentially hazardous waste in drums or containers

- possibly linked to criminal business activity or organised crime.

The Council must remove and dispose of fly-tipped waste in water on council land and may investigate or enforce if the waste:

- is causing amenity issues in an ordinary watercourse or main river
- is causing significant flood risk on an ordinary watercourse
- risks polluting a non-controlled water

The Environment Agency may remove waste, investigate or enforce when there is:

- significant flood risk on a main river or critical ordinary watercourse
- risk of pollution to controlled water

3.2. Investigation, penalties and prosecution:

The Council can investigate the incident when it is on relevant land or water and may choose to pursue enforcement action. If a landowner reports fly-tipped waste on their land you can choose whether to investigate.

The Environment Agency may investigate if the incident is large-scale, serious, organised illegal dumping or immediately threatens human health or the environment.

The Council can issue a fixed penalty notice if it's in line with our enforcement policy.

The Council can also prosecute using:

- Environmental Protection Act 1990 section 33
- Environmental Permitting (England and Wales) Regulations 2010, regulations 12 and 38
- Environmental Permitting (England and Wales) Regulations 2010, schedule 21 – water discharge activities
- Convicted parties can be fined an unlimited amount or imprisoned for up to 5 years.

The council has issued Fixed Penalty Notices (FPNs) for fly tipping and Duty of Care (where the person who transfers the waste does not comply with the Waste Duty of Care Code of Practice) and detailed in section 34 of the Environmental Protection Act 1990. The numbers of FPNs over the last years are shown below:

Year	Fly tipping FPN	Duty of Care FPN
2019-2020	7	3
2020-2021	5	9
2021-2022	7	3

3.3. Clearance timescales:

Council officers and its contractors aim to clear fly-tipping within 1 day of the investigation being concluded. The current performance against this standard is 88.5%

Delays in clearing fly-tipping can occur in some circumstances. These include:

- The need to test the waste to establish its nature prior to making disposal arrangements.
- The need to engage specialist contractors to remove the waste due to its hazardous nature e.g., chemicals.
- The availability and capacity at disposal facilities.

3.4. Number of Fly-Tipping Incidents Recorded

The number of fly-tipping incidents over the last 3 complete years is shown below.

<i>Year</i>	<i>Incidents</i>
<i>2019-2020</i>	<i>924</i>
<i>2020-2021</i>	<i>1198</i>
<i>2021-2022</i>	<i>891</i>

Category of waste Fly-Tipped - October 2021 to September 2022

WASTE TYPE	INCIDENTS
Animal Carcass	0
Green Waste	93
Vehicle Parts	10
White Goods	83
Other Electrical	9
Tyres	32
Asbestos	16
Clinical	0
Construction / Demolition	76
Black Bags - Commercial	0
Black Bags - Household	69
Chemical drums oil or fuel	16
Other household	372
Other Commercial	0
Other	0

Appendices:

None

Background Papers:

None

Officer(s) to contact:

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