

**Report of the**

**Fly Tipping Task Group**

*- a report of Overview and Scrutiny*

**Lancaster City Council**

**February 2007**



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## **1.0 Foreword**

One of the things people most value about our District is the environment around them. Whether someone lives here, or are just visiting, they enjoy the quality of their surroundings - both urban and rural. However, litter and fly tipping spoil people's pleasure and quality of life. Surveys always reveal these problems as the public's number one concern locally.

This report sets out a number of recommendations for the District Council to take forward to try and reduce the instances of fly tipping. At the same time it highlights where other authorities may need to address their policies in order to help tackle the problem. It has investigated the local situation and best practice from other authorities and represents an opportunity for the Council to use its powers to make a difference to this issue.

Can I thank all those involved in this task group for their hard work and thought and commend this report to you.

**Councillor Stuart Langhorn**  
**Chairman Overview and Scrutiny Committee**

## **2.0 Introduction**

*I am pleased to introduce the Final Report of the Fly Tipping Task Group. The Task Group began its work in June 2006 reviewing the current situation regarding fly tipping within the district and to produce recommendations to reduce the future incidents of this unsightly and offensive practice.*

*Whilst the Task Group recognise that Fly Tipping is a national problem, we believe that the number of incidents could be alleviated through the the implementation of improvements to the Council's bring sites, raising public awareness and the endorsement of more effective enforcement measures and this is detailed within our report.*

**Councillor James Airey  
Chairman Fly Tipping Task Group**

## 3.0 Summary of Recommendations

To assist the Fly Tipping Task Group in making its recommendations the opinion of representatives from the County Council, Parish Councils and Ward Councillors.

### Recommendation 1

That improvements are made to the Council's bring sites. These improvements should include:

- a) New signage including information on what materials can be deposited at the site, information with regard to the location of alternative sites and highlighting that any breach will result in prosecution.
- b) CCTV surveillance of problem sites.
- c) The production and distribution of leaflets (possibly with Council Tax reminders or electoral registration forms) to raise public awareness of the recycling facilities available at both the City Council Bring Sites and the County Council household recycling centres.

### Recommendation 2

That consideration be given to educating and raising public awareness of the dangers and costs of fly tipping and informing the public how to legally dispose of their waste. Actions need to encourage a change in public opinion and emphasize that fly tipping is not a victimless crime:

- a) That consideration be given to revising the content of the information packs produced for new students and to provide information to tenants and landlords to inform them of waste collection/disposal when they take up their tenancy.
- b) That Lancaster University and St Martin's College Cabinet Liaison Group be asked to consider an effective means of encouraging students to make use of the Council's waste disposal and recycling facilities.
- c) That the possibility of producing posters with detailed information relating to disposal of waste be considered.
- d) That consideration be given to producing information leaflets which could be distributed with council tax forms or register of electors and providing detailed information in 'Your Council Matters' and the possibility of producing informative leaflets in a number of languages.
- e) That improvements be made to the information relating to fly tipping on the Council web-site.
- f) That Officers liaise with County Council Officers in respect of the above.
- g) That City Council (Direct) Services work with Network Rail to improve communications and address the issue of fly tipping.

### **Recommendation 3**

That consideration be given to addressing fly tipping hotspots. These should include

- a) Raise public awareness with regard to putting rubbish out on the wrong days – through press releases/adverts/leafleting of problem areas.
- b) To address the issue of rural fly tipping by agreeing protocols with local parish councils
- c) CCTV surveillance of hotspots.

### **Recommendation 4**

That consideration be given to more effective prevention of fly tipping together with more effective enforcement with regard to fly tipping. This should include:

- a) Consideration of the use of mobile surveillance cameras at 'hotspots'
- b) That an assessment of whether Bulky Matters impacts on fly tipping takes place and, in the interests of reducing landfill, that officers be asked to investigate what steps could be taken to make it less likely that the combination of delay in collection of bulky waste, together with the charges made for its collection increases either (1) fly tipping or (2) the unnecessary destruction and wasting of otherwise recoverable materials.
- c) That fly tippers be 'named and shamed' in order to discourage others.
- d) That prosecution be initiated where a conviction is likely to demonstrate the Council is serious in its intent to tackle fly tipping.

## 4.0 The Role of the Fly Tipping Task Group

### 4.1 Terms of Reference

The group worked to the following terms of reference:

1. To assess the current situation regarding fly tipping in the district including:
  - i) Definition of fly tipping.
  - ii) Assess existing levels of fly tipping and identify “hot spots”.
  - iii) How this is being dealt with by the Council.
  - iv) The current relationship between the City Council and other stakeholders regarding fly tipping and waste.
  - v) To analyse the current data on fly tipping and assess the impact of initiatives such the ‘van ban’ at the household waste-recycling centre has had on fly tipping.
  - vi) To consider the Council’s Draft Litter Strategy and the impact this could have on fly tipping.
  - vii) To assess the resource implications (manpower, budget, etc ...) for the City Council of fly tipping.
  - viii) To consider a suitable approach (including enforcement) to alleviate fly tipping in the district (to include private land) and to inform this through considering best practice from Beacon Councils.
  - ix) To achieve a shared understanding between the City Council and other stakeholders on this issue.
  - x) To consider the merits of the Environment Agency’s fly tipping protocol.
  - xi) To create a clear policy on how the Council deals with fly tipping.

### 4.2 Membership of the Group

The group comprises of Councillors James Airey (Chairman), Chris Coates, Jean Dent, Sheila Denwood, Mike Greenall, Janie Kirkman, Roger Mace, Robert Redfern and Roger Sherlock, and with support from Liz Bateson (Democratic Services).

The group gratefully acknowledges the contributions and evidence freely given by:

Mark Davies (Head of City Council (Direct) Services, Lancaster City Council).  
Peter Loker (Corporate Director (Community Services), Lancaster City Council).  
Steve Scott (Operations Manager, Waste Management, Lancashire County Council).  
Allan Cooke (System Administrator, Health and Strategic Housing Services, Lancaster City Council).  
Samantha Marland (Assistant Solicitor, Lancaster City Council).

### 4.3 Timetable of Meetings

<b>Date of Meeting</b>	<b>Who gave evidence?</b>	<b>Issues scrutinised</b>
08.06.06	Peter Loker Mark Davies	The terms of reference and work programme were agreed.
06.07.06	Mark Davies	An assessment of the current situation regarding fly tipping in the district and mapping the 'hotspots.'
17.08.06	Steve Scott (Operations Manager, County Council) Mark Davies	Discussions with a representative from County Council with regard to improving city/council relations and public awareness.
21.09.06	Mark Davies	Consideration of the merits of the Environment Agency's Fly Tipping protocol.
22.11.06	Parish Councils	Discussions with parish councils

## **4.4 Documentary evidence considered**

Ashford Borough Council, "Tidiness of Ashford Borough", Scrutiny Team

Briefing Note: 'Street Cleaning – Background Information about standards', City Council (Direct) services, Lancaster City Council,....

Chartered Institute of Environmental Health, 'Case Study – Birmingham City Council Sustainable Solutions to Tackling Fly Tipping', April 2006

Defra – news release – 31<sup>st</sup> July 2006 "Fly tipping begins at home"

Defra – Flycapture Results for the North West from the first year's data –2004/2005

Defra – Local environmental quality –fly tipping

Durham County Council, "Waste ...Not Wanted" Report of the Scrutiny Working Group, August 2004

Lancaster City Council: 'Putting Litter in its Place', Anti Litter action Plan 2006-07

North East Lincolnshire Council, "A Report on Fly Tipping", Scrutiny Commission, April 2001

Selby District Council, "Review of Fly Tipping, Litter, Graffiti and Abandoned Cars", Overview and Scrutiny Committee Task and Finish Group, September 2003

UCL Jill Dando Institute of Crime Science: "Fly tipping: Causes, Incentives and Solutions", May 2006

Worthing Borough Council, "Fly Tipping Uncovered", Overview and Scrutiny Sub Group, March 2004

### **Press Releases by Lancaster City Council**

'Clean Sweep of the West End Produces Results' : 4<sup>th</sup> October, 2006

'Rubbish Collection to be overhauled in the West End' : 6<sup>th</sup> October, 2006

'Skerton Clean Sweep Success' : 6<sup>th</sup> October, 2006

### **Newspaper articles**

Lancaster Guardian: "The alley alley woe", 23<sup>rd</sup> June 2006, p.9.

The Visitor: 'Resort a right rubbishy mess", 28<sup>th</sup> June 2006, p.4.

Lancaster Guardian: "Expect rise in fly tipping", 28<sup>th</sup> July 2006, p.6.

Lancaster Guardian: "Councillors or con-cillors?", 18<sup>th</sup> August 2006, p.6.

## **5.0 STATUS OF THE REPORT**

This report is the work of the Fly Tipping Task Group, on behalf of the Overview and Scrutiny Committee, and where opinions are expressed they are not necessarily those of the Overview and Scrutiny Committee or Lancaster City Council.

Whilst we have sought to draw on this review to make recommendations and suggestions that are helpful to the Council, our work has been designed solely for the purpose of discharging our work in accordance with the terms of reference agreed by the Overview & Scrutiny Committee. Accordingly, our work cannot be relied upon to identify every area of strength, weakness or opportunity for improvement.

This report is addressed to the Cabinet of Lancaster City Council. It has been prepared for the sole use of the Council and the Task Group takes no responsibility for any Member or Officer acting in their individual capacities or to other third parties acting on it.

## **6.0 BACKGROUND AND CONTEXT**

The Fly Tipping Task Group was established by Overview and Scrutiny in response to concerns over this continuing practice highlighted in a report by the Head of City Council (Direct) Services to the Committee in December 2004. The report outlined plans for extending the powers of Local Authorities with regard to Duty of Care, detailed the legal powers to deal with fly tipping and identified the additional enforcement powers detailed in the Clean Neighbourhoods and Environment Bill as well as providing an insight as to how the Council dealt with incidents of fly tipping.

A number of conclusions were drawn from the report, summarised as follows:

- Despite the introduction of a great deal of legislation designed to tackle fly tipping, incidents appeared to have increased rather than decreased.
- Locally, work to tackle fly tipping focussed on proactively working with other agencies and then reacting to specific incidents in a way that was proportionate to the likely outcome.
- If greater use were to be made by the City Council of enforcement, there would be a need to allocate additional resources to carefully focussed and targeted operations, which are cost-effective in relation to what they achieve.

### **6.1 Definition of fly tipping**

Fly tipping is the illegal dumping of waste. It can vary from a bin bag to large quantities of waste. The most common types of fly-tipped waste include single bags, single items, tyres, waste from building and demolition work and households and gardens.

### **6.2 Current procedures**

Information on fly tipping is received from members of the public via the customer service centre, reports from Community Support Officers and city council staff. The response is dependent on the nature of the fly tip:

*“Where there is a risk to the public, fly tipping will be made safe within 5 hours”*

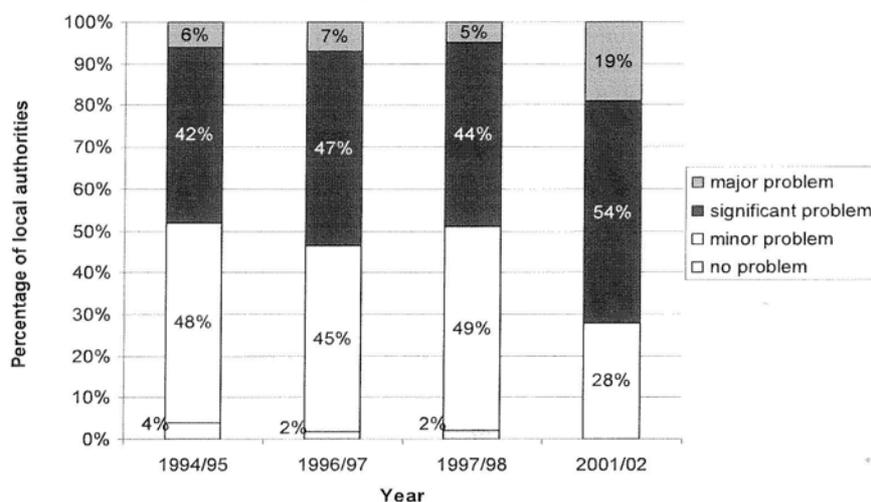
*“General fly tipping will be inspected and removed within 7 days”*

In the absence of a specific team dedicated to response/removal of fly tipping within the district, the various cleansing teams carry out the removal, with an obvious impact on their scheduled work. West End and Poulton have a dedicated ‘Arson Reduction Team’ which provides reactive removal of fly tipping in these areas.

### **6.3 What are the problems caused by fly tipping?**

A survey undertaken by ENCAMS in 2002 indicates that three quarters of local authorities regard fly tipping as a major or significant problem.

**Figure 2.1:** Local Authority opinions of the fly-tipping problem in their area, results from the EnCams surveys.



SOURCE: EnCams, 2003

Not only is fly tipping unsightly, it is a hazard to both the public and wildlife and damages the environment. A single bag, if left, will attract other waste and problems associated with vermin. It has been estimated that the rat population now stands at 60m with infestations having swelled by 24% over the last 2 years. Fly tipping has a detrimental effect on the enjoyment of the environment, inflicts unnecessary clearance costs on taxpayers and undermines legitimate waste management businesses as licensed operators have to charge more to comply with legislation.

ENCAM estimate there are approximately 50,000 incidents of fly tipping annually at a cost of between £100 and £150m to clear up; these costs fall on taxpayers and private landowners.

It is difficult to assess the costs of disposal of fly tipping in the district. The real costs incurred by the City Council relate to the staff time, vehicles and disruption to scheduled services to physically collect the fly tip. Much of the waste collected is classified as household waste, which does not incur landfill charges, however the collection of tyres and asbestos incurs additional charges.

## 6.4 The role of the Environment Agency

The Environment Agency responds to specific incidents of fly tipping, large scale, hazardous, referred to as 'big, bad and nasty,' leaving local authorities to tackle smaller-scale more frequent incidents of fly tipping. This is included in a revised protocol introduced by the Environment Agency in April 2005. The protocol addresses three important aspects:

- A national agreement on the sorts of fly tipping incidents the Environment Agency and local authorities will tackle
- Information on legal powers for tackling fly tipping

- Guidance for setting up detailed local agreements with local authorities to tackle fly tipping in their area.

The Clean Neighbourhoods and Environment Act (2005) includes a number of measures to address fly tipping, e.g.

- Extend local authorities' powers of investigation for waste offences including fixed penalty notices for certain offences.
- New powers to stop, search and seize vehicles used for fly tipping purposes.
- Raising the maximum penalty to £50,000.

## 6.5 Flycapture

One of the initiatives to combat the continuing problems of fly tipping is the web-based system 'Flycapture'. Flycapture was set up by the Environment Agency in April 2004 to assist local authorities and the Environment Agency improve information on the scale of fly tripping and help focus resources on addressing this environmental crime. Flycapture is a strategic tool that will help authorities to improve their intelligence on fly tipping and focus resources on 'hotspots.' When local authorities or the Environment Agency encounter an incident of fly tipping details are recorded on the system including the location, content, size of the fly tip and any actions taken. It is anticipated that the submission of this data will highlight the true extent of fly tipping. Evidence suggests that approximately 90% of local authorities in England and Wales are submitting monthly returns. During the first year of Flycapture, English waste collection authorities reported an average of over 85,000 fly tipping incidents per month with the EA reporting 4335 larger and more hazardous incidents. For reporting purposes, illegally dumped waste constitutes a fly tip if it is too large to be removed by a normal hand-sweeping barrow, therefore a single full bin or several carrier bags would constitute a single fly tip.

According to Flycapture, over 7700 fly tipping incidents per month were reported by the 43 Local Authority Districts in the North West between April 2004 and March 2005 with an estimated clearance cost of over £4.1m.

## 6.6 Best Practice

Clearly fly tipping is a national problem. A number of authorities have undertaken reviews and consideration has been given to their findings to ascertain whether there are examples of best practice to inform the Task Group's recommendations. Examples of these recommendations are outlined below.

- CCTV at 'hotspots' (recommended by Durham County Council, Birmingham City Council and Worthing Borough Council).
- Enforcement – improving chances of prosecution including 'naming and shaming' of offenders (recommended by Worthing Borough Council).
- Publicity – leaflets / posters (recommended by Durham County Council, Worthing Borough Council and Selby District Council).
- Improvements to civic facilities – increased opening hours and signage (Selby District Council).
- Initiatives – clearance campaigns [for example, Birmingham City Council introduced operation wagon train (aimed at scrap metal traders), operation cleansweep (aimed at non-registered waste-carriers), operation small ads (aimed at those advertising to dispose of waste in yellow pages and mailshots)].

## 7.0 FINDINGS

### 7.1 Recycling Facilities - Bring Sites

Lancashire County Council are responsible for two household waste recycling centres in the district located at Salt Ayre and Keer Bridge. Steve Scott, Operations Manager within Waste Management at Lancashire County Council attended a Task Group meeting to discuss the role of the County Council and provided details with regard to the recycling facilities, access policy as well as examples of the leaflets which County had produced in order to increase public awareness of these amenities.

The household waste recycling centres run by Lancashire County Council provide facilities for the disposal of green garden waste, paper, cardboard, glass bottles and jars, cans, electronic equipment, plastic bottles, wood, scrap metal, textiles, shoes, fridges/freezers, household and car batteries, gas bottles, rubble and hardcore. An access policy is in operation whereby in order to be accepted, household rubbish needs to be delivered in a car with or without a single axle trailer, or by a van with no more than 4 wheels or a twin axle trailer up to 3 m long in conjunction with a permit. An example of this permit is provided in **Appendix 1**.

In addition to the recycling facilities provided by the County Council, the City Council is responsible for a number of bring sites throughout the district. The location of the City Council's bring sites together with an itemisation of the recycling facilities at each of these sites is provided below.

## LANCASTER CITY COUNCIL - BRING SITES

### Lancaster

Location	Shoes	Glass	Paper	cans	foil	textiles	books
Alfred Street	X	X	X	X		X	X
Asda car park	X	X	X	X		X	
Hala Square	X	X	X			X	X
Lancaster University		X	X	X			
Thurnham St car park	X	X	X	X	X		
John o'Gaunt Torrisholme Road		X					
Greaves Park Brewer's Fayre		X	X	X			
<b><u>Morecambe</u></b>							
Arndale Centre	X	X	X	X	X	X	X
Dog & Partridge, Bare	X	X	X	X	X	X	
George Hotel, Torrisholme		X	X	X	X	X	
Heysham Power Station	X	X	X	X			X
Heysham Village car park	X	X	X	X		X	X
Morrisons car park	X	X	X	X	X	X	
William Mitchell	X	X	X	X	X	X	
<b>Rural Areas</b>							
Carnforth - Booths	X	X	X	X	X	X	X
Carnforth - Cross Keys		X	X	X			
Carnforth - Tesco	X	X	X	X			
Cockerham - village hall		X	X	X	X		
Glasson Dock - Quayside			X	X			
Halton - Greyhound hotel		X	X	X			

The Task Group have expressed concern at the general standard and appearance of the bring site facilities provided by the City Council. Evidence indicates that they tend to attract fly tipping and that improvements to signage could help to reduce this problem. In addition, the Task Group believe that through better publicity of the recycling available at these bring sites, the public may be encouraged to make better use of these facilities.

### **Recommendation 1**

That improvements are made to the Council's bring sites. These improvements should include:

- a) New signage including information on what materials can be deposited at the site, information with regard to the location of alternative sites and highlighting that any breach will result in prosecution.
- b) CCTV surveillance of problem sites.
- c) The production and distribution of leaflets (possibly with Council Tax reminders or electoral registration forms) to raise public awareness of the recycling facilities available at both the City Council Bring Sites and the County Council household recycling centres.

## **7.2 Education – raising awareness**

The Task Group considered the demographic composition of the district and importantly identified a number of groups of migrant workers, students and travellers. The Task Group identified an opportunity to educate these groups with regard to fly tipping and disposal of waste. City Council (Direct) Services currently works with the University and St Martins and the possibility of revising the content of the information packs produced for new students has been discussed as well as establishing an effective means to engage with students, possibly via e-mail.



*A fly tip outside student housing in Scotforth  
Photograph supplied by Councillor Denwood*

Clearly there is a requirement to provide more information to all residents with regard to the dangers and costs of fly tipping and outline the steps that the City Council is taking in order to limit this unsightly practice.

The Task Group are concerned that the Council is criticised for inadequate cleansing rather than condemning those that actively flout the law and fly tip. The Task Group recognises that shortening the response time to removal of fly tipping creates a problem in itself and a balanced approach is needed that recognises the importance of raising public awareness that fly tipping is not acceptable and should not be tolerated.

In addition concern has been expressed at the continued practice of fly tipping on private land, including private land owned by Network Rail. Whilst the Task Group are aware of the land tenure, the Task Group considers it would be appropriate for improved communication between the City Council (Direct) Services and Network Rail to help address the situation.



*An example of fly tipping on Network Rail land – West End Road, Junction off Billy Hill Bridge – photograph supplied by Councillor Kerr*

## **Recommendation 2**

That consideration be given to educating and raising public awareness of the dangers and costs of fly tipping and informing the public how to legally dispose of their waste. Actions need to encourage a change in public opinion and emphasize that fly tipping is not a victimless crime:

- a) That consideration be given to revising the content of the information packs produced for new students and to provide information to tenants and landlords to inform them of waste collection/disposal when they take up their tenancy.
- b) That Lancaster University and St Martin's College Cabinet Liaison Group be asked to consider an effective means of encouraging students to make use of the Council's waste disposal and recycling facilities.
- c) That the possibility of producing posters with detailed information relating to disposal of waste be considered.
- d) That consideration be given to producing information leaflets which could be distributed with council tax forms or register of electors and providing detailed information in 'Your Council Matters' and the possibility of producing informative leaflets in a number of languages.
- e) That improvements be made to the information relating to fly tipping on the Council web-site.
- f) That Officers liaise with County Council Officers in respect of the above.
- g) That City Council (Direct) Services work with Network Rail to improve communications and address the issue of fly tipping.

### **7.3 Identification of Fly Tipping 'Hot Spots'**

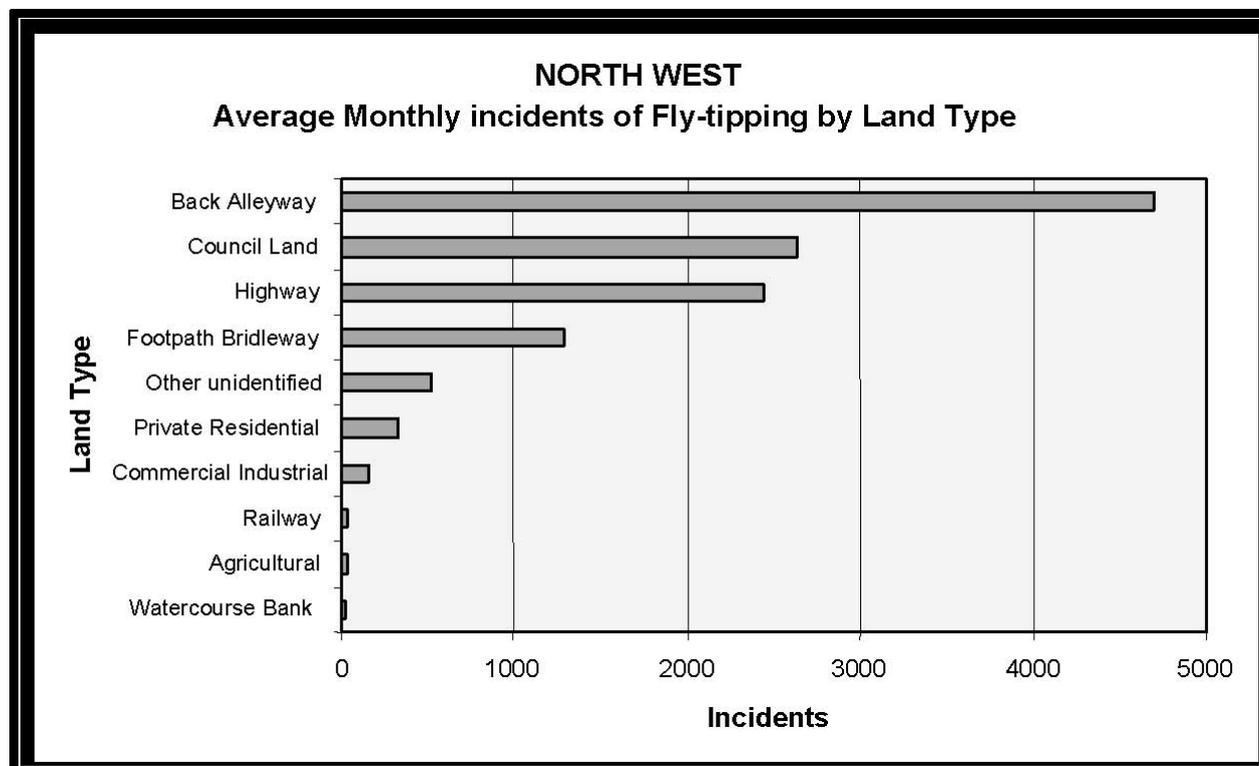
It has been evidenced that there is a difference between urban fly tipping, primarily bin bags and single items dumped by residents in the street, and rural fly tipping, business waste dumped in remote locations.

Health and Strategic Housing have undertaken a mapping exercise to identify the most prevalent 'fly tipping 'hotspots' within the district. A copy of this map is attached as **Appendix 2**. The map differentiates between commercial and household fly tips and confirms prevalence for the dumping of commercial waste in rural areas.

### **7.4 Urban Fly Tipping**

All Ward Councillors were asked to identify fly tipping 'hot spots' within their wards. Councillor Peter Robinson supplied a comprehensive audit of 'Grot spots' in the West End recorded on the 10<sup>th</sup> August, 2006, (**See Appendix 3**). These findings clearly illustrate the widespread problem of fly tipping in the more deprived areas, reflecting a national trend. Reasons for frequent episodes of fly tipping in these areas relate to lack of community ownership, limited access to vehicles to dispose of rubbish legally, confusion with regard to collection days and the refuse collection problems associated with houses of multiple occupancy with less storage available to householders for their waste.

Statistics from the first year of Flycapture (2004) confirm that fly tipping incidents are more frequent in urban areas. Household waste (black backs and other household waste) constituted over 62% of the reported incidents in the North West during this period and this is evidenced in the following graph.



It has been noted that a number of initiatives have been implemented in order to tackle the problem in the urban areas and these are outlined below.

The Council's anti-litter strategy: 'Putting Litter in its Place' identifies a reduction in fly tipping within its vision for a clean district, with this being achieved through focusing on three key areas, enforcement, education and service delivery. **(See Appendix 4)**. A target of a 30% reduction in the number of fly tipping incidents recorded on Flycapture by March 2007 has been agreed. Supporting enforcement actions identified within the leaflet to ensure this and other targets are met, include the recruitment of an environment Enforcement Officer, agreement of an enforcement policy, an increase in the number of staff authorised to issue fixed penalty notices and additional Community Support Officers. Supporting actions to ensure service delivery include adoption of the Environment Agency fly tipping protocol to make improvements as to how fly tipping is dealt with.

This 'Putting litter in its Place' strategy involves the implementation of a number of initiatives to address urban fly tipping including a police-led, Multi-Agency Problem Solving (MAPS). The scheme involves a four or five week focus on a particular area addressing enforcement, community reassurance together with an environmental clear up. To date, two areas have been tackled, the West End and Skerton. Commenting on the clean sweep operation in Skerton, Councillor Jon Barry reported: 'to see a range of agencies focusing on a specified area and delivering a range of enforcement, education and service delivery activities hopefully gets across the message that there is a genuine, concerted commitment by all of us tackling things

like anti-social behaviour, littering and fly tipping'. Moreover, 'having a 'clean sweep' isn't going to solve the problems overnight or forever but it does show that when organisations like the council, police, fire service, probation services work together with residents we can make a difference.'

Whilst it is apparent that a number of measures are being adopted to alleviate the problem of urban fly tipping, it is evident that there have been some teething problems with regard to the overhaul of rubbish collection in the West End. This has led to a number of residents failing to put their rubbish out collection day etc. This is illustrated in Councillor Robinson's 'Environmental Audit' of 'grot spots' (**Appendix 3**) and highlighted in the following photograph supplied by Councillor Robinson.



*Teething problems associated with the overhaul of rubbish collection in the West End*

In order to reduce the continued practice of residents putting their rubbish out on the wrong day the Task Group believes that residents need to be made aware that this constitutes a fly tip and the Council are committed to taking enforcement action to address this issue.

## **7.5 Rural Fly Tipping**

The issue of rural fly tipping has been discussed by the Task Group and it has been noted that in rural areas a great number of incidents occur on private land, these are seldom reported and therefore not reflected in Flycapture. It has been estimated that of the 25% of farmers who have claimed to have experienced fly tipping on their farms over a five year period, 33 % of these did not report this to the authorities. The Environment Agency has estimated that the clearing fly tips from agricultural land to be in the region of £47m.

Fly tipping in the rural areas tends to consist of commercial waste with the avoidance of incurring the costs associated with legitimate trade waste disposal facilities regarded as a strong motive for fly tipping. A UCL report into the causes of fly tipping

emphasises the lack of information relating to commercial tipping facilities, the lack of recycling facilities for commercial vehicles and the effect on the competitiveness of businesses who legally dispose of their waste.



*An example of a commercial waste fly tip in Nether Kellet  
Photograph supplied by Councillor Mace*

The Task Group invited representatives from local parish councils to gauge their opinions with regard to the possibility of entering a protocol to focus on the issue of rural tipping. A draft protocol is attached in **Appendix 5**.

A representative from Nether Kellet Parish Council expressed his support for greater enforcement and welcomed the suggestion of mobile surveillance cameras at hotspots, which would hopefully provide the necessary evidence for successful prosecutions. Figures were provided with regard to the incidents of fly tipping in Nether Kellet for 2004. It was noted that 11 incidents were reported which amounted to 13.5 tons of fly tipped waste; 30% was categorised as builders' waste, 60% domestic waste, the remaining 10% being asbestos. The cost of removing these fly tips had been in the region of £5K.

Communication from Yealand Conyers Parish Council indicated that they perceived the need to educate people to care about their environment as a 'BIG' issue, a view endorsed by the Parish Council representatives who attended the meeting.

The Task Group have expressed concern at the County Council's proposals to introduce additional Landfill Allowance Trading Scheme charges for trade waste and

the adverse impact this could have on fly tipping, particularly in rural areas and the Chairman of Overview and Scrutiny in conjunction with the Chairman of the Task Group forwarded a letter to the Cabinet Member for Sustainable Development at Lancashire County Council outlining the Task Group's anxieties. A copy of this letter is attached in **Appendix 6** along with County Councillor Tony Martin's reply.

In addition, the Task Group have commented on the burden placed on local authorities responsible for waste collection in two-tiered authorities since under this arrangement the local authorities bear the lion's share of costs associated with fly tipping. Research undertaken by UCL on 'Fly Tipping: Causes, Incentives and Solutions' highlighted this problem. The report refers to the 'perverse incentives' in two-tiered authorities with local/district authorities responsible for waste collection and County Council responsible for waste disposal, including managing the civic amenity sites. Costs of disposal of household waste incurred by County Council remain the same whether the household waste is collected, brought to the tip or indeed fly tipped.

### **Recommendation 3**

That consideration be given to addressing fly tipping hotspots. These should include

- a) Raise public awareness with regard to putting rubbish out on the wrong days – through press releases/adverts/leafleting of problem areas.
- b) To address the issue of rural fly tipping by agreeing protocols with local parish councils
- c) CCTV surveillance of hotspots.

## **7.6 Enforcement**

The Environment Minister, Ben Bradshaw has noted, "Councils have tended to concentrate on clearance. That is vital, but there needs to be more emphasis on preventing fly tipping happening in the first place. Prevention, coupled with coming down hard on those who are caught fly tipping, could help reduce the problem and save money."

Legal Services have highlighted the difficulties in prosecuting fly tipping offences, the main hurdle being establishing the evidential burden of proof of the offence and who committed it. With the increase in shredding of documents the number of incidents where named or addressed correspondence is found in the waste has tended to decrease, and in the incidents of miscellaneous builders' rubble the culprit usually needs to be caught in the act. Moreover, whilst the EPA confers a 'duty' on those who produce the waste to ensure it is properly disposed off, it is difficult to trace those who flout the law in this respect.

Legal Services have confirmed that in the last eight years, only 4 cases of fly tipping have resulted in prosecution proceedings by the City Council. These relate to abandoning asbestos and incidents of abandoning commercial refuse.

Data submitted by Lancaster City Council to Flycapture for the period April 2006 to August 2006 reveals that of the 1485 reported incidents of flytipping, 1988 'actions' had been completed. These actions consisted of 1142 investigations and the issue of 845 warning letters and were carried out at a 'notional' cost of £65,603. (A notional cost of £33 is attributed to each action). Only 1 paid fixed penalty notice at a notional rate of £33 was recorded for this same period. Data indicates that 273 of

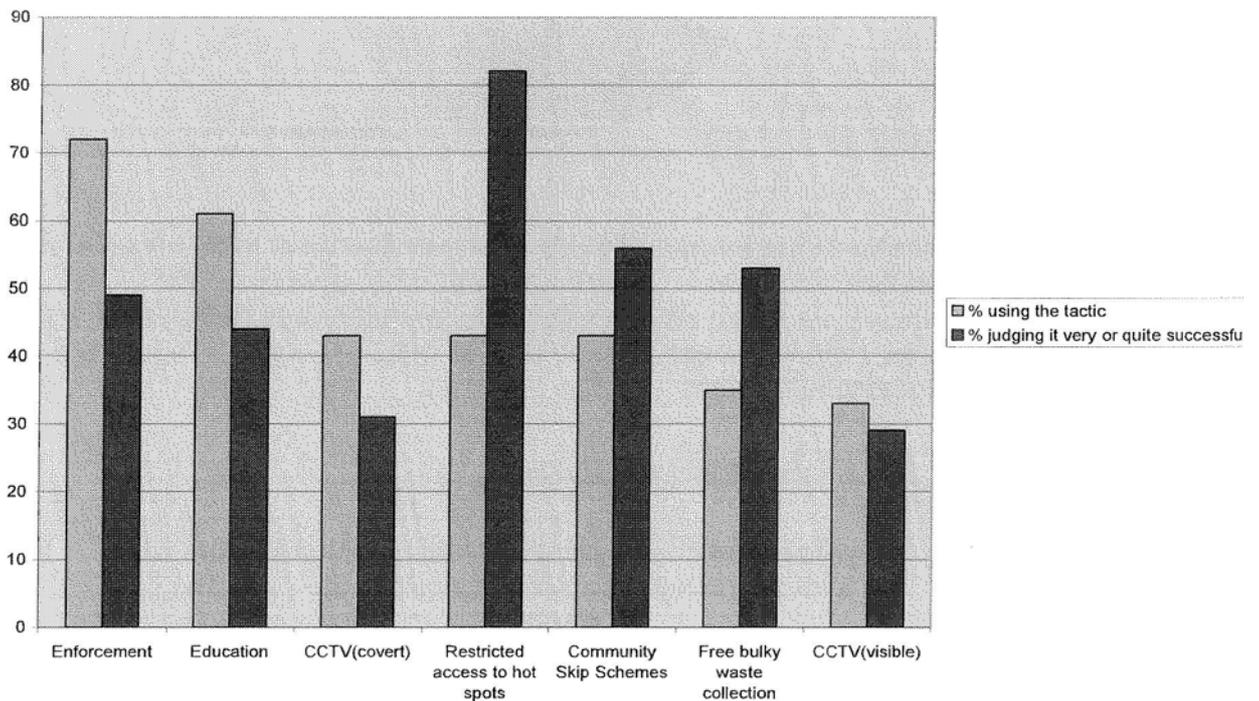
these incidents consisted of a single item, 644 incidents related to a car boot load or less, 379 were categorised as a small van load, 168 recorded as a transit lorry load with 21 as a tipper lorry load.

However, it appears that Lancaster is not the only authority with few prosecutions. A study by Environmental Resources Management Ltd in 2003 reveals that 70% of the 73 authorities who responded to a questionnaire indicated that they had not prosecuted a fly tipping case between 1998-2003. Flycapture data indicates that 1500 prosecutions were taken out against fly tippers between April 2005 and March 2006. With an estimated one million fly tips recorded each year by Flycapture, the risk of being sanctioned is less than 1%.

The Task Group notes that a number of initiatives are being implemented to help address the problems associated with enforcement, including the appointment of an Enforcement Officer, together with an additional 20 Community Support Officers with environmental training. 4 of these Community Support Officers will be funded by Lancaster City Council, 6 by the West End Partnership and 10 by the Community Safety Partnership.

The Task Group recognises the difficulties in successfully prosecuting fly tippers especially in the absence of concrete evidence and endorses the targeting of hotspots through mobile surveillance equipment. This method of deterrent has been adopted by a number of authorities including Chiltern District Council and Maidstone Council and was included in the recommendations made by Worthing Borough Council in their report into Fly Tipping in 2004. This is one of a number of methods being adopted by local authorities to address the issue of fly tipping. The following graph highlights the other measures that are being used including enforcement, education, restricting access to hotspots, community skip schemes, and free bulky waste collection.

**Figure 4.7:** Proportion of Local Authorities attempting different responses, and proportion judging these as very or quite effective



From this graph it is evident that the most effective methods to combat incidents of fly tipping appear to be restricting access to hot spots, the use of community skip schemes and the introduction of free bulky waste collection, although this is an option which has only been adopted by 35% of local authorities. However, the views of some residents published in the local media indicate that some perceive there to be a correlation between the introduction of a charge for the removal of bulky waste and an increase in fly tipping. However, there is no actual evidence available from either the customer service centre or Fly Capture that supports this view. Indeed, under the old system householders had to wait up to 28 days for collection, which some residents suggested was the reason why fly tipping took place.

#### **Recommendation 4**

That consideration be given to more effective prevention of fly tipping together with more effective enforcement with regard to fly tipping. This should include:

- a) Consideration of the use of mobile surveillance cameras at 'hotspots'
- b) That an assessment of whether Bulky Matters impacts on fly tipping takes place and, in the interests of reducing landfill, that officers be asked to investigate what steps could be taken to make it less likely that the combination of delay in collection of bulky waste, together with the charges made for its collection increases either (1) fly tipping or (2) the unnecessary destruction and wasting of otherwise recoverable materials.
- c) That fly tippers be 'named and shamed' in order to discourage others.
- d) That prosecution be initiated where a conviction is likely to demonstrate the Council is serious in its intent to tackle fly tipping.

## **8.0 CONCLUSION**

The Fly Tipping Task Group was established to define and assess current levels of fly tipping and provide recommendations as to how to reduce future incidents through raising public awareness, entering into local agreements with stakeholders and recommending ways to ensure more effective enforcement of this environmental crime.

The Task Group recognise that fly tipping is diverse and the district encounters both urban and rural episodes of fly tipping. The Task Group recognises that there is no one solution to fly tipping and that a combination of enforcement, education and improved service delivery will have the most impact. It appears that a number of initiatives have been and are continuing to be implemented to address the issue of urban fly tipping. However less emphasis has been placed on the issues of rural fly tipping. The Task Group has made a number of recommendations with this in mind.

# PERMIT TO DEPOSIT HOUSEHOLD WASTE



PERMIT No. EVE 0000002061

Mr J Smith  
26 The Street  
Townley  
Lancashire

**DRAFT**

Lancashire County Council  
Environment Directorate  
Waste Management Group  
Guild House  
Cross Street  
Preston PR1 8RD  
Telephone 0845 0500 957

This permit allows for one free tip of household rubbish from the above property at:

Everest Road, St Annes

Household Waste Recycling Centre

during **JULY 2006**

using vehicle **1FAB**

\*Please note, if using a hire vehicle a copy of the hire agreement must be shown to the site attendant.

The following waste will be allowed to be tipped:

**BAGS OF HOUSEHOLD BIN WASTE**

**Declaration by the householder:** Household Waste means any waste generated within a domestic property that does not relate to a commercial enterprise and is transported by the householder. I confirm that the waste described above is household waste generated at the above address. I understand that only the waste described above may be deposited and that it must be transported using the vehicle for which I have provided details.

**WARNING: Making a false declaration may amount to the commission of a criminal offence under Section 34 of the Environmental Protection Act 1990.**

Lancashire County Council reserve the right to refuse the issue of future permits on the basis of any false declaration made by the householder.

*This permit must be signed by the householder and handed to the site attendant on arrival at the site.*

Signed by the householder ..... Date .....

Information provided during permit applications will be stored on a database. Lancashire County Council reserves the right to use this information and any details recorded by site staff to review site usage. This information will not be passed on to any other party.

# ACCESS POLICY FOR LANCASHIRE COUNTY COUNCIL'S HOUSEHOLD WASTE RECYCLING CENTRES (HWRCs)

1. Any member of the public may bring household rubbish to a HWRC in a car, with or without a single-axled trailer (maximum size 3 metres long).
2. Any member of the public may bring household rubbish to a HWRC in a van, with a 'permit'\*, provided that it has no more than four wheels. For clarity, a permit will be provided for any van detailed in Appendix A below, provided it has no more than four wheels, and is intended to be used to deliver household rubbish.
3. Any member of the public may bring household rubbish to a HWRC using a twin-axled trailer (maximum 3 metres long), with a 'permit'\*, and towed by a vehicle under 1 and 2 above.
4. Any other type of vehicle not covered in sections 1 to 3 above will not be allowed access onto the HWRCs.
5. Any member of the public may bring household rubbish to a HWRC on foot with a 'permit'\*.
6. The County Council will maintain the permit scheme so as to effectively manage this access policy. Information requested for the processing of permits will be stored on a database and used only for the management of the permit scheme.
7. All HWRCs in Lancashire are provided for the receipt of household rubbish only. Commercial or industrial waste is not allowed on site.

\* A 'permit' means a permit that is obtained in advance from the County Council. Permits are available by telephoning the Waste Management Group on **0845 0500 957** or on the Group's website [www.lancswasteinfo.com](http://www.lancswasteinfo.com)

## Appendix A

For the purpose of the Lancashire County Council's HWRC Access policy a 'van' shall be deemed to be:-

- Any vehicle without side rear windows.
- Any 'flatback' vehicle (without a tipping mechanism).
- Any 'pickup' vehicle.

---

**For Site Use Only:-**

Attendants Name ..... Date .....



# PERMIT TO DEPOSIT HOUSEHOLD WASTE



PERMIT No. EVE 0000002060

Mr J Smith  
26 The Street  
Townley  
Lancashire

**DRAFT**

Lancashire County Council  
Environment Directorate  
Waste Management Group  
Guild House  
Cross Street  
Preston PR1 8RD  
Telephone 0845 0500 957

This permit allows recyclable household rubbish from the above property to be deposited at:

Everest Road, St Annes

Household Waste Recycling Centre

from **JULY 2006**

for a period of 12 months

using vehicle **1FAB**

\*Please note, if using a hire vehicle a copy of the hire agreement must be shown to the site attendant.

The following waste will be allowed to be tipped:

- green garden waste
- newspapers & magazines
- cardboard
- cans
- glass bottles & jars
- plastic bottles
- textiles

**Declaration by the householder:** Household Waste means any waste generated within a domestic property that does not relate to a commercial enterprise and is transported by the householder. I confirm that the waste described above is household waste generated at the above address. I understand that only the waste described above may be deposited and that it must be transported using the vehicle for which I have provided details.

**WARNING: Making a false declaration may amount to the commission of a criminal offence under Section 34 of the Environmental Protection Act 1990.**

Lancashire County Council reserve the right to refuse the issue of future permits on the basis of any false declaration made by the householder.

*This permit may be retained by the householder for a period of 12 calendar months and must be produced on each visit upon request of a site attendant.*

Signed by the householder ..... Date .....

*Information provided during permit applications will be stored on a database. Lancashire County Council reserves the right to use this information and any details recorded by site staff to review site usage. This information will not be passed on to any other party.*

# ACCESS POLICY FOR LANCASHIRE COUNTY COUNCIL'S HOUSEHOLD WASTE RECYCLING CENTRES (HWRCs)

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3. Any member of the public may bring household rubbish to a HWRC using a twin-axled trailer (maximum 3 metres long), with a 'permit'\*, and towed by a vehicle under 1 and 2 above.
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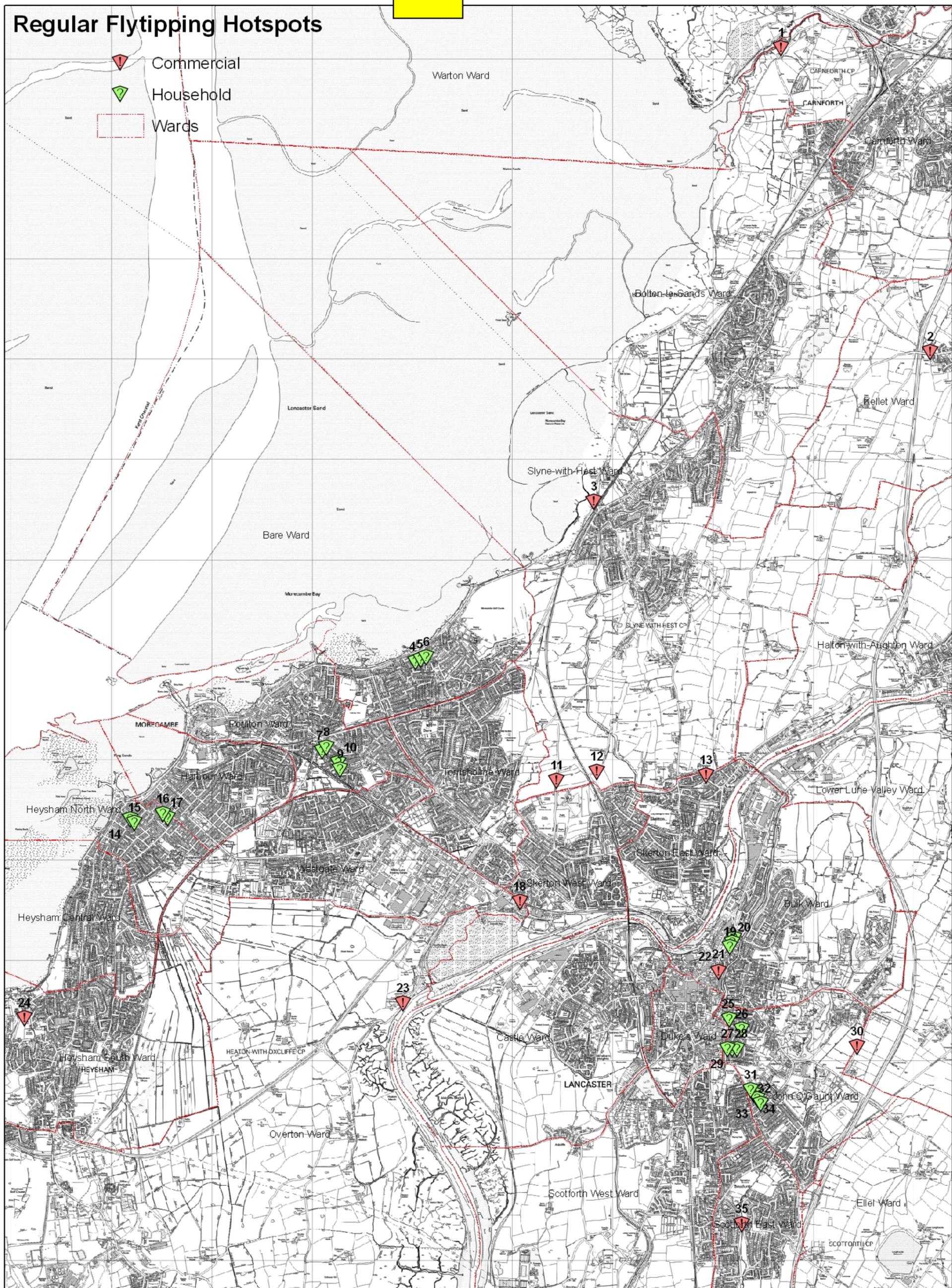
**For Site Use Only:-**

Attendants Name ..... Date .....



# Regular Flytipping Hotspots

-  Commercial
-  Household
-  Wards



APPENDIX 3

## ENVIRONMENTAL VISUAL AUDIT of 'Grot Spots' 10<sup>th</sup> August 2006

Street	Location	Description
West Street	Corner of back Yorkshire St	Black bags and Morrison bags
Devonshire Road	Opposite Carpet Shop	Black bags
Parliament Street	Behind the Imperial Hotel	Black bags by litter bin
Claremont Road	Alley between International Aid & Nursery	Microwave oven
Albert Road	Opp. Atkinson's Chip Shop	Black bags
Albert Road	Outside Atkinson's Chippy	Black bags by litter bin
Albert Road	Corner with Claremont Rd	Black bags by litter bin
Albert Road	Corner with Clarendon Rd	Black bags by litter bin
Regent Road	Corner with Claremont Rd	Black bags by litter bin
Regent Road (evens)	Corner with Clarendon Rd	Black bags by litter bin
Clarendon Road	Corner with West End Road	Black bags by litter bin
Clarendon Road	Alley by No 38	Black bags
Clarendon Road	Alley by No 39	Black bags
Clarendon Road	Alley by the Co-op	Black bags
Clarendon Road	Alley between No 109/111	Black bags
Chatsworth Road	Alley by Harwood Hotel	Black bags
Back West End Road	Chatsworth (Harwood Hotel) to Clarendon Road	Detrius/ litter + black bags (71-73)
Back West End &/back Westminster Roads	By the triangle	Fly tipping (3 piece suit) and black bags
Back Marine Road West	Alley behind the Sea Crest Hotel (West End Road)	Bag with empty booze and black bags further up alley
Chatsworth Road	Alley between No 37-39	Black bags
Chatsworth Road	Alley between No 34-36	Black bags
Chatsworth Road	Corner with Regent Road	Black bags by Post Box
Chatsworth Road	Alley between No 58 & 60	Black bags
Devonshire Road	Alley opposite No 40	Black bags
Alexandra Road	Alley between No 113/115	Black bags
Alexandra Road	Basketball Park	Bags by litter bin
Alexander Road (evens)	Alley opposite Galleon Pub	Black bags
Balmoral Road	Alley by No 69/71	Black bags
Westminster Road	Unadopted alley by No 6/8	Black bags
Westminster Road	Alley by Signposts (No 95)	Black bags

Bold Street (even)	Back street with Marlborough, Alexandra & Marine Rd West	Fly tipping and black bags
Sefton Road	Alley opposite Alldays Shop	Pile of black bags
Sefton Road (odd)	Frontage of Shop corner with Cavendish Road	Pile of black bags

**Friday, 11<sup>th</sup> August**

A quick walk round this morning discovered the following (need to take into consideration that the West End is now at the end of the first week of a five week 'Crime & Grime' programme).

Heysham Road	14, 12, and No1 on forecourt	Bags and furniture
Heysham Road	By No 21 (North British)	Black bags by pavement
Sefton Road	In alley opp. Alldays Shop	Black bags etc
Sefton Road (even)	Corner with Cavendish	Open land/ fly tipping
Harrington Road	Back street with Hampton	Fly tipping
Hampton Road	Back street with Haldane	Fly tipping

My knowledge of the dumping beyond Alexandra Road is limited, but the dumping of black bags is just as bad in the alleys off Westminster Road, for example.

The unadopted back streets running parallel with Westminster Road can be lined with black bags. No evidence this morning however. Similarly alleys off Westminster between Alexandra and Sefton Roads.

## Putting Litter in its Place

# Anti Litter Action Plan 2006-2007

### Foreword

The City Council sees reducing litter (including dog poo and chewing gum) as one of its top priorities. The Council recognises that it is a major player in achieving a clean district and that it must spend its resources wisely if it is to be effective. In 2006, the Council will spend over £1.4 million on cleaning streets. However, the Council also recognises that simply sweeping up litter does not get to the root cause of the problem. Firstly, there is too much stuff to throw away and, secondly, people throw it away in inappropriate places. The Council has limited powers to address the first of these causes; however, it can use enforcement powers to try to stop people littering the streets and back alleys. To this end, we have worked with the Police to give the district's Police Community Support Officers (PCSOs) powers to fine offenders. The Council will also be working with the Police to employ a team of four PCSOs who will be specifically targeting the district's litter louts.

But the Council cannot do everything on its own. There are lots of other organisations who can help us: police, schools, businesses and so on. But perhaps most importantly, our biggest helpers are the people who live here. If we all take responsibility for keeping the area clean then we will have a much better district. And if there is less litter, the Council needs to spend less on clearing it up - so that is more money in our pockets or to be spent on other useful services for the area.

I hope you'll all join us in "putting litter in its place".



Councillor Jon Barry

### The Vision

- A clean District. 80% of all areas at grade B or above (Best Value Performance Indicator 199)
- Reduced fly-tipping and rapid removal of tipping.
- A District where it is unacceptable to create litter.
- Top quartile satisfaction with cleanliness.

### How we will achieve this

Lancaster City Council has a lead role in improving the cleanliness of our District. In order to achieve this we will focus on three key areas-

- Enforcement
- Education
- Service Delivery

This approach will be publicised through a district wide communications campaign and will include initiatives to tackle specific items of litter like chewing gum and cigarette ends.

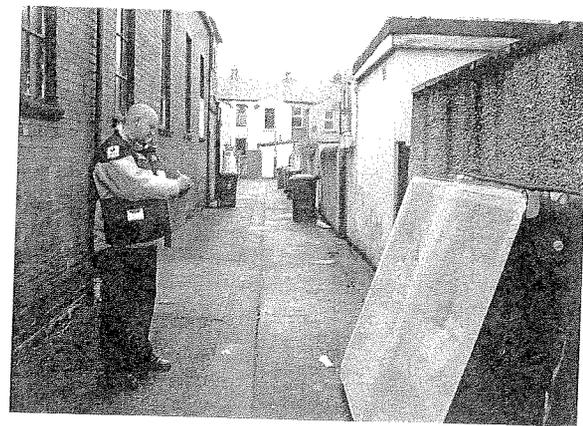
### Who we will work with to achieve this

Everybody who lives in, works in and visits that District has a role in achieving the vision. There are a number of key stakeholders who can make a significant contribution-

- Lancaster City Council
- Lancashire County Council
- Community Safety Partnership
- Lancashire Constabulary
- Lancashire Fire and Rescue Service
- Lancaster and District Chamber of Commerce
- Morecambe Bay Partnership
- Schools in the District
- Environment Agency
- Local Strategic Partnership
- Council for Voluntary Service
- Regeneration Projects
- Developers
- Community Groups
- ENCAMS
- Parish Councils



## Enforcement



Target	Target Measure	Supporting Actions	Responsible Service	When
Increased enforcement to maintain the cleanliness of the District	Fixed Penalty Notices issued	Recruit an Environment Enforcement Officer	CCS	April 2006
	2005/6- 40	Agree an enforcement policy	H+SH	Completed
	2006/7- 150	Increase number of Council staff authorised to issue FPNs	H+SH	Completed
	Number of warnings issued	Train all 22 Community Support Officers based in the District to issue FPNs on behalf of the Council	H+SH / CCS	Completed
	Number of cases taken to court	Fund 4 additional CSOs and a vehicle to deal with environmental offences	CCS	Dec 2006
	30% reduction in the number of fly tipping incidents recorded on Fly Capture by March 2007	Use surveillance equipment to identify and take action against fly tippers	CCS	March 2006
		Ensure food businesses are complying with duty of care regs	H+SH	Ongoing
		24 targeted surveillance patrols to combat dog fouling		

Raising awareness and consistently applying enforcement measures is central to maintaining a clean District. This applies to all sectors of the community, from discouraging fly tipping to informing businesses and householders of their responsibilities.

For enforcement to be effective it should be used alongside and a complement to targeted education and awareness campaigns. A well publicised and sustained enforcement campaign can be an effective deterrent.

## Education



Target	Target Measure	Supporting Actions	Responsible Service	When
To raise awareness of the Council's anti litter action plan and instil ownership within the District.	2006/7-Increase public satisfaction with cleansing to 72% (BV89)	Develop an education campaign to support the anti litter action plan	CCS/H+SH/IS/ Comms/	From Jan 2006
	Number of schools signed up to schools anti litter charter	Provide 2000 free gum pouches	CCS	April 2006
	Number of businesses signed up to City centre anti litter charter	Launch the City Centre anti litter charter	CCS	From March 2006
		Extend the City Centre anti litter charter to Morecambe and Carnforth	CCS	Jan 2007
		Develop and launch a School anti litter charter	CCS	From Sept 2006
		Improve information available on the Council's website	CCS/IS	June 2006
		Work with Police and local communities to promote community involvement in maintenance of environment	CCS	Ongoing



## Service Delivery

Continually reviewing the way that services are delivered will ensure that the resources used in maintaining the cleanliness of the District are used in the efficient and effective way.

Target	Target Measure	Supporting Actions	Responsible Service	When
Improved levels of service	BV 199 2005/6- 25% 2006/7- 21% 2007/8- 15% 2008/9- 14%	Produce self assessment using Audit Commission 'Key Lines of Enquiry'	CCS	April 2006
	Average time taken to respond to incidents of fly tipping	Use DEFRA's 'Achieving improvements in street cleansing & related services' to review the service.	CCS	Oct 2006
	Efficiency measure from DEFRA toolkit	Use focus group to make improvements in service delivery	CCS	Oct 2006
	Number of deep cleans delivered 2005/6- 10 2006/7- 20	Improve City Centre cleansing	CCS	Ongoing
		Improve the bulky waste collection service	CCS/Furniture Matters/IS	April 2006
		Use different methods of work to improve service delivery	CCS	From Jan 2006
		Provide deep cleans to key areas	CCS	Ongoing
		Bid for additional resources to provide targeted service in key areas	CCS	From Sept 2005
		Improve access to service through the Customer Service Centre	CCS/CSC	Ongoing
		Use EA fly tipping protocol to make improvements to how fly tipping is dealt with	CCS	June 2006

CCS - City Council (Direct) Services  
 H+SH - Health and Strategic Housing Services  
 IS - Information Services  
 CSC - Customer Service Centre  
 Comms - Communications

If you have any comments on this document or want further information please contact:  
 Mark Davies, Head of City Council (Direct) Services,  
 01524 582401, MDavies@lancaster.gov.uk

Lancaster City Council / Parish Council

Fly Tipping Protocol

### **What should I do if I see a Fly-Tip?**

Fly-tipping is the illegal dumping of household and trade waste and in rural areas this usually occurs in lay-bys and down quiet country lanes. Fly-tipping is more hazardous than littering and is therefore a criminal offence under waste legislation. New legislation is in place that will increase fines for fly-tipping up to £50,000.

### **What should you do when you discover a fly tip?**

- visually inspect the site, to try to see what the waste consists of, but do not touch it as it may be dangerous (contain syringes, toxic chemicals or similar) and there may be evidence that could identify the culprits. Do not disturb the site
- Do not ignore it – report it!

The sooner these incidents are reported the sooner they can be investigated or removed.

### **If I see someone fly tipping what should I do?**

We will try to identify anyone fly tipping in order to prosecute them. Any information you can collect is therefore important to us.

If possible, you should write down any details as soon as possible, using the guidance below. You may also be asked to make a statement, so record the following details:

- Day, date, time including the time tipping stops
- Who was with you
- What you saw
- Description of fly tippers
- What you saw them do
- Description of the vehicle used especially the registration number, colour, make and model
- Where were you and what kind of view did you have
- How far away were you
- What was the weather like
- Description of the waste tipped - quantity, appearance, loose/bagged or drummed
- If you can, take photographs (without being seen by fly-tippers)
- Record details of how the waste was subsequently dealt with.

### **Our Standards**

- If you report an incident of fly-tipping and a council officer determines there is a risk to the public we will remove it or make it safe within a maximum of five hours of being notified.
- In other cases, we will investigate it within two working days of being notified and remove it within four working days.
- In all cases we will try and identify the person responsible for the dumping and ask them to remove it or charge them for the cost of removing it and where necessary prosecute.

- Please note in some cases the fly tip may need to be referred to the Environment Agency for further investigation in which case investigation and removal may take a longer period.

### **Fly Tipping Private Land**

If the fly tipping reported is on private land the landowner is normally responsible for its removal. However, the incident should still be reported to the Council.

All incidents should be reported to the Council's Customer Service Centre –01524 582491

draft



Contact: Member Services  
 Telephone: (01524) 582170  
 Fax: (01524) 582172  
 Minicom: (01524) 582175  
 Email: [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk)  
 Our reference: LB/JR  
 Your reference:

LANCASTER  
CITY COUNCIL

*Promoting City, Coast & Countryside*

## MEMBERS CORRESPONDENCE

Councillor Tony Martin, Cabinet Member for Sustainable Development, Lancashire County Council

Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ

CC: Chief Executive, Lancashire County Council  
 Councillor Hazel Harding, Leader of Lancashire County Council  
 Councillor Penny Martin, Chairman Sustainable Development, Overview & Scrutiny, Lancashire County Council  
 Mark Cullinan, Chief Executive, Lancaster City Council  
 Councillor Ian Barker, Leader, Lancaster City Council  
 Councillor Jon Barry, Cabinet Member, Lancaster City Council  
 Peter Loker, Corporate Director (Community Services) Lancaster City Council  
 Mark Davies, Head of City Council (Direct) Services, Lancaster City Council

DX 63531

24<sup>th</sup> November, 2006

Dear Councillor Martin

### RE- PROPOSED LATS / TRADE WASTE CHARGES

The Council's Overview and Scrutiny Committee is currently considering the issue of Fly Tipping within the Lancaster District. As you will be aware Fly Tipping is a problem that affects both urban and rural areas. The task group set up to consider this issue was particularly keen to focus on how to reduce fly tipping in rural areas. Evidence has been considered from Parish Council representatives and Council officers that suggests that the majority of fly tipping in our rural areas is as a result of 'rogue traders' illegally dumping their waste.

As you would expect available evidence suggests that a major contributory factor to traders illegally disposing of waste is the cost of collection and disposal. Evidence suggests that there is a link between the introduction of the permit scheme for vans and trailers at HWRCs and an increase in incidents of fly tipping. After hearing evidence from the relevant County Council Officer we now fully appreciate the reasons for the introduction of the permit. We do consider, however, that whilst it is harder for traders to illegally deposit waste at HWRCs the impact is now being felt by our cleansing service that has to remove waste that has been illegally dumped in rural locations, at great cost. We also consider that the introduction of the permit scheme was not particularly well communicated by the County Council to Districts and caused great confusion and concern to users of the HWRCs. We consider that there are clearly lessons to be learned from the introduction of this policy.

The Task group were concerned, therefore, to learn that the County is currently considering the issue of imposing an additional LATS charge for trade waste. Whilst we fully understand the challenge of LATS our assessment is that the introduction of a LATS charge for trade waste customers will have a disproportionate impact on rural customers and SMEs. As a WCA we have a duty to provide a trade waste service and this service is especially valued by rural customers and SMEs. The reality is that whatever the scale of increased charges bigger customers will look to the private sector. They will thus escape the application of the "producer pays" principle. Smaller customers such as rural business and SMEs are not considered viable by the private sector and will no doubt remain our customers and become less competitive.

Our major concern is that in order to remain competitive rural businesses and SMEs will resort to illegally disposing of their waste. Obviously we consider that increased enforcement acts as a deterrent but the reality is that-

- Increased enforcement is expensive
- It is nearly always impossible to trace a fly tipped item back to its source
- This District has a huge rural area and it is impossible to cover everywhere

As it stands people in rural areas already deal with the after effects of fly tipping on a day to day basis. For the County to consider introducing a policy that will add to this would seem extremely short sighted.

We would therefore, request, that you reconsider your proposals to impose a LATS charge for trade waste on the following grounds-

- It will have a disproportionate impact on rural customers and SMEs which in turn is likely to lead to increased fly tipping;
- Trade waste is invariably fly tipped in rural areas so this will further impact on residents in rural areas;
- Whilst the County Council will recover its lost asset value the increased costs incurred by the District in removing fly tipping and taking enforcement action are likely to negate the overall impact.

Yours sincerely



Councillors Stuart Langhorn & James Airey  
Chairmen of Lancaster City Council Overview & Scrutiny Committee  
& Fly Tipping Task Group

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fax

01772 534530

e-mail

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Councillors Stuart Langhorn & James Airey  
Lancaster City Council  
Town Hall  
Dalton Square  
LANCASTER  
LA1 1PJ

Your ref

Our ref

Date

TM/AFF/CM-SD WMG/CH1/12 ASB/SJP/NH  
(6 January 2007

Dear Councillors Langhorn and Airey

### RECOVERY OF LATS COSTS

Thank you for your recent comments regarding the County Councils proposal to recover LATS costs from trade waste producers.

The County Council has been in discussion with Waste Collection Authorities for almost two years regarding this issue without resolution. The Authority is, therefore, absorbing additional financial burdens due to the loss of asset value caused by the landfill disposal of trade waste, following the implementation of the Landfill Allowance Trading Scheme.

This matter was discussed in some detail at the Lancashire Leaders and Chief Executives meeting on 11 December 2006 and I will be considering a report on the matter in the near future. I, therefore, thank you for your comments, which I will take in to account when considering the report.

Yours sincerely



County Councillor Tony Martin  
Cabinet Member for Sustainable Development

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County Councillor Tony Martin • Cabinet Member for Sustainable Development  
PO Box 9 • Guild House • Cross Street • Preston • PR1 8RD

Home Address: 9 Redgate Close • Burnley • BB11 3EG

**(In accordance with Cabinet Procedure Rule 2.6 (Right of Members to Address Cabinet) Councillor Roger Mace addressed the meeting on this item).**

Cabinet considered a report of the Fly Tipping Task Group submitted by the Council's Overview and Scrutiny Committee. The final report contained a number of recommendations based on the Committee's investigations, which it requested Cabinet to consider. The recommendations of the Task Group were set out in the report as follows:

**Recommendation 1:**

That improvements are made to the Council's bring sites. These improvements should include:

- (a) New signage including information on what materials can be deposited at the site, information with regard to the location of alternative sites and highlighting that any breach will result in prosecution.
- (b) CCTV surveillance of problem sites.
- (c) The production and distribution of leaflets (possibly with Council Tax reminders or electoral registration forms) to raise public awareness of the recycling facilities available at both the City Council Bring Sites and the County Council household recycling centres.

**Recommendation 2:**

That consideration be given to educating and raising public awareness of the dangers and costs of fly tipping and informing the public how to legally dispose of their waste. Actions need to encourage a change in public opinion and emphasize that fly tipping is not a victimless crime:

- (a) That consideration be given to revising the content of the information packs produced for new students and to provide information to tenants and landlords to inform them of waste collection/disposal when they take up their tenancy.
- (b) That Lancaster University and St Martin's College Cabinet Liaison Group be asked to consider an effective means of encouraging students to make use of the Council's waste disposal and recycling facilities.
- (c) That the possibility of producing posters with detailed information relating to disposal of waste be considered.
- (d) That consideration be given to producing information leaflets, which could be distributed with council tax forms or register of electors and providing detailed information in 'Your Council Matters' and the possibility of producing informative leaflets in a number of languages.
- (e) That improvements be made to the information relating to fly tipping on the Council web site.
- (f) That Officers liaise with County Council Officers in respect of the above.
- (g) That City Council (Direct) Services work with Network Rail to improve communications and address the issue of fly tipping.

**Recommendation 3:**

That consideration be given to addressing fly tipping hotspots. These should include:

- (a) Raise public awareness with regard to putting rubbish out on the wrong days – through press releases/adverts/leafleting of problem areas.

- (b) To address the issue of rural fly tipping by agreeing protocols with local parish councils
- (c) CCTV surveillance of hotspots.

**Recommendation 4:**

That consideration be given to more effective prevention of fly tipping together with more effective enforcement with regard to fly tipping. This should include:

- (a) Consideration of the use of mobile surveillance cameras at 'hotspots'.
- (b) That an assessment of whether Bulky Matters impacts on fly tipping takes place and, in the interests of reducing landfill, that officers be asked to investigate what steps could be taken to make it less likely that the combination of delay in collection of bulky waste, together with the charges made for its collection increases either (1) fly tipping or (2) the unnecessary destruction and wasting of otherwise recoverable materials.
- (c) That fly tippers be 'named and shamed' in order to discourage others.
- (d) That prosecution be initiated where a conviction is likely to demonstrate the Council is serious in its intent to tackle fly tipping.

It was moved by Councillor Jon Barry and seconded by Councillor Gina Dowding: -

- “(1) That Cabinet adopts the recommendations in the report, however, Recommendation 2 (g) be amended with the deletion of “Network Rail” and the insertion of “major public and private landowners.”
- (2) That the final report be considered by the Cleanliness Project Group.
- (3) That a full report on the progress on these and other measures be considered in conjunction with the Officer investigating cleanliness areas.
- (4) That the issue of graffiti be also considered by the Cleanliness Project Group.”

Members then voted as follows:

***Resolved unanimously:***

- (1) That the recommendations of the final report of the Fly Tipping Task Group be adopted, as amended.
- (2) That the final report be considered by the Cleanliness Project Group.
- (3) That a full report on the progress on these and other measures be considered in conjunction with the Officer investigating cleanliness areas.
- (4) That the issue of graffiti be also considered by the Cleanliness Project Group.

**Officer responsible for effecting the decision:**

Corporate Director (Community Services).

**Reasons for making the decision:**

Each recommendation will be scoped and developed further with all relevant services consulted as to what can be realistically achieved within resources that are available. Details on the recommendations are set out below.

Recommendation 1 - refers to improvement at Bring Sites and improved publicity about their use. Similar issues were raised during the Audit Commission's review of our Waste Management Services (September 2006) and have been built into City Council (Direct) Services Business Plan.

Recommendation 2 - focuses on the need to effect behavioural change through communication, especially with students at local universities. One of the three main strands of our Litter Strategy is to try to change behaviour through education and communication. The specific proposals in recommendation 2 can be picked up as part of this work programme. However, in relation to 2(a), whilst we liaise with student representative organisations on the contents of information packs and have a landlords forum through which we can promote information on waste collection, we have no way of identifying when tenants take up their new tenancies. We will encourage landlords we are aware of to include this information to new tenants as they take up their tenancies.

We do work with County through the County-wide Waste Management Strategy and share information but the responsibility for dealing with fly tipping is down to the District Council and Environment Protection Agency.

In 2(g) we will make sure that major public and private landowners are included in our approaches to land owners.

Recommendation 3 - this refers to targeted actions to deal with fly-tipping hot spots and again can be built into the delivery plan of the Litter Strategy.

Recommendation 4 - picks up on the need for more pro-active enforcement against fly-tippers. Again one of the strands of the Litter Strategy is enforcement and the proposed recommendations can be picked up and actioned through the Strategy Delivery Plan. 4(b) relates directly to the partnership of Bulky Matters in collecting bulky household waste. There is a reference to "delay in collection of bulky waste" whereas actual performance is an improvement in collection performance from around 21 days before the Partnership started to less than 7 days now. Cabinet was concerned that the introduction of charges may increase fly tipping and this was the subject of a briefing report to Cabinet in March. Officers also monitor and report on the increased levels of recycling of this bulky waste, which previously used to all go to landfill.