

Bolsover District Council

Executive

June 2016

Joint Fly Tipping Policy – May 2016

Report of Environmental Health Manager
Councillor B Murray-Carr, Cabinet Member for Health and Wellbeing

This report is public.

1. Purpose of the report

- 1.1. To recommend for approval a new Joint Fly Tipping Policy 2016 to set standards of service delivery to deal with fly tipping throughout the district of Bolsover District (and North East Derbyshire District) Councils.

2. Report Details

- 2.1. This policy has been developed to deal with the levels of fly tipping in the District. Fly tipping is the illegal dumping of waste and is a crime. All types of waste are deposited including household waste, fridges, furniture and builders waste.
- 2.2. The Council has a responsibility to clear fly tipped material on public land and take enforcement action against persons found to be responsible for fly tipping (both on private and publically owned land) However, there is a perception that the Council is responsible for clearing all types of fly tipped waste from any open land even if the land is privately owned.
- 2.3. This Policy gives clear understanding to customers, Councillors and employees on the Council's responsibilities and what actions it will take in dealing with fly tipped waste on both public and private land.
- 2.4. It has been developed from an existing Policy in place at Bolsover District Council which the Joint Environmental Health service has been following. There is currently no such Policy in place at North East Derbyshire so in order to address recent concerns regarding fly tipping actions this joint policy has been developed.
- 2.5. The joint policy meets a service plan target for environmental health and has been developed in conjunction with Street Scene managers, other interested stakeholders and Elected Members and it has regard to relevant Corporate and departmental enforcement policies.
- 2.6. The policy provides guidance on the following:
- Types of Offences
 - Land Types
 - Service Standards

- Duties and responsibilities of other agencies such as the Environment Agency
- Indicative Costs of Waste Removal

2.7. When preparing the Joint Fly Tipping Policy the following information was considered:

- Council's Corporate Plan 2015-19
- Comments from Healthy, Safe, Clean and Green Communities Scrutiny Committee
- Comments from Strategic Alliance Management Team
- Responses from the public, Parish Councils and customer satisfaction surveys
- Regional and national best practice
- Government Guidance.

3. Consultation and Equality Impact

3.1. The Joint Fly Tipping Policy has been developed in conjunction with Street Scene Managers, other interested service managers and corporate working groups. It was considered by the Healthy, Safe, Clean and Green Communities Scrutiny Committee, Strategic Alliance Management Team and Cabinet Member for Health and Wellbeing. All responses have been considered and included in the final document where appropriate.

3.2. An Equality Impact Assessment has been completed on the Joint Fly Tipping Policy.

3.3. The Policy sets out the approach that the Council will take to deal with fly tipping in line with the Council's Equality Scheme.

4. Alternative Options and Reasons for Rejection

4.1. The Council is not required to have in place a Joint Fly Tipping Policy however, this policy aligns the statutory work and approach for those teams dealing with fly tipping such as the Joint Environmental Health Service and the Street Scene teams at both Councils to ensure that the most effective action possible is being taken to clear and deter fly tipping. The Policy replicates good practice and provides clarity for all.

5. Implications

5.1 Finance and Risk Implications

The cost of removing fly tipped material in the District is significant and it is important that the respective Councils and other agencies continue to work in partnership to ensure that enforcement, cleansing and education actions to deal with fly tipping are effectively co-ordinated to deter this illegal act.

The Policy aims to provide a framework to ensure expectations can be managed and effectively delivered where appropriate and in line with our statutory duties.

From time to time the Council will incur cleansing and investigative costs associated with the removal of waste on privately owned land where such waste is deemed by an Officer of the Council to be hazardous or harmful to health or causing a public

nuisance. In such situations extensive enforcement enquiries will have been undertaken to establish land ownership details and to identify those responsible for the deposit of the waste but to no avail. It would harm the reputation of the Council to leave the waste in situ and it would also encourage further deposits at that site.

5.2 Legal Implications including Data Protection

None arising from this report.

5.3 Human Resources Implications

None arising from this report.

6. Recommendations

6.1. That Executive approves the Joint Fly Tipping Policy May 2016.

6.2. That Executive approves an additional budget of £5,000, to be met from the Transformation Reserve in 2016/17, to clear fly tipped deposits on privately owned land in cases where such waste is deemed by an Officer of the Council to be hazardous or harmful to health or causing a public nuisance. It is proposed that following satisfactory performance and approval by Members, this would be built into base budgets in future years. (see last paragraph of section 5.1 above)

Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	Supports the Councils Corporate aims of supporting our communities to be healthier, safer, cleaner and greener (July 2015)

Document Information

Appendix No	Title	
Appendix 1	Joint Fly Tipping Policy – May 2016	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
None		
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