

Joint Fly Tipping Policy

May 2016



CONTROL SHEET FOR JOINT FLY TIPPING POLICY

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Bolsover District Council and North East Derbyshire District Council are committed to equalities as employers and in delivering the services it provides to all sections of the community. Both Councils believe that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.



We speak your language

Polish
Mówimy Twoim językiem

French
Nous parlons votre langue

Spanish
Hablamos su idioma

Slovak
Rozprávame Vaším jazykom

Chinese
我们会说你的语言

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1. Introduction

- 1.1 Fly-tipping is the illegal dumping of waste and is a crime. All kinds of waste are fly-tipped, the most common being household waste. Other wastes that are fly-tipped include appliances like fridges and washing machines, waste from building and demolition work, animal carcasses, vehicle parts and tyres.
- 1.2 Hazardous wastes such as oil, asbestos sheeting and chemicals are also dumped illegally. The types of land most commonly affected by fly-tipping include land near to public waste tips, roadsides and private land, particularly on the outskirts of urban areas, in back alleys and on derelict land.
- 1.3 The Government has introduced a range of measures aimed at tackling fly-tipping, including the Clean Neighbourhoods and Environment Act 2005 and the Anti Social Behaviour (Crime and Policing) Act 2014 which gives regulators more powers to tackle fly-tipping and the courts the ability to impose tougher penalties.
- 1.4 Both Councils and the Environment Agency have powers and duties that largely complement each other in contributing towards the protection of the environment and enhancing the quality of life of local communities. Together, the Councils and the Environment Agency will endeavour to ensure that the full range of fly-tipping on public and private land is effectively dealt with by use of appropriate enforcement powers where necessary.

2. Scope

- 2.1 Any public land or highway within the geographical boundaries of Bolsover District Council (BDC) or North East Derbyshire District Council (NEDDC) "The Councils" affected by the illegal deposit of waste. Public land includes roads, pavements, council owned land, parks, recreation areas, car parks and lay-bys which are the responsibility of the respective Council.
- 2.2 Any privately owned land within the geographical boundaries of BDC or NEDDC affected by the illegal deposit of waste. In such cases the responsibility for clearance of such land will be the land owner; however where fly tipped material is deposited on land which is in both public and private ownership, the Councils will collaborate with the land owner to facilitate its effective removal.
- 2.3 This policy will be considered in conjunction with any relevant Corporate and departmental enforcement policies

3. Principles

- 3.1 **This Policy supports the Councils Corporate aims of supporting our communities to be healthier, safer, cleaner and greener (July 2015) and the following priorities which sit under this aim:**

- Ensuring a high standard of environmental maintenance and cleanliness
 - Working with partners to reduce crime and anti social behaviour
 - Developing attractive neighbourhoods
- 3.2 Illegal waste activities, such as fly-tipping, unregistered waste carriers, unauthorised transfer stations, landfill sites and other illegal waste activities are a criminal offence and are anti social, tackling these offences helps people feel safer and secure.
- 3.3 This Policy gives clear understanding to customers, Councillors and employees on the Councils responsibilities and what actions it will take in dealing with fly tipped waste on public and private land.
- 3.4 Fly-tipping reduces the quality and enjoyment of the environment and it can begin a spiral of decline in local environmental quality. It can cause serious pollution of the environment.
- 3.5 Fly-tipping also reduces the quality of life and can be a risk to human health and may harm wildlife and farm animals and can contaminate water courses.
- 3.6 Through raising awareness, education, use of Duty of Care and by ensuring better prevention and detection of fly tipping and other forms of illegal waste dumping, the Councils believe that incidents of fly tipping will reduce and less will need to be spent on clear-ups and enforcement action.

4. Statement

In accordance with any relevant corporate and departmental enforcement policies, the Council will investigate and take appropriate enforcement action, against:

4.1 Types of offences:

- a. Fly-tipping of quantities of waste up to and including a single tipper load of waste deposited at one time (i.e. up to approximately 20m³ in a single deposit
- b. Accumulations of waste from several small-scale fly-tipping incidents
- c. Householders abandoning or dumping waste
- d. Waste management operations that do not have the appropriate planning consent
- e. Waste producers not complying with their Duty of Care
- f. Waste producers who illegally dump or abandon their waste
- g. Unregistered waste carriers and brokers (for example through organised vehicle stop checks)

4.2 Land types:

- a. Illegal dumping and fly-tipping of waste on public land including a road or other public highway.
- b. Illegally dumped or abandoned hazardous wastes on any land other than those which the Environment Agency deals with.
- c. Fly-tipped waste on private land or in watercourses that is giving rise to an adverse effect on the amenity of the neighbourhood or that is impeding the flow of water such as to give rise to an actual or imminent threat of a significant flood risk from an Ordinary Watercourse.
- d. Waste on domestic gardens, which has a detrimental effect on the quality of life of those in the locality.

4.3 Service Standards:

- a. The Councils will ensure adequate collection arrangements for household refuse are in place including well-publicised arrangements for collecting bulky items. In particular, the Council will ensure adequate arrangements are in place for the collection of waste from flats above shops and from houses in multiple-occupancy. (For example, so that the waste is not placed on the street prior to refuse collection day in such a way as to be seen by the public as fly-tipping as this can attract other dumping and make the area look run down and dirty).
- b. Where ownership is known and where fly-tipping on private land has an adverse effect on the environment, the Councils will take steps to ensure that the waste is removed by the occupier or registered land owner and/or appropriate enforcement action is taken and costs recharged wherever possible, in accordance with the Council's enforcement policies.
- c. Where ownership is unknown and land **is** unregistered and there is no occupier or owner to take responsibility; the Councils, after taking all reasonable steps to determine ownership, shall take no action to remove the waste; unless, the waste is deemed by an Officer of the Council to be hazardous or harmful to health or causing a public nuisance. The Councils cannot take responsibility for the clearance of private land throughout the District and must take into account the law of trespass.
- d. The Councils will advise landowners or their representative of suitable measures to deter further fly-tipping and may get involved in the investigation of repeated incidents of fly-tipping to prevent further occurrences – possibly through partnership working with landowners, occupiers of land and the Environment Agency.
- e. In cases where the Councils will take action in accordance with the above paragraphs, they will aim to remove fly-tipped waste as quickly as possible to maintain the cleanliness of the area, discourage further fly-tipping at the same location and prevent waste causing pollution or harm to health. This will generally be within 24 hours for hazardous waste and within 5 working days for other fly tipped waste

- f. The Councils will enter data, regarding incidents of fly tipping and the number of enforcement actions taken, onto the national database as required. (Department for the Environment, Farming and Rural Affairs (DEFRA) *Waste Data Flow Returns*)

4.4 Environment Agency:

- a. The Agency is a national organisation with a regional and local presence. As such it is well placed when tackling illegal waste activities to act across geographical boundaries that may present more of a difficulty for the Council. The Agency has the capability to respond to large scale illegal dumping or other waste crime via its hot-line 0800 555 111 or online at <https://www.gov.uk/report-flytipping> 24/7 and will report non-serious incidents to the Councils on the following working day.
- b. In general, the Agency will focus its resources on investigating and taking appropriate enforcement action against large-scale illegal dumping of waste, organised criminal involvement in waste crime and the dumping of certain special and hazardous wastes.
- c. The Agency regulates much of the waste management industry and major waste producing industries. It maintains a register of waste management activities that are “exempt” from requiring a licence or permit and it issues appropriate licenses, permits or authorisations to a range of waste managers including carriers and brokers of waste and those whose business it is to recycle or dispose of waste. Details of waste transfer licences holders can be found at <https://www.environmental-licenses.co.uk>
- d. The Agency will monitor and inspect waste management activities, including carrying out enforcement action against both breaches of authorisations and illegal activities in line with its published Policies

5. Responsibility for Implementation

5.1 Contact Centres - Receive and process customer calls, signpost and provide information.

5.2 Street Scene Services – Remove fly tipping from public land and provide assistance in the wider education, awareness and enforcement arrangements. Also, they undertake removal of waste from an incident of fly tipping which is deposited over an area of land which is in both public and private ownership; and, where possible, look to recover costs from private landowners.

5.3 Joint Environmental Health Service – Respond to customer calls and enquiries, investigate fly tipping incidents, educate and raise awareness with the general public and businesses, enforce legislative powers and complete Waste Data Flow (Fly Tipping) Returns to DEFRA.

5.4 Planning Services (BDC and NEDDC) – Investigation and enforcement of respective legislative powers.

6. Review

6.1 It is intended that this policy will be subject to review every three years with additional reviews as and when required to accommodate changes in legislation and local needs. The Councils will seek the views of stakeholders when undertaking such reviews.

7. Glossary of Terms, if applicable

7.1 Main Rivers are watercourses designated as such on main river maps (held by the Environment Agency) and are generally the larger arterial watercourses.

7.2. Private Land – land which is in private ownership and is not owned or the responsibility of the Council

7.3 Waste Data Flow Returns – Statutory monthly returns that the Councils are required to submit to DEFRA on fly tipping incidents and enforcement action taken.

APPENDIX A – Indicative costs of waste removal

The costs of clearing fly tipped waste can vary from site to site depending on the quantity of waste, the type of material and its location etc. A guide on likely Council costs for clearing fly tipped waste is as follows:

Hourly rate for Council vehicle and two workmen including disposal = £ 48.00

Indicative costs for removal of waste quantities (excluding hazardous) is:

Amount	£
Single black bag	12.00
Other single item	12 to 48
Car boot load or less	48 to 96
Small van load	96 to 192
Large van load	144 to 288
Tipper lorry load	192 to 384
Multi/significant	384 to 10,000