

Street Scene Team

Waste Strategy

Fly Tipping

Fly tipping is where the waste does not arrive at its correct legal destination.

This is caused by irresponsibility, financial gain and ignorance. The main origins of fly tipping are domestic waste, bulky domestic waste, builders and refurbishment waste from domestic properties and trade waste.

Domestic waste

Fly tipping from domestic waste occurs where residents place domestic waste at the wrong time and wrong place for collection through ignorance, misinformation and laziness.

This can be dealt with as an offence under section 46 Environmental Protection Act 1990 although littering under section 87 and fly tipping section 33 can fit the case.

Bulky domestic waste

Bulky domestic waste is waste that does not count as a normal domestic collection, by its nature will not be bagged and convenient for routine collection. It is usually dumped on the footway or other public place and abandoned because the local processes of bulky collection are not known, not enquired into, just ignored or to avoid the cost of collection. The abandonment is by the producer which is usually the resident.

This constitutes an offence under section 33 Environmental Protection Act 1990.

Builders and refurbishment waste on domestic properties

This waste can involve old kitchens and bathrooms, demolished internal walls, extensive redecoration waste, garden projects, and so on. Some of this is DIY. Residents can take a reasonable amount to the council amenity site for free disposal. Sometimes there may be a small charge.

The resident has a duty to take reasonable steps to ensure the waste is passed to an authorised waste carrier.

In many cases there is a hired builder or other contractor who is responsible for clearing the waste. He is the producer if he is undertaking the work. The householder has a duty to ensure he is acting legally.

The waste often builds up in front of the premises on private property until the builder/contractor removes it. Often to avoid cost he will dump it illegally. Often he will use an illegal waste carrier, pay him cash with no receipt or transfer note

to save time and money.

This constitutes offences under section 34 Environmental Protection Act 1990 regarding transfer of waste and record keeping, and fly tipping under section 33 Environmental Protection Act 1990.

Section 34 Environmental Protection Act 1990

Section 34 Environmental Protection Act 1990 was introduced as an auditing system to prevent waste from being fly-tipped.

Most fly tipping involves section 34 and is not the normal domestic waste. In order to reduce fly tipping then the transfer system needs to be addressed from its origins. Fly tippers are rarely caught in the act and there are difficulties in tracing the origin of a fly tip when it is found. Fly tipping takes two or three minutes to perform and easily goes undetected. The lorries used are often not registered, or falsely registered with the DVLA.

What is easy to see is it being produced. Production takes days sometimes weeks. It can be seen building up and awaiting removal in front of people's houses. Building work can be seen in progress where waste will be produced. If we monitor the production and build up of waste we can put in a simple process to ensure it does not fall out of the system and become a fly tip. Or if it does enforcement is simple against the offending parties.

For instance when monitoring/ patrolling an area there are obvious visible times when building /refurbishment/gardening projects are taking place.

The person in charge, the resident, and the builder can be approached and advised as to his obligations regarding the waste disposal. A leaflet is given. Details are taken by the officer as to what is taking place and what waste is being produced.

After the waste has been cleared the producer should be asked to see the transfer note relating to the disposal by him of the waste.

If there is no transfer note then the waste has entered an illegal chain and is very likely to be fly tipped elsewhere.

Since the producers were advised initially and have failed to comply, enforcement action is a simple process. This can be a summons or a substantial FPN under the Cleaner Neighbourhood and Environment Act.

Trade waste – businesses

All businesses produce waste and need to keep records of disposal.

We can visit such premises and enquire as to their arrangements. Give them advice and leaflets and contact numbers. Our commercial waste officers can be provided with details of the businesses that have no contracts. Where waste is

being found dumped on the street then a notice under section 34 Environmental Protection Act 1990 can be served on traders suspected of producing the waste. If the producers have no such records, then the waste has entered the illegal chain and have been fly-tipped. Enforcement is simple under section 34 Environmental Protection Act 1990.

Waste Carriers

There are two groups: the licensed carrier who fails to pass or deposit the waste he is carrying legally and does not keep full records; the unlicensed carrier who fails to pass or deposit legally and who keeps no records at all.

These are the main sources of fly tipping, the Transit loads dumped illegally in, the countryside, car parks, on the streets and in alleys.

Waste carriers without a license from the Environment Agency are likely to be illegally dumping waste. Their business is to cold call and collect waste that they see when driving round the streets. They will also advertise usually with mobile untraceable numbers. They earn money, cash, and avoid costs by fly tipping the waste. They undercut the local legitimate licensed traders.

Waste carriers usually operate in Transit vans. They can be seen stopped (often with assistance of police) and checked for records. A notice can be served under section 34 and when they are unable to produce the transfer notes a prosecution of FPN (CNEA) can be served.

We need to target the origins and the movement of waste which is the core of the problem.

Advice strategy

Trade waste

- 1 Systematic trade waste enquiry in some major streets and shopping centres.
- 2 Trade waste enquiry as required at a complaint site
- 3 Builders waste enquiry consists of identifying locations where building works is going on and advising the builder's about their obligations to dispose of their waste properly. A follow-up when the waste is gone may be to serve a notice on the builder to find out where the waste was disposed of and if not satisfactory prosecution or warning to follow
- 4 Trade waste enquiries to identify trade waste removers operating in the district usually seeing them clearing waste and seeking information as to how they are disposing of waste and whether they have a waste carriers

licence/. Follow up may be a prosecution Notice and warning.

- 5 Trade waste records -Large posters re trade waste records displayed on Street care vehicles
- 6 Trade waste various leaflets distributed
- 7 Publicity in 'Council magazine' on trade waste law and results of prosecutions.
- 8 Briefing note wherever possible in council business mail distributions.
- 9 Prosecutions under section 34 and 33 Environmental Protection Act 1990

*A trade waste enquiry consists of visiting business premises and finding out what arrangements they have for dealing with their trade waste. Taking some details if available and giving out leaflets and advice material

Domestic waste

- 1 Problems street targeted with collection day information leaflets or pro-forma letters
- 2 No dumping notices put up in problem areas
- 3 Specially made No dumping notices for a particular area
- 4 Laminated specially made notices put up in a particular trouble spot

There are a range of maps, leaflets, booklets and pro-forma letters available for use to assist in advice. They are kept in the leaflet cupboard of the enforcement office. Officer should have a supply with them when they are on patrol.

Enforcement actions that are available to the enforcement team

Verbal warning

Written warning

Formal Home Office Caution

Dog Control Orders under the Clean Neighbourhood and Environment Act 2005

Services of Notices under:

Section 46 Environmental Protection Act 1990 defining where resident should place and contain their waste

Section 59 Environmental Protection Act 1990 to clear Land

Section 92 Environmental Protection Act 1990 to require land to be cleared o

litter and refuse

Section 94 Litter Control Notices served on businesses that cause litter outside their premises

Section 34 Environmental Protection Act 1990 notice requiring details of waste disposal arrangements

Fixed penalty notices for the following offences:

Litter section 87 Environmental Protection Act 1990 £75

Fail to comply with litter clearing Notice £100

Fail to provide records on waste disposal £300

Fail Litter Control Notices £100

Fail to clear up after dog fouling £75

Fail to comply with section 46 Notice £100

Abandoned vehicles £200

Fly posting £75

Prosecution by summons

In the event of non payment for the fixed penalty offences then the persons are prosecuted by way of a summons at the magistrates' court.

Other offences for which we prosecute by way of summons that do not have the fixed penalty option are:

Fly tipping section 33 Environmental Protection Act 1990

Failure in a duty of Care under section 34 Environmental Protection Act 1990

Seizure of vehicles

Vehicle concerned in fly tipping which have no known owner registered with the Driver Vehicle Licensing Agency can be seized with a warrant granted by the magistrates court in order to find out who was using the vehicle.

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2.4.11