

Decision Maker: ENVIRONMENT & COMMUNITY SERVICES PDS COMMITTEE
PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

Date: 13th November 2019 and 14th November 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: FLY-TIPPING ACTION PLAN UPDATE

Contact Officers: Toby Smith, Enforcement Manager
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Chief Officer: Colin Brand, Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for report

- 1.1 This report outlines the actions that have been identified for delivery during 2019/20 in order to support the outcomes of the Council's Fly-Tipping and Enforcement Working Group.
- 1.2 This report is being presented to both the ECS PDS Committee (to specifically review the educational, prevention and operational activities) and the PPE PDS Committee Meeting (to review the enforcement activities), though both Committees have the opportunity to comment on the action plan in its entirety.

2. **RECOMMENDATION**

- 2.1 **That Members note and comment on the content of the Fly-Tipping Action Plan, suggesting future activities for consideration by the Fly-Tipping and Enforcement Working Group where applicable.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: The reduction of fly-tipping and other envirocrime will lead to a positive impact for all service users and has no specific impact on vulnerable adults and children.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Safe Bromley
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Financial

1. Cost of proposal: Estimated Cost Further Details
 2. Ongoing costs: Recurring Cost Non-Recurring Cost Not Applicable: Further Details
 3. Budget head/performance centre: Members' Initiatives
 4. Total current budget for this head: Total current uncommitted balance of £120,824
 5. Source of funding: Members' Initiative Scheme (fly tipping scheme)
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Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement: Further Details
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: Procurement of prevention measures and environmental campaign activity will be in line with Contract Procedure Rules and Financial Regulations. Where highway related works cannot be procured through the existing Highways Maintenance contract, these projects will be procured through a mini-competitive tender exercise.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors' comments: Ward Councillors are supportive of the targeted local prevention measures included within the action plan.

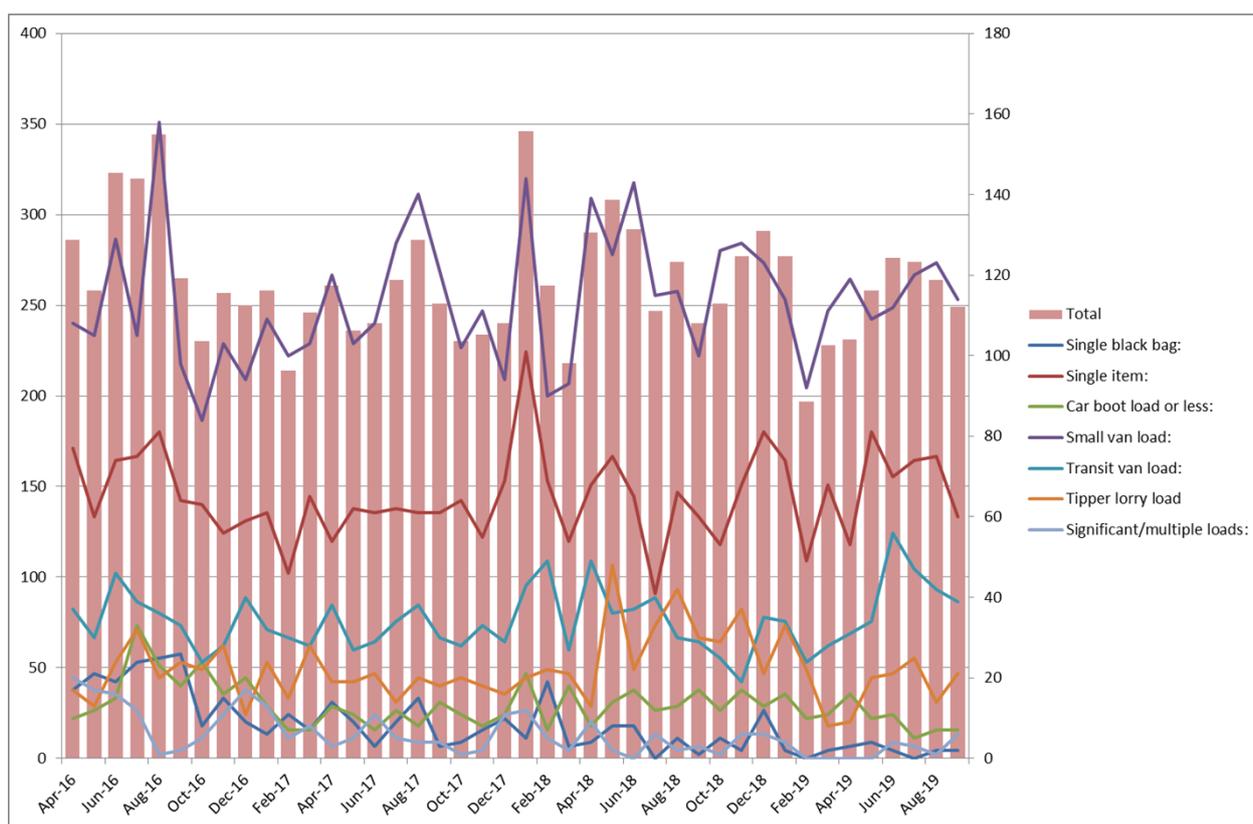
3. COMMENTARY

3.1 As part of the Council's Public Protection and Enforcement Portfolio Plan 2019/20, there is a commitment to keeping the borough's streets clean and green and to reduce litter, dog fouling and fly-tipping through a programme of contracted works, education and enforcement activity. Targets have been set to reduce the number of fly-tipping incidents in the borough to less than 3000 per annum and to take enforcement action against 10% of fly-tips.

3.2 During the first six months of 2019/20, there have been 1,552 fly-tipping incidents, amounting to an estimated 966.22 tonnes of waste, which compares to 1,651 during the same period in 2018/19. Of those incidents during 19/20, 111 (7.2%) have been subject to enforcement activity (investigations as reported to Defra, including fines and prosecutions). Whilst a higher volume of enforcement activity would be desirable, this is limited by the quantity and quality of evidence available at the time of each incident.

3.3 Figure 1 indicates the fly-tips by type and volume of material from 2016 onwards, showing that the largest numbers are from small van loads, followed by single items.

Figure 1: Fly-tips by type 2016-2019



3.4 A Fly-Tipping and Enforcement Working Group has been established and is comprised of senior officers within the Council. The Fly-Tipping Action Plan is an output of the Group and is included at Appendix A for Members to review and comment on its current content. Terms of Reference, including membership of the group and key outcomes are included at Appendix B.

3.5 Activities undertaken as part of the 2019/20 Plan include targeted awareness campaigns (such as letters to residents in the immediate vicinity of a fly-tipping hotspot), physical prevention measures such as barriers and road closures and a benchmarking exercise to establish best practice that can be applied within the borough.

- 3.6 The public can assist officers to manage fly-tips by reporting issues via Fix-My-Street (FMS), an on-line reporting facility which now handles almost 70% of residents' reports regarding the streetscene. FMS provides the public with an opportunity to upload photographic evidence of fly-tips and to see an update on the system when the rubbish has been removed. During the first six months of 2019/20, 1856 reports on FMS have been related to fly-tipping (1746 excluding reports within parks). This number of reports is higher than the actual number of incidents as it includes duplicate reports on the FMS system where different members of the public may have reported the same issue.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The reduction of fly-tipping and other Envirocrime will lead to a positive impact for all service users and has no specific impact on vulnerable adults and children.

5. POLICY IMPLICATIONS

- 5.1 Work undertaken as part of the Fly-Tipping Action Plan supports existing Council Policy.

6. FINANCIAL IMPLICATIONS

- 6.1 The annual cost of fly-tip removal is a fixed price sum which is included as part of the Street Environment Contract (Lot 3 of the Environmental Services Contracts, which commenced in April 2019). The set fee is regardless of quantities and, based on fly-tips cleared to date, is in line with Defra benchmarked costs for other local authorities.
- 6.2 The disposal of the fly-tipped waste is undertaken through the Waste Disposal Contract (Lot 1) via the Council's Central Waste Depot at Waldo Road. Costs of disposal have been benchmarked and are also in line with the Defra figures.
- 6.3 Activities set out within the Fly-Tipping Action Plan (unless otherwise stated) are funded through the Members Fly-Tipping Initiative Fund. The fund initially totalled £250k and at the time of writing this report, £15,696 has been spent, with a further £113,480 committed.
- 6.4 There is a remainder of £120,824 within the Fund. The sum of the identified potential activities within the action plan (Appendix A) for 2019/20 totals £273,360. Activities will therefore be prioritised by the Working Group in consultation with the Environment Portfolio Holder and Members and according to the impact they are likely to have on preventing and reducing fly-tipping in the borough. Alternative funding will need to be identified for any schemes that cannot be funded through the fly tipping initiative fund. The financial impact of this cannot be determined at this time.

7. LEGAL IMPLICATIONS

- 7.1 The council obtained an interim injunction last year to prevent unauthorised camping and dumping of waste on a number of named sites throughout the Borough. When the matter went to a contested hearing earlier this year, this was only upheld in relation to the prohibition of dumping of substantial waste on those areas. Bromley Council have lodged an appeal against the refusal to grant the injunction in respect of camping on those sites, and this is due to be heard at the Court of Appeal on the 3rd and 4th December, where the council will be represented by Junior and Senior Counsel. Given the considerable uncertainty as to outcome, parties have agreed that they should each bear their own costs in the matter, so in the event of losing this appeal, Bromley will not incur 3rd party costs.

8. PROCUREMENT IMPLICATIONS

8.1 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	