

# Agenda Item

Report No.  
ES20210

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

**Date:** Thursday 8<sup>th</sup> September 2022

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

**Title:** FLY-TIPPING ACTION PLAN MID YEAR UPDATE

**Contact Officers:** Dean Laws, Street Enforcement Manager - Environment  
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**Chief Officer:** Colin Brand, Director of Environment and Public Protection

**Ward:** All Wards

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1. Reason for report

- 1.1 This update report details actions that have been undertaken by Neighbourhood management since the last annual Fly Tipping Action Plan update.
  - 1.2 This report is being presented to the PPE PDS Committee Meeting (to review recent enforcement activities)
  - 1.3 The annual Fly Tipping Action Plan report will be presented to both PP & ECS PDS committees in quarter four 2022/23
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2. **RECOMMENDATION**

- 2.1 **That Members note and comment on the work undertaken by Neighbourhood Management, 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 associated Enviro-Crime 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: £250k
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: Earmarked Reserve for Members' Initiatives – Fly-tipping and Enviro-crime
  4. Total current budget for this head: Total current uncommitted balance of £97k
  5. Source of funding: Earmarked Reserves
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## Personnel

1. Number of staff (current and additional): 4
  2. If from existing staff resources, number of staff hours: 144
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## 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? N/A
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

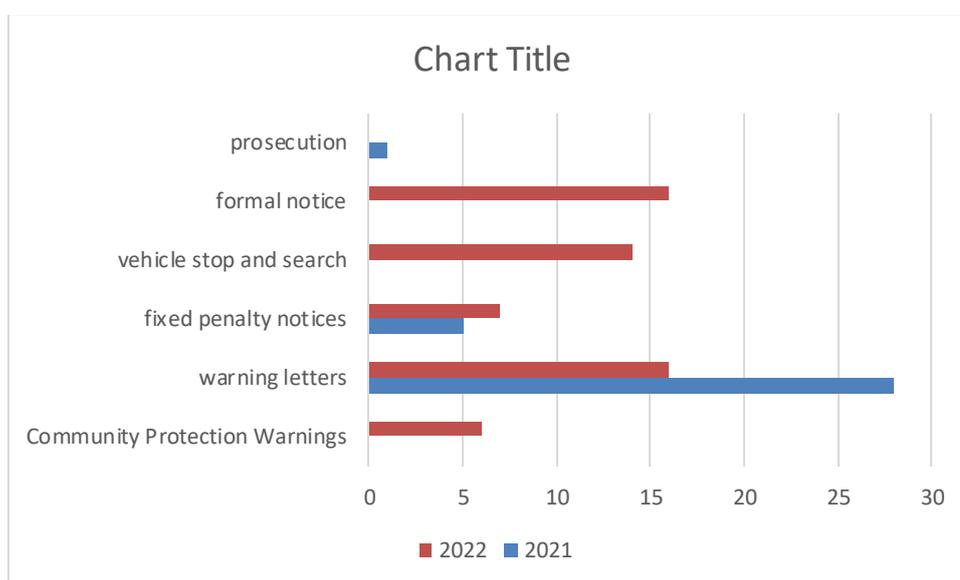
3.1 As part of the Council's Environment and Public Protection Portfolio Plan 2022/23, there is a commitment to keeping the borough's streets clean and green and to reduce litter, dog fouling and fly-tipping through programmed contracted works, education and enforcement activity. Targets have been set 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 In February 2022 Neighbourhood Management undertook a service review and realignment. Previous to the review the Highways Enforcement Team consisted of The Highways Enforcement Manager, 1 Enviro-Crime Officer and 3 Highways Enforcement Officers. The review highlighted the lack of resource dedicated to Fly Tipping investigations and resulted in a new structure consisting of 1 Environmental Investigation Manager, 1 Senior Enviro-Crime Officer and 3 Enviro-Crime Officers. All officers within the team now focus on both Highways & Environmental enforcement

3.3 During the first six months of 2022, Bromley Council have been notified of 1,620 reports of fly tipping within the Borough, which compares to 1,840 during the same period in 2021. This equates to a 12% reduction in reported fly tips in comparison with last year.

3.4 In the same six month period, Neighbourhood management have conducted 89 investigations resulting in the issuing of 16 formal notices, 6 Community Protection Warnings, 16 warning letters, 7 fixed penalty notices and 14 vehicles being stopped and searched. This compares to 164 investigations resulting in the issuing of 28 warning letters, 5 fixed penalty notices and 1 prosecution during the same period in 2021. Figure 1 provides illustration of the enforcement outcomes for both years

**Figure 1. Enforcement Outcomes**



3.5 Bromley have suffered from several incidents which posed hazard to members of the public due to the irresponsible depositing of waste onto public roads, including the fly tipping of waste on unlit country lanes. There was a need to appeal for witnesses due to the severity and risk posed by these incidents. Copies of releases posted on Bromley Council's website are included as Appendix A & B

3.6 On Wednesday 20<sup>th</sup> July 2022, a vehicle which had been seized as part of a Fly Tipping investigation was crushed. Details of the crushing were published on Bromley Council website, published document is included as Appendix C

- 3.7 Also on Wednesday 20<sup>th</sup> July 2022, Enviro-Crime Officers ran operation alongside colleagues from Met Police SNT. The operation took place in Lewisham and involved the seizure of two vehicles linked to fly tipping within Bromley. Investigations are currently on going and we hope to commence court action against the individuals concerned in the coming months. This action led to a press release on the News Shopper website, details of the published document is included as Appendix D
- 3.8 Public Protection run Community Impact Days monthly. One of the main concerns raised by members of public is fly tipped waste within the project areas. This is dealt with during the operation via the removal of waste from public and private land. On the day of action waste on public land is cleared by Veolia with colleagues at Clarion responsible for removing waste from their own managed area. Figure 2 details tonnages of waste removed as part of the Community Impact Days facilitated by Public Protection.

**Figure 2 – Community Impact Days waste removal**

**Community Impact Days – Waste Removal (January 2022 – July 2022)**

Date	Location	Veolia	Clarion - Private
26/01/2022	St Mary's Cray- (Cray Valley East)	3,880kg	580kg
23/02/2022	Mottingham	2,400kg	480kg
30/03/2022	St Paul's Cray-Cray Valley West & R	1,680kg	880kg
27/04/2022	Penge	2,210kg	460kg
25/05/2022	St Mary's Cray – (Cray Valley East)	3,260kg	700kg
29/06/2022	Mottingham & Bromley Town	1,640kg	530kg
27/07/2022	St Paul's Cray-Cray Valley West & R	1,140kg	1,100kg
<b>Total</b>	<b>January 2022 – date (7 months)</b>	<b>15,210KG</b>	<b>4,430KG</b>

**4 IMPACT ON VULNERABLE ADULTS AND CHILDREN**

4.1 The removal and reduction of fly-tipping waste and other associated enviro-crime 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 The New Corporate Strategy “Making Bromley Even Better” 2021-2031 provides three objectives for the service to meet under Aim 4 “For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future”.

- Progress our broader community safety and public protection goals, including tackling nuisance behavior such as noise, fly-tipping and graffiti
- Sustain a clean, green and tidy environment continuing to improve the street scene across the borough and town centers for our residents and visitors
- Protect and improve the environment through effective and responsible enforcement addressing issues, including environmental protection, pollution, planning and parking

## 6 FINANCIAL IMPLICATIONS

- 6.1 In February 2016, the Council set aside £750k as one-off funding for Member Initiatives, of which £250k was allocated to fly-tipping and enviro-crime initiatives as set out in the report to the Environment PDS Committee on 15<sup>th</sup> March 2016 (ref ES16017).
- 6.2 The balance of funding remaining as at 1<sup>st</sup> April 2022 was £116k. So far this financial year, there has been expenditure of £19k, leaving an uncommitted balance available for further initiatives of £97k.
- 6.3 If any ongoing maintenance costs arise as a result of initiatives, these will need to be contained within existing budgets, although to date the schemes conducted have not resulted in any ongoing costs.

## 7 LEGAL IMPLICATIONS

- 8.1 Fly-tipping is defined as the deposit of waste on land otherwise in accordance with an environmental permit, contrary to Section 33(1)(a) of the Environmental Protection Act 1990.
- 8.2 It is a criminal activity which carries a fine of up to £50,000 and/or 12 months imprisonment upon summary conviction at the Magistrates court; if indicted to the Crown Court the fine is unlimited and/or a sentence of up to 5 years imprisonment can be imposed.
- 8.3 The Council has enforcement powers (e.g. in respect of vehicle seizure) but will be seeking to work in partnership with both the Environment Agency and Metropolitan Police – both of which have enforcement powers in this respect.

## 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.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	Making Bromley Even Better Environment PDS Committee on 15 <sup>th</sup> March 2016 (ref ES16017).

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## Appendix A – Witness appeal Orpington 20<sup>th</sup> July 2022

A clear up and investigation is underway following two serious fly-tip incident in country lanes.

As EnviroCrime officers continue with the recent fly-tip investigations, witnesses are being asked to come forward with information that could lead to a successful prosecution, with rewards of up to £500 available.

The fly-tips were discovered on Shire Lane, Keston and Skibbs Lane, Orpington in the morning Friday and Sunday respectively. Both incidents caused major roadblocks in the country lane, mostly or entirely blocking the road.

The dumped rubbish found on Shire Lane consisted of several torn bin bags, carpet material, a children's goal post, large containers, wooden planks, and an excess of other household waste items. On the other hand, Skibbs Lane was almost exclusively obstructed by wooden boards and pallets.

The result of the tipping caused a significant danger to road safety as the rubbish was scattered across the road, obstructing over half (or all) of the narrow country lane, causing road users to need to take evasive action to avoid the hazard. Due to the unanticipated roadblock on Shire Lane especially, vehicles were left with no choice but to switch to the opposite lane in order to give way to oncoming traffic.

Councillor Angela Page, Executive Councillor for Public Protection and Enforcement, said: "We investigate each and every fly-tip, with these incidents being particularly serious, but our clean-up team responded quickly and efficiently to restore the country lanes back to public use standard. If there is anyone who has any information about the fly-tipping, I would encourage them to share this information with the council in support of our investigation."

Anyone who needs to report an enviro crime, including fly-tipping, can visit [www.bromley.gov.uk/envirocrime](http://www.bromley.gov.uk/envirocrime), with rewards of up to £500 available for information leading to prosecution.

Residents are being reminded of the importance to carefully check whether tradespeople they employ have a waste carriers' licence. Residents are advised to ask to see the permit to check what kind of waste disposal or recovery the business is registered for. In addition, the register can be checked by going to the Environment Agency website at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by calling 03708 506 506.

Investigations show that dumped rubbish has often occurred as a result of gardening work or as a result of building work, with the fly-tips either caused by an unscrupulous trader or even by the householder. Fly-tipping problems can quickly and easily be reported on the council's website [www.bromley.gov.uk/report](http://www.bromley.gov.uk/report).

## Appendix B – Witness appeal Beckenham 13<sup>th</sup> July 2022

As a fly-tip investigation continues, witnesses are being asked to come forward with information that could lead to a successful prosecution.

EnviroCrime officers are looking for a serial fly-tipper following similar incidents recently in Beckenham. EnviroCrime rewards of up to £500 are available for information leading to a successful prosecution, including in this incident.

The latest fly-tip was discovered on Manor Way, Beckenham on Saturday 9 July in the early hours of the morning. CCTV evidence shows that at 01:54, the driver of a vehicle fly-tipped the contents of the vehicle across the road without stopping. Whilst CCTV footage is being studied, witnesses are requested to provide the council with any information relating to the incident that could lead to the successful prosecution of the fly-tipper.

Councillor Angela Page, Executive Councillor for Public Protection and Enforcement, said: “Did anyone see this vehicle or know of its current whereabouts? Fly-tipping is a blot on our streets which we are determined to tackle as part of our never-ending work to keep our borough looking clean.”

Councillor Page continued: “This is a mission which involves all of us. Not only will we remove fly-tips when we come across them, we will also investigate and will not hesitate to prosecute where the evidence exists. Please help – if you have any information on fly-tip incidents, particularly Saturday’s incident, please come forward.”

The fly-tip materials included a children’s blue plastic slide, a cooker, rubble, and a large amount of packaging and cardboard boxes, all of which were discarded in the street in front of Harris Academy, completely blocking an entire lane. The dumped rubbish created a road safety hazard as motorists were forced to use the opposite lane to get past until the road was cleared; this also endangered pedestrians, including school children.

The latest investigation follows at least two similar local incidents of fly-tipping recently, both in Brackley Road and Park Road, Beckenham, with these incidences believed to be linked.

Residents are reminded that they need to properly check the credentials of anyone being employed to remove unwanted items or waste from their home. Legally, any trader responsible for removing waste from a property needs to be a registered Environment Agency waste carrier. Whilst a business can be fined up to £5000 for not registering, householders can also be prosecuted for using an unlicensed waste carrier.

Fly-tipping problems can quickly and easily be reported on the council’s website [www.bromley.gov.uk/report](http://www.bromley.gov.uk/report). Problems can be reported quickly and easily along with photos too. However, in emergencies, when a road is completely blocked for instance, fly-tipping should be reported by phone so that priority attention can be given.

Anyone with more fly-tipping information or other enviro crime evidence should go to [www.bromley.gov.uk/envirocrime](http://www.bromley.gov.uk/envirocrime) to let the council know the details and they could be rewarded with up to £500 as a ‘thank you’.

## Appendix C – Vehicle crushing press release 20<sup>th</sup> July 2022

A tipper truck suspected of being involved in flytipping incidents has been crushed today, with the metals being recycled.

The vehicle was previously seized as part of a flytip investigation, with flytippers being warned that a similar fate awaits their vehicle if they are caught and prosecution also being a probability where the evidence exists.

The news follows recent appeals for information which could lead to the successful prosecution of a flytipper, with enviro-crime rewards of up to £500 being offered for information.

Councillor Angela Page, Executive Councillor for Public Protection and Enforcement said, “Flytipping is a serious issue which is not just unsightly, but can have very stark consequences when the dumped rubbish is left in the road, on a country lane for instance, with a motorist coming across this, with little or no warning. We cannot always disclose the outcomes for a variety of reasons, including legal reasons, but, be assured, we do investigate all flytipping reports and no one should be in any doubt that where the evidence exists, we will prosecute and or crush the vehicle, depending on circumstances. Please report dumped rubbish where you come across it and come forwards as a witness if you saw the incident.”

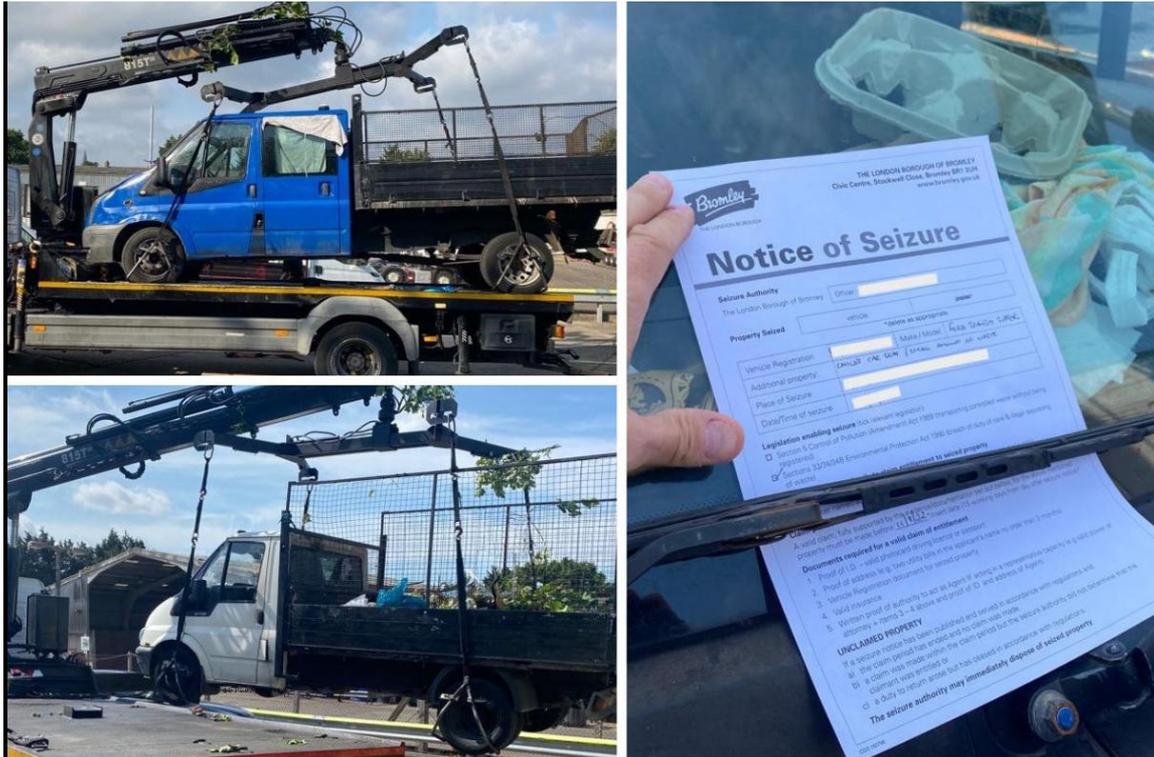
Councillor Page continued, “If you are having work done or looking to dispose of bulky items, then make sure you are using someone who is bonafide and check their details. You have a legal duty of care to do this, which also applies to traders as well but it is yet another way that by working together, we can and indeed are making a difference.”

In this example, the vehicle was seized some time ago, with the investigation continuing when covid restrictions were in place. The owner of the vehicle did not come forwards to claim their vehicle, with vehicle then being crushed.

Residents are being reminded of the importance to carefully check whether tradespeople they employ have a waste carriers’ licence. Residents are advised to ask to see the permit to check what kind of waste disposal or recovery the business is registered for. In addition, the register can be checked by going to the Environment Agency website at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by calling 03708 506 506

Appendix D – Vehicle seizure press release 20<sup>th</sup> August 2022

**Two vehicles seized after Bromley fly-tipping incidents**



**Bromley Council is appealing for anyone with any further information about fly-tipping cases to come forward / Images: Bromley Council**

Two vehicles have been seized as part of ongoing fly-tip investigations after a series of incidents in Bromley.

The vehicles were seized a short distance away from the Bromley borough's boundary.

As investigations are ongoing, further details cannot currently be disclosed.

Bromley Council is appealing for anyone with any further information about fly-tipping cases to come forward and notify them at [www.bromley.gov.uk/envirocrime](http://www.bromley.gov.uk/envirocrime).

There are rewards of up to £500 available for people who provide information which leads to successful prosecution.

Councillor Angela Page, Bromley's Executive Councillor for Public Protection and Enforcement, said: "Our investigations into the fly-tips where we recently appealed for information are ongoing, but we would encourage residents to assist us in our efforts to put a stop to this.

"If anyone has any information about any incident, please come forward to help with our investigation.

"And as a reminder, information leading to a successful prosecution of the offender will be rewarded up to £500."

A tipper truck was crushed last month after the council seized it for having links to fly-tipping incidents during the pandemic.

Bromley council advises that people who are looking to use disposal services to ask see to see the permit of the tradesperson they have hired.

This is to check what kind of waste disposal or recovery the business is registered for.

You can check whether tradespeople have a waste carriers' licence [here](#).

The maximum penalties for fly-tipping on summary conviction are a £50,000 fine and/or twelve months imprisonment.

On conviction in a Crown Court, the maximum penalties include an unlimited fine and/or five years imprisonment.