



Report Reference Number: PR/20/13

To:	Policy Review Committee
Date:	16 March 2021
Status:	Non-Key
Ward(s) Affected:	All
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Lead Executive Member:	Councillor Christopher Pearson, Lead Executive Member for Housing, Health and Culture
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Title: Fly Tipping - Enforcement

Summary:

Fly Tipping is a national problem and a blight on our communities and whilst the Council has a responsibility to remove waste from public land it also has enforcement powers to take a proportionate response where evidence of the perpetrator is found.

SDC approved the introduction of a system of fixed penalty notices (FPN's) at a meeting of the Executive on 5th December 2019. The introduction of the system involved an extensive communications campaign during January to March 2020 with full implementation commencing in April 2020 although some FPN's were issued from January to end of March 2020. The level of fine was set at the maximum of £400 with a 25% reduction for early payment. Prior to the introduction, the Council was limited to issuing warning letters, littering FPN's with a maximum penalty of £50 or legal action via the court system.

The Department for Environment, Food and Rural Affairs (DEFRA) published their Fly Tipping Statistics for England, 2019/20 on 24th February 2021. This document provides a national context of fly tipping statistics and enforcement by Local Authorities and is appended to this report at Appendix A.

Recommendation:

The Policy Review Committee are asked to note the content of the report.

Reasons for recommendation:

1. Introduction and background

- 1.1** Fly tipping is a national problem that blights our countryside and communities which is showing an increase nationally and although Selby has recently been showing a small reduction in incidents this is not the case in the current year.

2. Report

- 2.1** For the years 2017/2018, 2018/2019, 2019/2020 the Council received 658, 614 and 571 reports of fly tipping incidents respectively. Each incident is investigated for evidence of the perpetrator resulting in 43, 42 and 68 incidents where evidence was obtained. However, the only enforcement options available to Selby at the time where to issue a formal warning letter, issue a littering fixed penalty of £50 maximum or formally prosecute. A formal prosecution requires strong evidence, legal resources and no guarantee of winning the case or the level of fine imposed.

Set out below is a summary of the outcomes of the incidents where evidence was gathered.

	Formal warnings	Littering FPN's	Fly Tipping FPN's	Prosecutions	Passed to legal – NFA (not in the public interest to prosecute)
2017/18	23	13		5	2
2018/19	19	16		7	0
2019/20	21	42	4	1	0

- 2.2** For the period of April to December 2020 the total number of flytips was 480, equating to an average of 60 per month, up by 12 per month on the previous year.

- 2.3** The associated enforcement action for the period of April 2020 to 16th February 2021 is summarised in the table below. All FPN's have been paid by the due date and have received all due early settlement discounts.

	Dog Fouling FPN's (£50)	Littering FPN's (£50)	Fly Tipping FPN's (£300)	Householder Duty of Care FPN's (£300)	Prosecutions
April 20 / Feb 21	2	20	9	10	0

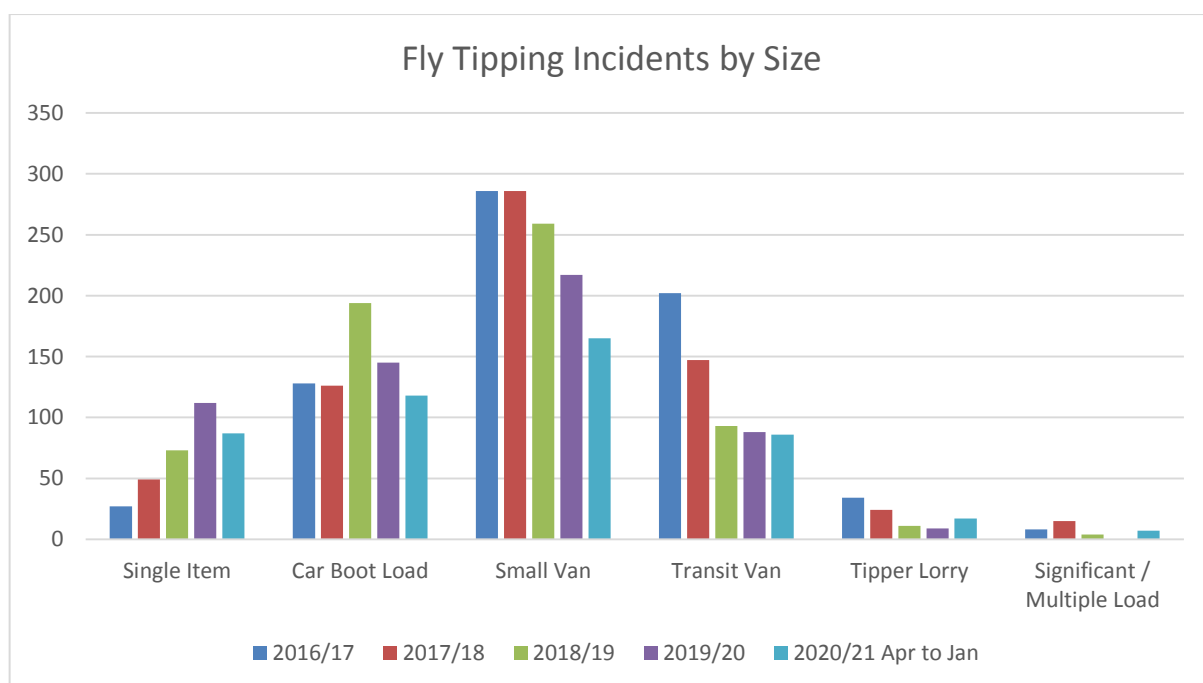
- 2.4** When the Council looks at fly tipping incidents an assessment is made of each individual case on its own merits and based on the evidence available. Following the principles of good enforcement, the Council will then make a decision on how to proceed, this is in line with the Corporate Enforcement Policy to ensure that any enforcement action is proportionate to the incident and the offence committed. Officers will always give regard to the policy when conducting any work or taking action; this ensures that any action taken is appropriate to the risk and to the seriousness of any breach of legislation. Officers will be independent, fair and objective when dealing with a case and if it is felt that the appropriate action is to prosecute then a referral will be made to Legal who will then decide whether to proceed with an application to court. The decision to prosecute a case will be taken by those with authority to do so.
- 2.5** Although currently the Enforcement team do not have any court cases for fly tipping or Householder Duty of Care awaiting prosecution through the court process, we are aware that both the Council and other agencies have been significantly impacted by the COVID-19 pandemic including HMRC courts and the court process, and this has caused a backlog of cases. For example a fly tipping case was submitted for prosecution late 2019 which did not reach the court until October 2020.
- 2.6** The Council purchased a re-deployable CCTV (RCCTV) camera in 2019 to proactively deter fly tipping at known hot spots. The equipment is deployed in appropriate locations where there is sufficient evidence of repeated fly tipping to deter fly tipping and other environmental crimes.
- The Council currently has four cameras of which a maximum of two can be deployed at any one time due to the additional equipment required (control units and battery packs). Cameras were deployed in seven different locations last year.
- 2.7** As stated earlier fly tipping is a national problem and perpetrators are not restricted by Local Authority boundaries. As such the Enforcement team take an active role in regional multi-agency initiatives and intelligence sharing. However, this year most of the multi-agency and regional work the team has previously done has been adversely impacted due to Covid 19 restrictions.
- 2.8** The team has however, maintained strong links with our surrounding local authorities and other agencies for information sharing that the team have previously worked with under "Operation Eyeball". The Yorkshire and Humberside Environmental Enforcement Group meetings are being held online each quarter and we attend those meetings.
- 2.9** Strong links have been maintained with North Yorkshire Police through the Safer Selby Hub who do provide reports they have received regarding fly tipping for the team to investigate.
- 2.10** Tyre fly tips - are being investigated, through joint working with neighbouring Local Authorities, the Police and Rural Watch. Police and Rural Watch patrols have been increased along with a joint communications and social media

campaigns to increase awareness that we are watching and encouraging people to report what they see.

- 2.11 The recently published DEFRA Fly Tipping Statistics for England, 2019/20 report is attached at Appendix A and states there were just under 1 million incidents of fly tipping in England in 19/20 which is a 2% increase on the previous year. Whereas for the same period in Selby District there was a 7% decrease from 614 incidents to 571 incidents. Whilst there has been a downward trend in reported incidents as shown in the table below there has been an increase in the current year.

Year	Total No of Fly Tips	Year	Average Tips Per Month
2016/17	685	2016/17	57.08
2017/18	647	2017/18	53.92
2018/19	634	2018/19	52.83
2019/20	571	2019/20	47.58
2020/21 Apr to Jan	480	2020/21 Apr to Jan	60.00

- 2.12 Whilst the number of fly tipping incidents in Selby does not follow the national trend the numbers of incidents by size of fly tip is reflective of the national picture of a small van load being the most prevalent as set out in the chart for Selby below.



- 2.13 The Defra report also references the issue of FPN's and in particular a decrease in the number issued in 19/20 of 2% over the previous year. Selby only introduced the issue of FPN's in the last quarter of 19/20 so has no comparative data.

3. Alternative Options Considered

None.

4. Implications

4.1 Legal Implications

None.

4.2 Financial Implications

None.

4.3 Policy and Risk Implications

None.

4.4 Corporate Plan Implications

None.

4.5 Resource Implications

None.

4.6 Other Implications

None.

4.7 Equalities Impact Assessment

None.

5. Conclusion

5.1 The Committee are asked to note the report.

6. Background Documents

7. Appendices

Appendix A: DEFRA Fly Tipping Statistics 19/20

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