



Scrutiny Committee
9th September 2015

**Report from the Chief Operating Officer
Department**

For Information

**Proposed Scope for Scrutiny Task Group on
Fly Tipping in Brent**

1.0 Summary

1.1 This report sets out the proposed scope for the Scrutiny task group on Fly Tipping in Brent. This task group has been requested by the Scrutiny Members in response to communicated concerns from Brent residents'.

1.2 The purpose of the task group will be to focus on analysing five key areas:

1. Knowledge
 - Behavioural and sociological research /information from other authorities on successful strategies
 - Brent fly tipping levels, why we have the levels we do?
 - Increasing trends
2. Education
 - Public communication
 - Education (at schools and through community / cultural groups)
3. Enforcement
 - Current systems (to what extent is this proving effective?)
 - Success of enforcements
 - Deterrents (e.g. CCTV)
 - Trade waste and dumping
4. Impact
 - Impact of new 'Green Bin Tax'
 - Impact of Landlord Licensing in reducing the issue
5. Publicity
 - Success / failure of previous and current publicity campaigns
 - Analysis of how much public awareness there is

1.3 The task group will review the local policies and processes of the council and its partners, national research and guidelines and the views and opinions from local residents groups and businesses. The task group will also consult with experts in this field and other London boroughs which have been identified as being innovative and leaders in reducing fly tipping.

The task group will review a number of concerns in regards to fly tipping; which we will seek to look at in the context of Brent, these are:

- The estimated costs every year to investigate and clear up. This cost falls on taxpayers and private landowners.
- Fly-tipping poses a threat to humans and wildlife, damages our environment, and spoils our enjoyment of our towns and countryside.
- Fly-tipping undermines legitimate waste businesses where illegal operators undercut those operating within the law. At the same time, the reputation of legal operators is undermined by rogue traders.
- As with other things that affect local environment quality, areas subject to repeated fly-tipping may suffer declining property prices and local businesses may suffer as people stay away.
- Fly-tipping harms Brent's image as an attractive place to live and work. Brent was recently ranked 3rd in a national survey of the worst boroughs in which to live.

1.4 Making sure that Brent is an attractive place to live, with a pleasant environment, clean streets; well-cared for parks and green spaces is an objective within the Council's Borough Plan. Ensuring that fly tipping is reduced and in the long term eradicated is a widely backed element within the context of our "Better Place" priorities.

2.0 Recommendations

2.1 Members of the Scrutiny Committee are recommended to agree the scope, terms of reference and time scale for the task group on fly tipping in Brent, attached as Appendix A and B.

3.0 Detail

3.1 With member consensus on keeping our borough clean and reducing fly tipping, Members of the Scrutiny Committee requested a time-limited task group undertake a focused piece of work on potential actions to change behaviours through education and reduce fly tipping in Brent. The proposed scope and terms of reference for this work is attached as Appendix A and B.

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Fly Tipping
Proposed scope for Scrutiny Task Group
August 2015

Task Group Chair: Cllr Sam Stopp

Task Group Members: Colin George, Chirag Gir, Cllr Bernard Collier, Cllr Krupa Sheth, Cllr Aisha Eniola.

Time frame: Provide report to the Scrutiny Committee meeting on Thursday 5th November 2015

1. What are we looking at?

Fly tipping is the illegal deposit of waste on land contrary to Section 33(1)(a) of the Environmental Protection Act 1990. The types of waste fly tipped range from 'black bag' waste to large deposits of materials such as industrial waste, tyres, construction material and liquid waste. Fly tipping is a significant blight on local environments; a source of pollution; a potential danger to public health and hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

Local authorities and the Environment Agency (EA) both have a responsibility in respect of illegally deposited waste. Local Authorities have a duty to clear fly-tipping from public land in their areas and consequently they deal with most cases of fly-tipping on public land, investigating these and carrying out a range of enforcement actions. The Environment Agency investigates and enforces against the larger, more serious and organised illegal waste crimes. Both Local Authorities and the Environment Agency are required to collect data on their activity and report this to the Flycapture database. Responsibility for dealing with fly-tipping on private land rests with private landowners and is not subject to mandatory data reporting.

2. Why are we looking at this area?

There is significant public concern in Brent about a perceived increase in illegal dumping over the last few years. It is suggested in some quarters that cuts to Brent's budget, handed down by central government, have adversely affected our ability to keep the streets clean. What's more, it is possible that the apparent increase in fly-tipping is a symptom of declining community spirit and cohesion.

Uncontrolled waste disposal can be hazardous to the public, especially when the waste consists of drums of toxic material, asbestos sheeting, syringes or used drugs. There could be a high risk of damage to watercourses and underlying soil quality from the dumped waste. Fly-tipping looks unsightly and this can harm investment in an area. Cleaning up fly-tipping costs taxpayers' money.

According to the Department for Environment, Food and Rural Affairs Flycapture Database, the most common types of fly-tipped waste are (starting with the greatest quantity): general household waste; white goods (fridges, freezers and washing machines); construction rubbish (demolition and home improvement rubbish); garden rubbish; and rubbish from businesses.

Local Context

Fly tipping is not a just a Brent problem, it is a problem experienced by all areas of the county, urban or rural.

Fly-tipping incidents reported by local authorities in 2013-14		
LA Name	Total Incidents	Total Incidents Clearance Cos
Newham LB ^(a)	67930	£3,026,234.00
Enfield LB	31692	£1,348,880.00
Haringey LB	31045	£1,491,507.00
Southwark LB	26638	£1,108,692.00
Westminster City Council	17121	£699,653.00
Hounslow LB	15864	£564,135.00
Croydon LB	15113	£1,366,642.00
Greenwich LB	12765	£715,829.00
Camden LB	10950	£229,852.00
Lewisham LB	9152	£293,672.00
Hammersmith and Fulham LB	9011	£529,042.00
Redbridge LB	8939	£390,390.00
Harrow LB	8429	£740,504.00
Hackney LB	7635	£1,210,485.00
Brent LB	7001	£425,399.00
Chelsea	6934	£273,482.00
Ealing LB	5765	£243,201.45
Tower Hamlets LB	5201	£241,176.00
Waltham Forest LB	4723	£184,419.00
Havering LB	3620	£157,650.00
Merton LB	3064	£172,574.00
Richmond upon Thames LB	2871	£61,393.00
Bromley LB	2809	£190,587.93
Islington LB	2634	£101,706.00
Hillingdon LB	1995	£90,405.00
Barnet LB	1779	£51,836.00
Barking and Dagenham LB	1282	£119,278.00
Sutton LB	1264	£89,049.00
Lambeth LB	1206	£98,523.00
Wandsworth LB	1105	£78,083.00
Bexley LB	1078	£45,111.00
London Corporation	530	£15,331.00
Kingston-upon-Thames LB	339	£14,466.00

It is worth noting that the methods used to capture and record data by local authorities are not consistent and why there is a vast difference in the figures above.

High incident areas within Brent:

- Harlesden
- Mapesbury
- Willesden Green
- Kensal Green
- Queens Park
- Wembley Central

Brent Waste Enforcement

Brent urges residents to take an active role and responsibility in keeping their communities clean. Brent encourages residents to be alert and forward on any evidence of fly-tipping to the council. The Cleaner Brent app makes it easy to report litter, fly-tipping, and other problems in streets, parks and cemeteries to us using your smartphone.

The app allows residents to provide information such as:

- registration of vehicle
- time of incident
- location and description of waste
- description of people dumping the waste
- Pictures, if possible, but strongly warns against confront suspects.

Brent will then arrange for it to be removed and trace the origin of the waste to identify who fly-tipped it and when the waste was dumped. Legal action will then be taken when the offender is identified. It is essential that any evidence passed on to Brent is treated as highly confidential and protected from entering the public domain and witnesses who provide it must be seen to be neutral and unbiased.

A review of the overall reporting system will need to be undertaken. There appears to be a public perception that, regardless of any incremental improvements delivered by the Cleaner Brent app, it takes too long for the enforcement team to respond to complaints. It is also suggested that enforcements are not actively followed up.

How enforcement links in with the new Landlord Licensing scheme must also be assessed, as it is hoped that this will be a key part of reducing the issue of fly-tipping in the most overcrowded parts of the borough.

Whilst Cllr Kelcher's own review will look at the effectiveness of CCTV provision in Brent, it would be worth touching upon this also in relation to fly-tipping. Is CCTV an effective deterrent?

National Context

Local Authorities dealt with a total of 852 thousand incidents of fly-tipping in 2013/14, an increase of 20 per cent since 2012/13 with nearly two thirds of fly-tips involving household

waste.

This increase follows more recent year on year declines in the number of incidents. A number of local authorities have reported an increase in the number of fly-tipping incidents. Some local authorities have introduced new technologies; such as on-line reporting and electronic applications as well increased training for staff and have explained this as a factor in the increase in the number of incidents reported.

Local Authorities carried out nearly 500 thousand enforcement actions at an estimated cost of £17.3 million, which was over a £2.0 million increase on the previous year. This equated to an increase of 18 per cent on enforcement actions in the same period.

- The most common place for fly-tipping to occur was on highways, 47 per cent of total incidents in 2013/14.
- Incidents of fly-tipping on footpaths, bridleways and back alleyways increased 15 per cent in England in 2013/14. Together these now account for 29 per cent of fly tipping incidents.
- Approximately a third of all incidents consisted of a small van load of material or less.
- The estimated cost of clearance of fly-tipping to Local Authorities in England in 2013/14 was £45.2 million, a 24 per cent increase on 2012/13.

3. Legislation and Government Policy

Section 33(1)(a) of the Environmental Protection Act 1990; Fly-tipping is rubbish that is illegally dumped on land without permission from landowners or without a licence. It is an arrestable offence with a £50,000 maximum fine or five years imprisonment and any vehicles used in offences can be seized.

What are the main issues?

- It costs an estimated £86m-£186 million every year to investigate and clear up. This cost falls on taxpayers and private landowners.
- Fly-tipping poses a threat to humans and wildlife, damages our environment, and spoils our enjoyment of our towns and countryside.
- Fly-tipping undermines legitimate waste businesses where illegal operators undercut those operating within the law. At the same time, the reputation of legal operators is undermined by rogue traders.
- As with other things that affect local environment quality, areas subject to repeated fly-tipping may suffer declining property prices and local businesses may suffer as people stay away.
- Fly-tipping harms Brent's image as an attractive place to live and work. Brent was recently ranked 3rd in a national survey of the worst boroughs in which to live.

4. What should the review cover?

The review will address the following key areas:

- Knowledge

- Behavioural and sociological research /information from other authorities on successful strategies
 - LB Brent
 - LB Hackney
 - LB Lambeth
 - LB Haringey
- Brent fly tipping levels, why we have the levels we do?
- Increasing trends
- Education
 - Public communication
 - Education (at schools and through community / cultural groups)
- Enforcement
 - Current systems (to what extent is this proving effective?)
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5. How do we engage with the community and our internal and external partners?

As part of this review the task group will invite relevant partners to get involved; though workshops, discussion groups and one-to-one interviews.

Partners: Group 1

- Relevant Council Departments (Waste Enforcement)
- Brent partners such as the Police and Clinical Commissioning Group (CCG)
- Environment Agency
- Keep Britain Tidy

Partners: Group 2

- Contact Partners & Local Groups:
- Brent & Harrow CCG
- Harlesden Town Team
- Reach Team – Kensal Green
- Willesden Green Town Team
- Harlesden Town Team
- The Cricklewood Town Team
- Alperton Riverside Town Team
- Keep Wembley Tidy

6. What could the review achieve?

The review is expected to deliver a number of outcomes as listed below:

- Better understanding of residents waste disposal behaviour in Brent.
- Clearer understanding of the Council's role and the work it undertakes regarding fly tipping.
- Reduction in the levels of fly tipping in Brent.
- Cleaner and safer environments for all Brent residents.
- Reduction in clean-up and enforcement costs.
- Opportunities for increase revenue.
- More community involvement and stronger residents an council relationships.
- Better community spirit and cohesion.
- Efficiency savings such as officer time.

Appendix B

FLY TIPPING MEMBERS TASK GROUP TERMS OF REFERENCE

A. CONTEXT

Fly tipping is the illegal deposit of waste on land contrary to Section 33(1)(a) of the Environmental Protection Act 1990. The types of waste fly tipped range from 'black bag' waste to large deposits of materials such as industrial waste, tyres, construction material and liquid waste. Fly tipping is a significant blight on local environments; a source of pollution; a potential danger to public health and hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

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B. PURPOSE OF GROUP

A Council Members' task group chaired by an elected member and coordinated by a council Scrutiny officer was set up in August 2015. Sponsored by the Scrutiny Committee, the aim of task group is to collate, review and evaluate evidence gathered from various sources; which include; residents, local groups and a number of best practicing local authorities. Evidence will also be sought from guest speakers from a number of related government departments and non government organisations (NGO).

The objectives at the time were:

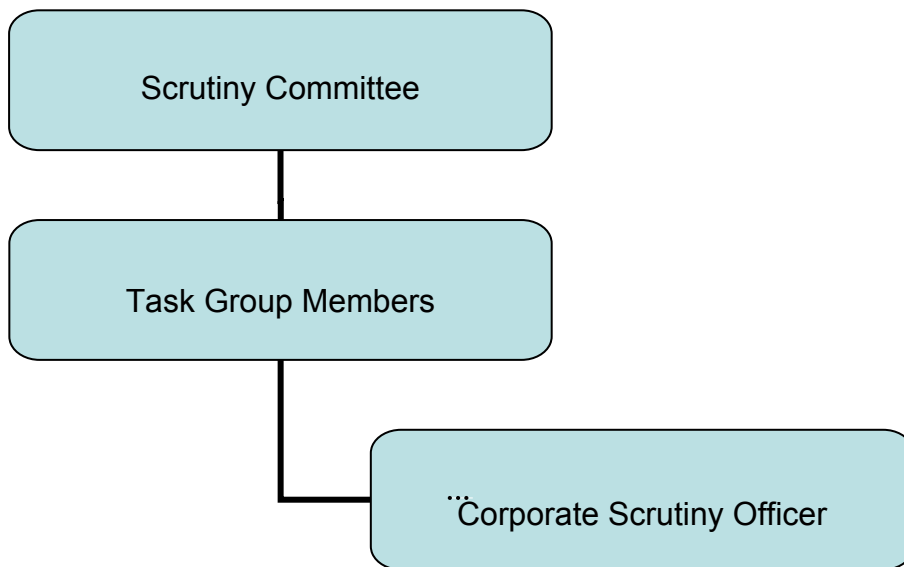
1. Liaise with stakeholders to gather evidence.
2. Use reviewed evidence to inform findings and recommendations for reduced levels of fly tipping in Brent.

C. AIM & OBJECTIVES

Aim of the Task Group is to gather and review evidence; once the evidence is reviewed the task group will produce a paper with their finding and recommendations. Areas that the review will cover:

- **Aims;** The review will address the following key areas:
 - Knowledge
 - Behavioural and sociological research /information from other authorities on successful strategies
 - LB Hackney
 - LB Lambeth
 - LB Haringey
 - Brent fly tipping levels, why we have the levels we do?
 - Increasing trends
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 - Education (at schools and through community / cultural groups)
 - Enforcement
 - Success of enforcements
 - Deterrents
 - Trade waste and dumping
 - Impact
 - Impact of new 'Green Bin Tax'
 - Impact of Landlord Licensing in reducing the issue
- **Objectives;** The review is expected to deliver a number of outcomes as listed below:
 - Better understanding of residents behaviour in Brent
 - Reduction in the levels of fly tipping in Brent
 - Cleaner and safer environments
 - Reduction in clean-up and enforcement costs
 - Opportunities for increase revenue
 - Better community spirit and cohesion
 - Efficiency savings/Officer time

D. GOVERNANCE & ACCOUNTABILITY



E. MEMBERSHIP

1. Cllr Sam Stopp (Chair)
2. Cllr Aisha Eniola
3. Cllr Krupa Sheth
4. Cllr Bernard Collier
5. Colin George
6. Chirag Gir

Kisi Smith-Charlemagne – Scrutiny Officer

Other key stakeholders would be invited as appropriate.

F. QUORUM & FREQUENCY OF MEETINGS

There should be at least 2 members present at each meeting. A minimum would be the Chair, and another member of the task group. The task group will meet twice per month or approximately every two weeks with sub meetings held between the chair and the Scrutiny Officer as required.

G. DATE OF REVIEW

Start: August 2015

End: Scheduled for presentation to the Scrutiny Committee on 5 November 2015