

FLY-TIPPING

Local Planning and Environment Advisory Committee – 24 March 2015

Report of Chief Officer Environmental and Operational Services

Status: For Information

Key Decision: No

This report supports the Key Aim of a clean and healthy environment.

Portfolio Holder Cllr. Piper

Contact Officer(s) Ian Finch - 01959 567351

Recommendation: That the Members of the Advisory Committee note the report.

Introduction and Background

1. For the period April 2014 – February 2015, 856 incidents of fly-tipping have been reported (compared with 815 April 2013 – February 2014).
2. 592 of these incidents have been removed by the Council as having responsibility for removal (compared to 400 April 2013 – February 2014).
3. The average time taken from report to removal has been 3.6 working days (compared to 5.6 working days in the previous year). This has equated to 120 tonnes of fly-tipped waste. Of the 264 incidents reported but not removed by the Council:

184 could not be found by the crew

61 were on private land

19 were referred by Direct Services to Kent Highways for removal

4. The location of the ten highest number of fly-tipping incidents reported were in:
 - Swanley 146 incidents
 - Edenbridge 79 incidents
 - Sevenoaks 45 incidents
 - South Darenth 44 incidents
 - Horton Kirby 37 incidents
 - West Kingsdown 34 incidents
 - Eynsford 33 incidents
 - Westerham 32 incidents
 - Hartley 24 incidents
 - Shoreham 21 incidents

5. Fly-tipping typically consists of bags of household waste and garden waste; old furniture, materials from DIY jobs, building waste: spoil, asbestos cement sheeting; tyres and large commercial waste operations.

Current Responsibilities for Removing Fly-tipped Waste

6. The Council has responsibility for clearing fly-tipped waste on its own land and household waste tipped on the highway, including the verge. Kent Highways have accepted responsibility for removing commercial waste tipped on the highway including the verge.
7. Fly-tipped waste on private land is the responsibility of the land owner to remove.
8. Kent County Council have recently undertaken a review of all fly-tipping clearance. With effect from 1st April 2015, KCC will no longer accept responsibility for removing any fly-tipped waste on highway land, unless it is obstructing the carriageway. District Councils will therefore be responsible for the removal of any fly-tipped waste on the highway where it is not obstructing the carriageway (footpaths, verges and lay-by's). This will also include public rights of way (PROW). KCC will be responsible for the disposal costs of material.

Customer Reporting of Fly-tipping

9. It has been agreed that with effect from 1st April, the single point of contact for the public to report fly-tipping will be the relevant District/Borough Council. This is to avoid the public being passed from District to County and vice versa, depending on the location and type of the fly-tipping. If it is determined that the responsibility for removal is the County Council the relevant District will refer it to Kent Highways.

Enforcement

10. The Council has, in past years, subscribed to the County, Clean Kent, enforcement team, to undertake investigation and enforcement action on fly-tipping incidents where evidence is found to identify the perpetrators. From 1st April 2015, this scheme will cease and Districts/Boroughs will have to carry out their own enforcement action.
11. At present, other than using existing Direct Services and Environmental Health staff, the Council does not have any enforcement resource. Discussions are currently underway with a neighbouring authority to see if assistance could be provided by them, using their enforcement team and using the funding previously set aside for the County enforcement resource.
12. These arrangements will be reviewed during the 2015/16 financial year to assess the operational and expenditure impacts of these new arrangements.

Key Implications

Financial

The Council's current budget for removing fly-tipped waste, based on a vehicle and crew for 3 days work per week, is £53,333.

The situation will be monitored during the 2015/16 financial year to assess any impact on expenditure from this new arrangement. If it is considered that additional resources are required a 'growth' item will be presented for consideration in the 2016/17 budget setting process.

Legal Implications and Risk Assessment Statement.

The Environmental Protection Act 1990 is actually 'silent' on responsibility for fly-tipped waste. It is clear on responsibility for litter and controlled waste, but not fly-tipping, which is 'uncontrolled' waste.

The Highways Act 1980 states the Highway Authority has a duty to ensure that the highway is safe for users.

It is clear that these revised arrangements will have an impact on District Council operations. In anticipation of an increased workload using the same Fly-tip clearance resources, the target time from report to removal has been increased from 5 to 7 days from 1st April 2015 but this will be kept under review.

Equality Assessment

There may be an impact on pedestrians, particularly with mobility concerns, if fly-tipped waste is not removed promptly from highway footpaths.

Background Papers:

Performance Information on fly-tipping 2014/15

KCC Highways, Transport and Waste Briefing Paper
January 2015

Richard Wilson
Chief Officer, Environmental & Operational Services