1 Introduction

1.1 An information report on fly tipping has been requested covering procedures for reporting fly tipping, clearance issues and the relationship and responsibilities for the stakeholders concerned, including HBC, HCC, Police, Environment Agency (EA) and local land owners.

2 Background

2.1 Technically there is no definition of “fly tipping” other than the offences set down in section 33 of the Environmental Protection Act 1990 i.e. “the illegal disposal of controlled waste”. The Litter and Refuse Code of Practice produced by the Department of Environment Farming and Rural Affairs (DEFRA) in 2006 noted that a single black sack of rubbish should usually be considered as fly tipping rather than litter. However the use of the term usually indicates an acceptance that definitions cannot be rigid. Fly tipping differs from littering in that it involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it illegally.

2.2 Under this context it is commonly assumed that fly tipping is a result of deliberate negative behaviour ranging from those who care little about their local amenity to those seeking to profit from illegal dumping.

2.3 Incidents of fly tipping both locally and nationally are on the increase as are the costs associated with taking enforcement action and clearance. In Hertsmere the total recorded for 2015/16 was 697 incidents and a cost of £39,677.

3 Enforcement Responsibilities

3.1 There are a number of separate organisations who have enforcement powers in relation to fly tipping and who is responsible for what is normally dependent on the number of separate factors including:-

- The location of fly tipped materials.
- The volume of materials dumped.
- The composition of the fly tipped materials.
3.2 Responsibility for enforcement of fly tipping offences is generally split between the Environment Agency, (EA) and Local Authorities. Not with standing this the Police are often involved as well. The Environment Agency will investigate large scale fly tipping incidents where more than a lorry load of waste or hazardous materials has been fly tipped or where fly tipping is thought to have been carried out by organised criminal gangs. Local Authorities investigate smaller fly tipping incidents on both private and public land.

3.3 Responsibility for clearing a fly tipped material falls on the owner of the land where fly tipping has occurred. The clearance of fly tipped materials from road infrastructure networks splits between Hertfordshire County Council for the actual roads and Hertsmere Borough Council for verges.

3.4 Local Authorities have recently been given additional powers to serve “super” fixed penalty notices (FPN’s) on persons caught fly tipping as an alternative to taking criminal proceedings. These new powers were granted by the introduction of the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.

3.5 Hertfordshire’s Police Crime Commissioner has indicated in the Police and Crime Plan everybody’s business (2015/2020) his intention to respond positively to concerns raised by the public to fly tipping and other anti-social behaviours.

4 Reporting of Fly Tipping

4.1 Currently there are a number of separate pathways that persons / organisations can report incidence of fly tipping to and these include the Police, the land owner, Hertfordshire County Council and Hertsmere Borough Council. In case of the latter this could be through Customer Services, Legal department, Asset Management or Environmental Health.

4.2 It is clear that these different pathways can be confusing and can give rise to under reporting.

5 “A More Joined Up Approach”

5.1 Hertsmere is a member of the Hertfordshire Fly Tipping Group (FTG) which is an off shoot of Hertfordshire Waste Aware Partnership. The Fly Tipping Group is a country wide partnership including representatives from:-

- All ten Borough / District Councils
- Hertfordshire County Council
- Hertfordshire Constabulary
- Office of the Police and Crime Commissioner
- Hertfordshire Fire and Rescue Service
- Local Authority Community Safety Managers
- The Environment Agency
- National Farmers Union
5.2 The purpose of the Fly Tipping Group is to:-

- Provide a Policy Forum for the development and review of fly tipping issues
- To ensure that there clear reporting processes between local authorities, housing authorities, the Police and Hertfordshire Fire and Rescue.
- To encourage private land owners to report fly tipping direct to their local authority
- To encourage a timely accurate and appropriate information sharing and intelligence between the partners
- To ensure good communication between agencies to progress criminal investigations in a timely fashion
- To co-ordinate opportunities to capture and analyse data to inform problem profiling and strategic needs assessment
- To initiate and support opportunities for joint agency operations
- Sharing and coordinating crime prevention opportunities
- Assisting in sharing good practice
- To develop protocols for how the problem is publicised and by whom
- To develop and maintain a media plan for the partnership to raise awareness of the problem, to propose the initiatives and successful prosecutions, to reassure the public that the crime of fly tipping is being addressed and to act as a deterrent perpetrator

5.3 The Fly Tipping Group have made two specific recommendations to the constituent local authority members:-

1) That all local authorities use the same common definition of fly tipping which will improve data collection and sharing
2) That each of the ten local authorities within the partnership adopt the same financial penalty in respect of the new Fixed Penalty Notices for fly tipping introduced as a consequence of the recently introduced unauthorised deposit of waste (Fixed Penalty’s Regulations) 2016

5.4 A report is currently being prepared by officers to be submitted to the Councils Executive recommending that Hertsmere introduce the above 2 recommendations.

5.5 The Council’s Executive on the 25th of May considered a report from officers entitled “Hertsmere for a Cleaner Greener Borough”. The Executive agreed to relaunch “Pride in Hertsmere”. This is a multi-agency group chaired by the Portfolio Holder for Environment and Transport and its remit is similar to the county wide Hertfordshire Fly Tipping Group.

5.5 Pride in Hertsmere will collate all complaints of fly tipping made to the Council by which ever route and working with partner agencies and other stakeholders to; provide a coordinated approach to enforcement, share intelligence, raise awareness of fly tipping and promote initiatives/successful prosecutions.

Chris Gascoine, Chief Environmental Health Officer ext 4630
APPENDIX – PRESS RELEASE

Hertsmere Borough Council
Civic Offices, Elstree Way
Borehamwood
Herts WD6 1WA

06 October 2016

ID 3604

For immediate release

Top ten flytipping cases in Hertsmere

Ten of the most ‘outrageous’ cases of flytipping in Hertsmere have been revealed as part of a major campaign to raise awareness of the crime as the number of incidents soar.

Sofas, fridges, bed mattresses, pots of paint, door frames, antique furniture and even laundry bags of cannabis are among the items found by Hertsmere Borough Council staff dumped on the sides of the borough’s roads and other public areas. Now, in a bid to alert people to the terrible blight on the environment and the growing cost to taxpayers, Environmental Health officers have listed their most unsightly and anti-social cases.

It follows the launch last month of the council’s ‘Could this be yours?’ campaign highlighting the dangers of using unlicensed waste carriers. Homeowners are at risk of breaching their duty of care as set out in the Environmental Protection Act 1990 if they pass their waste to an unlicensed carrier and it is dumped illegally.

Gavin Burns, Principal Environmental Health Officer, said: “Our job is probably one of the least desirable in the council, as we have to rifle through other people’s waste in search of anything, old bills, envelopes, letters, which might help us work out where it comes from.

“We then work with the police to track down the people responsible and take them to court. Last year, we investigated 230 cases of fly-tipping, which is up 150 per cent from five years ago.

“It’s probably not a well-known fact, but if your rubbish is found to be dumped illegally, then you could be charged and fined thousands of pounds. Don’t take the risk, just ask to see a licence and ask for a receipt.”

Since 2010, the number of incidents of fly tipping has almost doubled in the borough, from 368 in 2010-11 to 658 in 2015-16. The cost to taxpayers of investigating and removing the waste has also rocketed to more than £125,000 over the last five years – the equivalent to creating two play areas or employing four and a half PCSOs for one year.
Councillor Seamus Quilty, Portfolio Holder for Environment and Transport, said: “We just cannot reiterate enough how burdensome fly tipping is to the local community. It’s not just unpleasant to see, it’s a terrible waste of time and money.

“You can do your bit to prevent it happening in the first place by making sure that any waste carriers you use are licensed and asking for a receipt for anything they take away.

“The last thing anyone wants is to answer a knock on their front door to be confronted by an Environmental Health officer with pictures of their unwanted household items strewn across a road or field.”

Top ten of worst flytipping cases in Hertsmere

10. Dumped near his own doorstep

Documents found in a large pile of mixed builders’ waste in September 2012 led council officers to a property being renovated in Bushey Mill Lane. A 22 year old from Bushey was found guilty of the unlicensed dumping of controlled waste and fined more than £1,000. He had dumped the waste behind his home.

Picture caption: Cotswold Avenue Bushey

9. Pub story doesn’t wash

A local builder arranged to have mixed waste removed from a property for £100. Five days later, the waste was found in Otterspool Lane, Bushey, where it blocked the road. Environmental Health officers traced the waste to a 22 year old Sandy Lane resident. He claimed he had passed it on to two strangers that he met in a pub in Watford. He was fined nearly £9,000.

Picture caption: Otterspool Lane

8. Dumping alibi doesn’t ‘ring’ true

Thirty-three pages of a mobile phone bill and receipts with a registration number were found among a huge amount of waste dumped in a field in Borehamwood. They led officers to a former Green Street resident. His tipper truck had been seen entering the field with a full load and leaving empty shortly after. The 32 year old claimed to have sold his truck earlier that day to two men for cash and no receipt. He was found guilty of four charges of failing in his duty of care and fined more than £1000.

Picture caption: Green Street, Borehamwood
7. Mystery assailant never found

Waste found on a farmer’s field off Silver Hill in Shenley in August 2011 led to one man being fined more than £2000. When officers searched through the waste, they found a document with an address in Newark Green. Officers visited the house, where the builder provided contact details for a Sandy Lane Caravan Park resident. He claimed he had passed the job to remove the waste to a person from the Three Cherry Trees Caravan Site in Hatfield, but that person was never traced.

Picture caption: Silver Hill, Shenley

6. Fly tip blocks traffic

In October 2013, a builder arranged to have mixed waste removed from a site in Queens Road, Watford. Six days later the waste was found in Hilfield Lane, Aldenham, where it blocked the road. A document led the investigation to the Queens Road site and the assailant was traced through a mobile phone number he gave to the builder. He was fined nearly £500.

Picture caption: Hilfield Lane, Aldenham

5. Unexpected drugs stash found

Environmental Health officers were making a routine visit to Hilfield Lane South in Bushey, when they found three large laundry bags stuffed full of herbal cannabis. The bags were handed to the police and an investigation is ongoing.

Picture caption: Hilfield Lane cannabis

4. Illegal dump is family affair

In June 2013, a father and son from Harrow removed waste from a house in Ruislip that had undergone building work. The waste was found two days later in Hilfield Lane South, Bushey. Documents in the waste led officers to the pair, who denied involvement. Four months later, more waste was discovered at the same spot. It was traced to a carpet shop in Harrow where CCTV showed a vehicle owned by the son taking away the load. The pair were eventually fined nearly £1500 each.

Picture caption: Hilfield Lane building

3. Caught in the act

Two men were discovered carrying a wardrobe from a van to a pile of rubbish by Metropolitan Police officers on a cross-border operation to combat vehicle crime. More rubbish was found in the back of the van, along with a third man. All three were illegal immigrants - two had been in the country for approximately three years and the third arrived only two days previously
having paid £1,000 to be smuggled in. They were cautioned and removed by immigration officials to a detention centre prior to deportation.

Picture caption: South Mimms

2. Fly tipping case is ‘potential health hazard’

Council staff spent weeks clearing service roads in Borehamwood including between Whitehouse Avenue and Cardinal Avenue, and along Shenley Road. Council leader, Councillor Morris Bright, who commissioned the inspection of the roads following complaints from residents, said: “Although these are areas of private land, the council is very concerned by the squalid state of these service roads and the potential health hazard.”

Picture caption: Service road Borehamwood

1. Man fined for double dump

A Sparrows Herne resident had been providing a ‘man with a van’ service to get rid of people’s unwanted furniture. However, instead of disposing of the items properly, he was leaving them in a council-owned garage area. Cameras at the site helped officers find the man, who was responsible for seven separate fly-tips between 27 April and 4 June 2014. The 45 year old was also found guilty of littering after defecating in the garage area and leaving the tissues he had used to clean himself up. He apologised to the court and explained that he had had “the runs” and had been “caught short”.

Picture caption: Vega Road garages

Notes to editors:
Pictures of all the cases cited above are attached.