

POLICY OVERVIEW COMMITTEE
10 SEPTEMBER 2019

**ILLEGAL DUMPING, ENFORCEMENT AND HOUSEHOLD WASTE
RECYCLING CENTRES**

1. Summary

1.1 To update Members regarding the level of illegal dumping, enforcement against offenders and policy changes at Kent County Council's Household Waste Recycling Centres.

2. RECOMMENDATION

2.1 That Members consider the contents of this report.

3. Background and Discussion

- 3.1. The Council is a Waste Collection Authority under s30 of the Environmental Protection Act 1990 which places a general duty on the Council to collect domestic waste. The Council is also a Principal Litter Authority under s89 of the Environmental Protection Act 1990, which places a duty on the Council to keep the public highway and land under its control free from litter, refuse and dumping.
- 3.2. Kent County Council is a Waste Disposal Authority under s51 of the Environmental Protection Act 1990, which places a duty on KCC to make disposal arrangements for waste collected by it in its area and to provide household waste recycling sites (HWRCs) for residents in its area.
- 3.3. Illegal dumping is the unauthorised deposit of any waste onto any land that is not subject to a waste management licence i.e. settees, white goods, mattresses, etc., that are left in country lanes, laybys and at recycling sites. Illegal dumping is more generally known as fly-tipping. Illegal dumping is an offence for which fixed penalty notices (FPNs) can be issued or prosecutions undertaken. Illegal dumping comes from both domestic and commercial sources.
- 3.4. The Council receives about 2,600 reports each year from residents and others requesting the removal of illegally dumped items from various locations across the borough. It is likely that the actual level of dumping is different to this as not all incidents will be reported, some incidents are reported more than once and some may be on private land. A summary of the number of reported incidents per month over the last five years is shown as Appendix A.
- 3.5. The Council employs Urbaser Ltd to carry out the clearance of illegally dumped items from across the borough. Urbaser provides one "hit squad" (one driver and one operative with a cage vehicle) to carry out most of this work. The current response time for such requests is five working days, unless the issue is urgent.

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- 3.6. The Council employs specialist contractors to clear hazardous waste such as tyres, dumped asbestos, oil and chemicals. There are about 50 incidents of the dumping of hazardous waste in the borough each year. Clearance of illegally dumped hazardous materials is costly and can amount to £000's for a single incident.
- 3.7. Residents may take their waste to a HWRC, rather than have the Council collect it. The majority of domestic waste taken to a HWRC will be accepted free of charge. KCC does place restrictions on the quantities of some types of waste that can be taken to a HWRC and, since June 2019, charges for certain items, such as tyres, plasterboard, asbestos and rubble. The charges range from £2.50 to £6 per item or bag. KCC does not permit commercial waste to be deposited at HWRC sites, or any waste transported in commercial vehicles.
- 3.8. There is as yet no empirical evidence that KCC's HWRC policies have an adverse effect on the level of illegal dumping in the borough although this would appear to be likely. KCC's main policies relate to not accepting trade waste, not letting commercial or over height vehicles enter their sites, restricting trailer sizes, charging for certain types of waste and limiting the quantities of some types of waste that can be accepted at any one time.
- 3.9. The Council's Environmental Enforcement Team, part of Enforcement and Regulatory Services (EaRS), is very proactive in identifying and fining or prosecuting people who commit offences associated with illegal dumping. These offences range from depositing litter, to illegal depositing of waste, fly posting (displaying unauthorised advertising) and waste duty of care (i.e. proper management of waste). Offenders may be given a £75 FPN for littering, a £400 FPN for depositing of waste (£250 if paid within 10 days), £80 for fly posting, £400 FPN for duty of care offences (£250 if paid within 10 days) or be prosecuted through the courts.
- 3.10. The Council was the first in the country to introduce both the FPN offence of illegal depositing of waste and the waste duty of care offence which requires people to check that they use only authorised, licensed waste carriers to dispose of their waste.
- 3.11. In 2017/18, EaRS carried out 380 formal illegal dumping investigations and obtained 226 successful results via FPNs or prosecutions and in 2018/19 there were 552 investigations with a total of 234 successful results; which is the best 'detection rate' in Kent. EaRS also utilise the Council's CCTV capability to fine perpetrators who dump nitrous oxide canisters in public spaces such as our car parks. The Council's website is updated each month with the numbers of fines/prosecutions etc. and successful outcomes at court are always publicised via a press release as such publicity can have a deterrent effect on would-be offenders.
- 3.12. In May 2019, the Leader of Kent County Council announced that he was setting up a £250,000 fund to tackle fly tipping. Details of how this money will be used have not yet been finalised but it is intended to cover the

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whole of Kent and is likely to include campaigns to raise awareness of the impact, financial as well as environmental, of illegal dumping and to educate residents on the waste duty of care offence.

3.13. In 2016, Dartford's Environmental Enforcement team were very proactive in pulling together a 'Pan Kent' intelligence network to prevent and deter illegal dumping across the county. This is now coordinated by a dedicated analyst and bespoke staff at KCC and has resulted in a more coordinated approach to the fly tipping problem involving agencies such as the Police and the Environment Agency in several 'Operations' which, in addition to identifying the offender, often lead the Police to organised criminal networks.

4. Relationship to the Corporate Plan

There are two relevant Strategic Objectives stated in the Council's Corporate Plan:

ET4 – Ensure a high quality street scene
PS1 – Deliver high quality services

5. Financial, legal, staffing and other implications and risk assessments*

Financial Implications	The Council spent £98,150 on clearing fly tipping in 2018/19.
Legal Implications	None
Staffing Implications	None
Administrative Implications	None
Risk Assessment	No uncertainties and/or constraints

6. Details of Exempt Information Category

Not applicable

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7. Appendices

Appendix A – Summary of Illegal Dumping Incidents

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Dave Thomas (01322) 34273 and Mark Salisbury (01322) 343339	Waste and Parks, Strategic (External)	N/A
			Enforcemen t and Regulatory Services, Strategic (External)	