



London Borough of Enfield

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| Report Title | Update on Fly tipping |
| Report to | Overview & Scrutiny Committee |
| Date of Meeting | 6 th February 2024 |
| Cabinet Member | Cllr Rick Jewell |
| Executive Director / Director | Doug Wilkinson - Director of Environment & Street Scenes Perry Scott- Executive Director Environment & Communities. |
| Report Author | Martin Rattigan, Interim Head of Regulatory Services |
| Ward(s) affected | All |
| Classification | Part 1 Public |

Purpose of Report

1. To update the panel, since the last meeting of the 9th May 2023 regarding the work undertaken across the Council in relation to fly tipping with a particular focus on enforcement.

Main Considerations for the Panel

2. To consider the ongoing strategy and to suggest any further proposals for preventing fly tipping in the first instance; and then where this occurs the investigation and enforcement options around this.

Background

3. We have a dedicated Waste Enforcement Team with two officers dedicated to work solely on Council Housing Land. We also engage the services of a third-party contractor, Kingdom Group Limited, to deliver waste enforcement.
4. *Fly-tipping*. The illegal disposal of controlled waste is commonly known as fly-tipping. There is no specific definition of fly-tipping other than in the offences

set out in section 33 of the Environmental Protection Act 1990, including the deposit or disposal of controlled waste without a waste management licence, or its disposal in a manner likely to cause pollution of the environment or harm to human health.

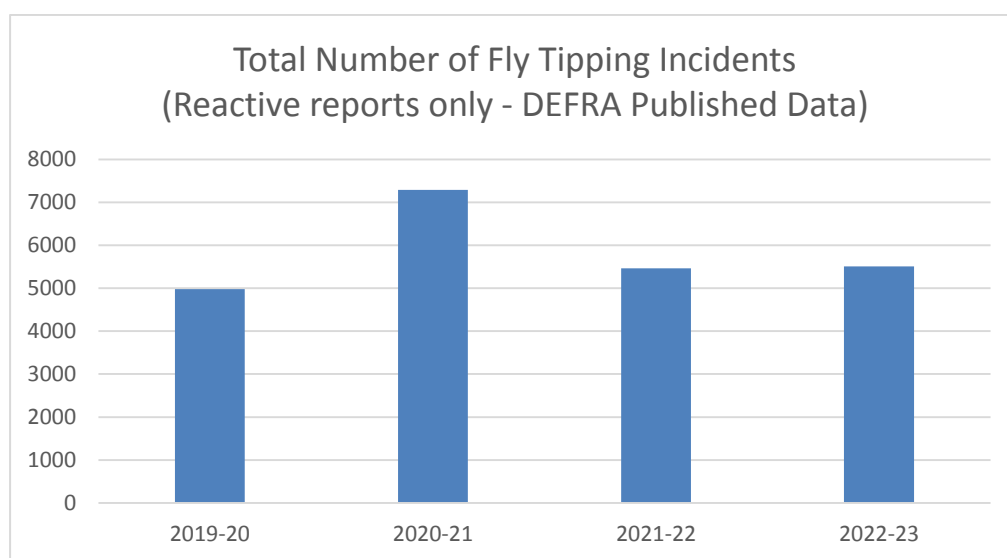
5. DEFRA (Department for Food Environment and Rural Affairs) have developed a working definition of fly-tipping that sets out a wide definition ranging from a single bin-bag up to thousands of tonnes of construction and demolition waste.
6. In the summer of 2023 the Government launched the [2023 Anti-social Behaviour Action Plan](#), in which it set out that it wanted councils to take a much tougher stance on anti-social behaviour associated with environmental offences. As part of this they set new upper limits for Fixed Penalty Notices (FPNs) for some waste offences.
7. The Environmental Protection Act 1990 is amended to:
 - Section 33 (“fly tipping”) FPN increase from £400 to £1,000
 - Section 34 (household duty of care) FPN increase £400 to £600
 - Section 87 (littering, which can include low level fly tipping e.g., dumped household waste) FPN increase from £150 to £500
8. The Council has considered the proposed level of penalty charged for each offence identified in paragraph 7 above and have increased the FPNs effective from the 22/1/24. See Table 1 for further detail. The levels proposed are to set at an appropriate level to promote responsible behaviour, act as a deterrent to future offending and show that the Council is taking a tough stance on this activity.

Table 1: Increase in FPN Levels

| Offence | Known As | Previous Fixed Penalty Amount | Fixed Penalty Amount effective from 22/1/24 | 14-day early payment |
|---|---|-------------------------------|---|----------------------|
| Environmental Protection Act 1990, Section 87 (1) s88 | Littering (dropped litter and/or dumped waste (black bag(s))) | £150 | £500 | £250 |
| Environmental Protection Act 1990, Section 34 (2A) | Household/domestic duty of care | £400 | £600 | £500 |
| Environmental Protection Act 1990, Section 33 | Fly tipping | £400 | £1,000 | £500 |

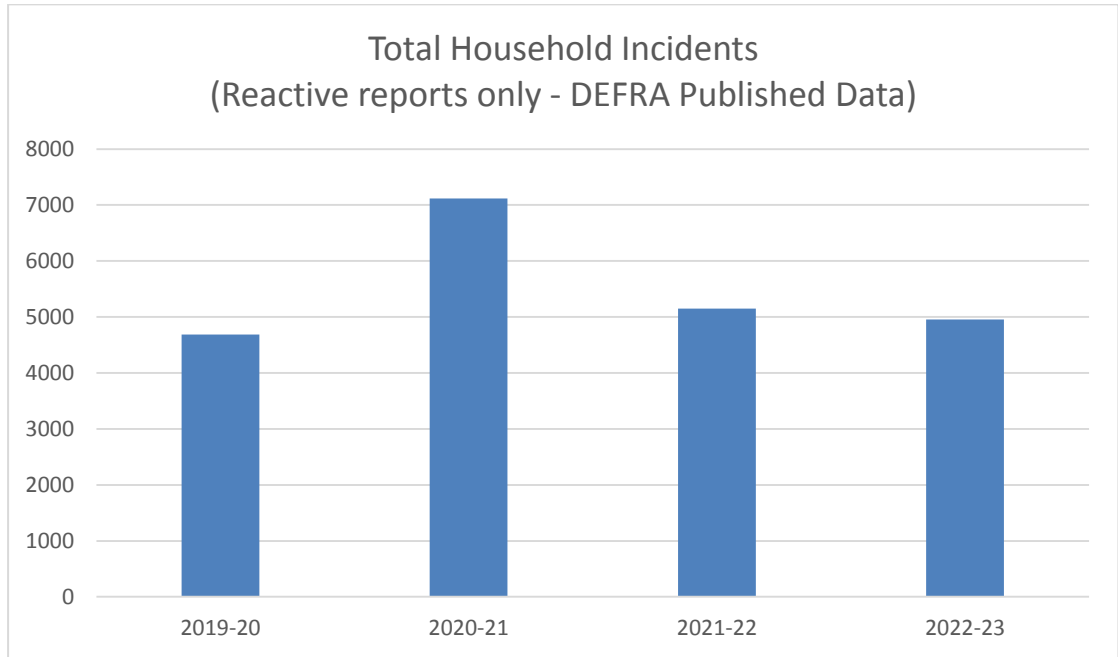
National & Local Context

9. The Anti-Social Behaviour Action Plan 2023 sets out the Government commitment to increase transparency of the data on the use of on-the-spot fines, including publishing league tables on fly-tipping. This is intended to encourage both scrutiny and the sharing of best practice.
10. The tables are based on data submitted by local authorities through Waste Data Flow.
11. When compared to other Local Authorities Enfield has performed well. Based on 2022/2023 data Enfield is ranked 4th for the number FPNs issued per incident ratio.
12. In 2022/2023 there were 5,505 Fly Tipping incidents. The graph below shows the number of incidents reported per financial year.



13. Most proactive fly tips are related to household waste. In 2022-2023 household waste (white goods; other electrical goods, black bags, other household waste and single black bags) accounted for 90% of the total number of reported fly tip incidents. Enfield have seen a decrease in 4% in 2022/23. This is shown in the table and graph below. This is reflective of the national picture which saw a decrease in 3% for household incidents over the same period.

| Year | Total Incidents | White Goods Incidents | Other Electrical Incidents | Black Bags - Household Incidents | Other Household Waste Incidents | Single Black Bag Incidents | Total Household Incidents | Total % of Household Incidents |
|---------|-----------------|-----------------------|----------------------------|----------------------------------|---------------------------------|----------------------------|---------------------------|--------------------------------|
| 2019-20 | 4979 | 184 | 14 | 1012 | 3375 | 99 | 4684 | 94% |
| 2020-21 | 7289 | 89 | 7 | 1088 | 5931 | 4 | 7119 | 97.70% |
| 2021-22 | 5462 | 116 | 5 | 1605 | 3416 | 7 | 5149 | 94.30% |
| 2022-23 | 5505 | 184 | 8 | 2194 | 2524 | 45 | 4955 | 90% |

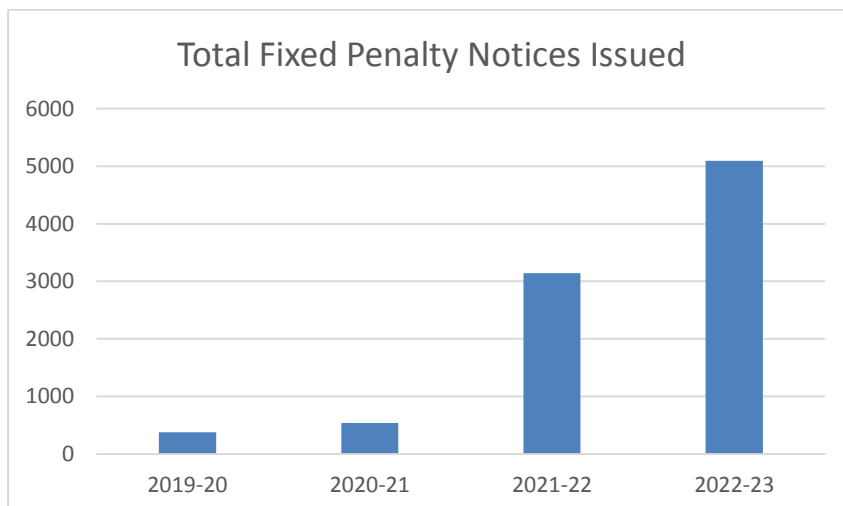


Fly tipping incidents

14. Due to the high number of flats above shops (FAS) on the main arterial roads, e.g., Hertford Road, Fore Street and Green Lanes, the Council operate an additional two refuse collection vehicles (Monday to Friday) and one vehicle at the weekend. These crews proactively monitor the flats above shop bins and where these bins are observed to be near full in advance of the collection day then they will be emptied. In addition, all side waste around FAS bin will be removed.

Fixed Penalty Notices & Prosecutions

15. The graph below shows the number of FPNs issued for fly tipping for the last 4 years.



16. April 2023 to December 2023 we have successfully prosecuted 422 individuals for dropped litter (e.g., cigarettes) or dumped household waste (black bags/fly tipping). Of the 422, 93 were for dumped household waste (fly tipping).

CCTV

17. The Waste Enforcement Team utilise CCTV to act as a visible deterrent and where possible assist in the investigation of waste offences. We currently have 13 re-deployable cameras that we can move to hot spot locations.
18. Whilst CCTV can act as a deterrent it is usually most successful where vehicles are involved.

Third Party Contractor (LAS)

19. In November 2023, following a tendering process a new Environmental Enforcement Services Contract, was awarded to Kingdom Group Limited (Local Authority Support (LAS)). LAS will continue to support the Council in delivering their "Cleaner, Greener Spaces" priority. LAS issue FPNs for dropped litter (Cigarettes) and dumped waste (black bags/fly tipping).

Communications

20. We have a strong communications strategy and a good social media presence. On a monthly basis the Press and New Media Team publish the number successful prosecutions including the financial penalties that the Courts have awarded. We also publicise proactive searching of fly tipping providing before and after photos of the areas that street cleansing has cleared.

Can You Help

21. To try and help identify those individuals who fly tip on foot, in May 2023 in conjunction with the Press and New Media Manager the team successfully launched the "Can You Help?" social media page. To date we have posted 24 episodes. The videos are also posted on all TV monitors in Council buildings. An example of the most recent Can You Help can be found here at Glastonbury Road N9 <https://youtu.be/FiILWCqJSTo>

Bin to Win

22. In August 2023 we launched the "Bin to Win Campaign," whilst this is a litter campaign it directly contributes to the Council priorities. The campaign aims to reward members of the community who display environmental awareness, rather than just punish those who do not. It also aims to educate members of the public. Under the scheme, members of the public are rewarded for using litter bins to dispose of their rubbish, as opposed to just dropping their litter and waste on the ground.

Other Initiatives

23. Other initiatives that we have used to try and tackle fly tipping include;
- High visibility floor stencils
 - Days of action
 - 20/7/23 Waste Enforcement Officers carried out a day of action along Winchester Road.
 - Officers targeted fly tipping, household waste provisions and door knocked all properties to give advice and education.
 - Some additional notices were served for presentation of waste offences.

A Holistic Approach

24. To try to tackle the fly tipping problem it is important that the Council takes a holistic approach and positively supports other strategies which complement our approach to fly tipping. For example, Enfield currently offer the following recycling and refuse services for residents:
- Collection of recycling and refuse via wheeled bin or sacks (where wheeled bins are not suitable) for kerbside properties.
 - Food waste collection service.
 - Charged garden waste service for kerbside properties.
 - Communal recycling and bins are used for flats and estates.
 - Free bulky waste service is available to all residents for up to 6 items
 - Larger re cycling bins
25. **Public Amenity Sites:** Barrowell Green Recycling Centre is the main centre for disposing of rubbish and recycling in Enfield. North London Waste Authority are constructing a new public Reuse and Recycling Centre (RRC) which will be available for residents in 2024. This includes garden, DIY waste, furniture, mattresses, and electrical appliances. The centre will be under cover and users will not have to carry items up steps to throw them into containers, as the containers will be set below floor level.

Relevance to Council Plans and Strategies

26. The action we are taking on fly tipping contributes directly to Enfield's Council Plan 2023-2026:
- **Priority One:** Clean and Green Spaces specifically to 'keep our streets and public spaces clean and welcoming' and 'facilitate reuse of materials, reduce waste and increase recycling rates'.
 - **Priority Two:** Strong, health and safe communities.

Conclusion

27. Continuing with enforcement on fly tipping and littering, providing advice and education initiatives and implementation of other Council strategies, e.g., recycling, will contribute positively to our strategic goals. We must provide services that can allow people to take greater responsibility for how they manage their waste, reduce waste production, encouraging recycling, composting, and taking appropriate enforcement action all of which will support the Council in its ongoing strategy to reduce fly tipping.

Report Author: Martin Rattigan
Interim Head of Regulatory Services
Martin.Rattigan@enfield.gov.uk
020 8132 0927

Appendices PowerPoint Presentation

Background Papers

DEFRA <https://www.gov.uk/government/statistics/fly-tipping-in-england/local-authority-fly-tipping-enforcement-league-tables-for-england-202122>