
To: **Audit, Risk and Scrutiny Board**

On: **29 May 2018**

Report by: **Lead Officer**

Heading: **Fly tipping in the countryside and at known fly tipping spots**

1. Summary

1.1 On 6 November 2017 the Board agreed the scope of the review. On 22 January 2018 the Board received information from the research available concerning the extent of fly tipping in Scotland and in Renfrewshire as well as the causes of, and motivations towards fly tipping. On 19 March the Board then heard from council officers regarding the council's approach to prevention and detection of fly tipping, as well as hearing from residents regarding their experiences of fly tipping where they live.

1.2 The report presented today focuses on fly tipping prevention and detection activities carried out by others; neighbouring local authorities and partner organisations including Zero Waste Scotland, SEPA and Police Scotland.

2. Recommendations

2.1 The Board is asked to:

- note the matters arising from the previous meeting and subsequent actions undertaken;
 - note the fly tipping prevention and detection activities carried out by others; and,
 - note information presented by key partner organisations.
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3. Background and progress since previous meeting

3.1 On 6 November 2017 the Board agreed the scope of the fly tipping review. On 22 January 2018, the Board received information from the research available concerning the extent of fly tipping in Scotland and in Renfrewshire as well as the causes of, and motivations towards fly tipping. On 19 March the Board heard from the Head of Amenity Services and the Head of Public Protection regarding the council's approach to prevention and detection of fly tipping, as well as hearing from residents regarding their experiences of fly tipping where they live.

3.2 Following on from the 19 March meeting the Head of Public Protection circulated further information to the Board on 29 March to clarify some matters that had been discussed during the presentation that he and the Head of Amenity services had given. The Head of Service informed that the £200 fine for fly tipping is the maximum that can be issued by Officers as a fixed penalty notice, however where there are repeat offences or where the fly tipping is of a particularly serious nature, offenders can also be reported to the Procurator Fiscal with the recommendation that they are prosecuted for the offence. Where a person is found guilty, the courts can impose fines of up to £40,000 or custodial sentences of up to six months. These options for tackling fly tipping are available to both the Scottish Environment Protection Agency (SEPA) and local authorities. The Head of Service further clarified that enforcement powers relating to fly tipping offences rest with both SEPA and local authorities and there is no definitive demarcation between which body would investigate incidents. It is generally the case that SEPA would investigate larger scale commercial/ industrial incidents. A matrix developed several years ago by a Fly Tipping Stakeholder Forum to provide guidance to the public around this issue was also circulated by the Head of Service; for completeness for this review, the matrix is attached in Appendix 1.

4. Fly tipping prevention and detection activities carried out by others

4.1 This section covers the final aspect of the review in accordance with the scope previously agreed by the Board; it covers information gathered in relation to fly tipping prevention and detection activities carried out by neighbouring local authorities and it introduces presentations and information submitted by partnering organisations.

4.2 In terms of background however, in January 2018 the Board was introduced to the May 2017 Zero Waste Scotland Report (ZWS), since the paper to Board at that time provided information on factors motivating households, commercial businesses or organised offenders to fly tip. That same ZWS report also gave information on how fly tipping could be addressed. Some of the key areas of activity highlighted by ZWS have been summarised below and this is useful contextual information to keep in mind when looking at the related activities undertaken by some councils and partner organisations:

- Data capture – for example, to support public reporting (such as through smartphone apps), to enable systematic local evaluation of the effectiveness of the measures put in place, to match to intelligence data held by SEPA or the police to track and catch persistent offenders, to

gain insights into whether gate fees for white van carriers are a cost-effective method.

- Infrastructure – for example, the use of physical barriers such as gates, fences, boulders and bunds to restrict vehicular access to known fly tipping sites, CCTV for monitoring, intelligent data extraction systems to enable image, data and document analysis to support law enforcement investigations and quickly identify environmentally critical fly tipping locations, and geographical information systems to categorise fly tipping zones and enable more efficient surveillance.
- Education and awareness – for example, increasing public awareness of what constitutes fly tipping and how to report it, communication campaigns to ensure people understand that using an intermediary to dispose of their waste does not remove their responsibility to ensure the waste is legally disposed of, and promoting services such as *Dump Dumpers* and *Crime Stoppers*. [Lead reviewer observation here is that surprisingly the ZWS report appears to be silent in relation to education and awareness raising in schools].
- Specific to organised offending - increasing the difficulty, increasing the risk of being caught, reducing reward, reducing provocation and removing excuses for offenders. This involves targeting hot-spots, individual registration of vehicles as waste-carriers, charging offenders with ‘tax evasion,’ introducing a reward scheme to encourage fly tipping reporting by the public, and direct billing of fly tippers for the cost of clean-up and disposal. From an ‘infrastructure’ perspective it is also thought that “measures could include the simplification of the administrative burden to waste carriers. This would address the finding by St John (2013) on the behaviour of white van carriers that higher compliance might be achieved if the paperwork of the waste reporting system was simplified and better communicated. Moving towards electronic waste transfer notes might be a crucial step in this direction.”

4.3 Information in respect of neighbouring local authority activities

- 4.3.1 The Lead Reviewer identified neighbouring local authorities of comparable profile and identified information that was considered would be of interest to the Board; this was around methodologies for public reporting of fly tipping, volumes of fixed penalty notices issued over one calendar year, management/ team arrangements for fly tipping activities, and approaches to fly tipping prevention and detection activities. A table was developed for input by the relevant local authorities and this is provided in Appendix 2 with the information returned at the time of writing this report. The Lead Reviewer wishes to record her thanks to the officers within the local authorities for their participation in this exercise. Any further responses received will be included within the final report at the end of the review.
- 4.3.2 From the information set out in Appendix 2 a couple of observations can be made. It would look to be the case that the local authorities are all engaged in very similar activities either currently or are developing these further. One clear point of note is the significant number of fixed penalty notices issued by North Ayrshire Council compared with all others. A footnote in the table provides some additional explanation for this.

4.4 Information from Zero Waste Scotland

The Board will receive a presentation from Mr Charlie Devine, Head of Resource Management, Zero Waste Scotland. A copy of the slides is included in Appendix 3. The key points highlighted in Mr Devine's presentation cover:

- information about Zero Waste Scotland, their mission and current plans;
- reviewing evidence to inform policy;
- the FlyMapper reporting mobile app;
- the Revised Code of Practice on Litter & Refuse; and,
- a look at new approaches to addressing fly tipping.

4.5 Information from Scottish Environment Protection Agency (SEPA)

4.5.1 As reported previously to the Board an invitation had been extended to SEPA to attend the Board meeting and provide information on the organisation's role in relation to fly tipping in Scotland. Unfortunately, SEPA did not confirm their availability for the meeting and so alternatively the Lead Reviewer has reviewed details on their website to provide information to the Board.

4.5.2 As Scotland's principal environmental regulator, SEPA regulate activities that could lead to pollution or environmental damage and help regulated operators and individuals to understand and comply with environmental regulations. Specifically, SEPA regulate:

- activities that may pollute water and/ or air;
- activities that may contaminate land;
- waste storage, transport, treatment and disposal; and
- the keeping and disposal of radioactive materials

4.5.3 Fly tipping is an activity that could impact on most of the above depending on the type of materials being dumped, the volumes and the locations involved.

4.5.4 In Scotland, the main legislation concerning fly tipping prohibits the disposal of waste without the necessary permit. Commercial waste carriers or brokers must apply to SEPA for a permit to legally carry or dispose of waste. SEPA maintain a [register of licensed waste carriers and brokers](#) which anyone can access to ensure any company being used is sufficiently compliant.

4.5.5 As advised by the Head of Public Protection (3.2 above), enforcement powers relating to fly tipping offences rest with both SEPA and local authorities and there is no definitive demarcation between which body would investigate incidents. It is generally the case that SEPA would investigate larger scale commercial/ industrial incidents.

4.6 Information from Police Scotland

4.6.1 As reported previously to the Board an invitation had been extended to Police Scotland, specifically the local liaison officer, to attend the Board meeting and provide information on Police Scotland's role in relation to fly tipping in Renfrewshire. Unfortunately, Police Scotland did not confirm their availability for the meeting and so alternatively the Lead Reviewer has

discussed their role with representatives from Environment & Communities services.

- 4.6.2 The main role for Police Scotland in relation to fly tipping locally is the referral of cases onto the council for investigation and where possible enforcement. Police Scotland only become involved in a more detailed way where cases are significant and involve serious organised crime.

5 Next steps

- 5.1 In line with the review timetable agreed by Board (Appendix 4), a draft report will now be prepared for the 27 August Board meeting which covers all information reviewed to date and will set out conclusions and recommendations for the Board's consideration.

Implications of the Report

| | | |
|-----|--|---------------|
| 1. | Financial | - none |
| 2. | HR & Organisational Development | - none |
| 3. | Community Planning | - none |
| 4. | Legal | - none |
| 5. | Property/Assets | - none |
| 6. | Information Technology | - none |
| 7. | Equality & Human Rights | - none |
| 8. | Health & Safety | - none |
| 9. | Procurement | - none |
| 10. | Risk | - none |
| 11. | Privacy Impact | - none |
| 12. | COSLA implications | - none |

List of Background Papers

- (a) Audit, Risk and Scrutiny Board Annual Programme approved 28/08/2017
- (b) Lead Officer Report – Fly Tipping, Report 01, 06/11/2017
- (c) Lead Officer Report – Fly Tipping, Report 02, 22/01/2018
- (d) Lead Officer Report – Fly Tipping, Report 03, 19/03/2018

The foregoing background papers will be retained within Finance and Resources for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Karen Locke, Risk Manager, 0141 618 7019

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Appendix 1 Matrix for reporting of Fly Tipping Waste Types




| Fly tipped waste | Contact Local Authority? | Contact Environment Agency? | Report to Police? | Consider removing it yourself? | Comments |
|--|--------------------------|---|---------------------------|--|--|
| Animal carcasses | Yes | Yes - if in/near water | Yes | Seek advice from the Environment Agency on disposal options. Carcasses may be diseased and health and pollution hazards. | Some carcasses may be buried or disposed of through a licensed knacker's yard or hunt kennel authorised incinerator or rendering plant. |
| Fibrous asbestos | No | Yes | Yes | No | Contact the Environment Agency using the emergency hotline number (0800 807060). Fibrous asbestos is dangerous. Stand up-wind and wet the waste if possible (that is to say, wet it as long as you do not put yourself in danger). |
| Asbestos board/cement | Yes | Yes – but only to ensure that removal is covered by consignment notes. | Yes | No | Use registered carriers for asbestos removal |
| Batteries: wet lead acid | Yes | Yes - if more than five to ensure that removal is covered by consignment note. | Yes | No | Battery acids are strong corrosives. May emit irritant fumes, especially on reaction with water. Return to supplier. Contact the Environment Agency emergency hotline (tel: 0800 807060) immediately if watercourses are threatened. |
| Batteries: dry Ni/Cd, mercury, alkaline | Yes | Yes - if in/near water (also to ensure removal is covered by a consignment note). | Yes - if large quantities | Yes - take to recycling centre | Damaged batteries may react with other substances. Explosive reaction if water is added. Return to suppliers or take to recycling facility |
| Bottles | Yes | No | Yes - if large quantities | Yes - take to recycling centre | |
| Builders' rubble (including cement, stone, concrete, aggregates, sand) | Yes | Yes – if more than 50m ³ or if polluting a watercourse. | Yes | Yes - if clearly inert and in small quantities to landfill or civic amenity site. | Bricks can be re-used if clean (clean means free from polluting matter e.g. plaster board). N.B. also can be used as construction material – if you want to do this please contact the Environment Agency. On no account should polluting materials be used e.g. any form of asbestos. |
| Cans (steel, aluminium) | Yes | No | Yes - if large quantities | Yes - take to recycling centre | |
| Chemicals (including pesticides and wood preservatives) | No | Yes | Yes | No | These can present particular problems in the water environment - contact the Environment Agency emergency hotline (tel: 0800 807060) immediately; Be aware of fumes. |

| Fly tipped waste | Contact Local Authority? | Contact Environment Agency? | Report to Police? | Consider removing it yourself? | Comments |
|---|---------------------------|---|---------------------------|---|--|
| Clinical and sanitary waste | No | Yes | Yes | No | May include blood-contaminated products, syringes, needles and materials contaminated with faecal material. Contact the Environment Agency emergency hotline (tel: 0800 807060) immediately. |
| Drums | Yes | Yes - if leaking or in poor condition | Yes | No | Always seek advice on contents - labels may not indicate contents - be wary of fumes |
| Electrical goods (e.g. fluorescent tubes, computer waste, TVs) | Yes | Yes - if large quantities | Yes | Yes - if small - to civic amenity site | Fluorescent tubes contain toxic compounds requiring special care |
| Fabrics | Yes | No | Yes | Yes - if small take to civic amenity site | Do not disturb blood stained clothing call the Police immediately |
| Fire extinguishers | Yes | No | Yes | Yes - return to suppliers or civic amenity site | Many suppliers will take back abandoned fire extinguishers free of charge |
| Furniture (household or office, including carpets, mattresses, chairs, sofas) | Yes | No | Yes | Yes - for disposal at civic amenity site | |
| Garden waste (grass cuttings, tree or shrub loppings, etc) | Yes | Yes | Yes | Yes - for composting on own land or civic amenity site | Composting on site needs to be registered with the Environment Agency. Phone 0645 333111 to register. |
| Gas cylinders | Yes | Yes - if many or if in/near water | Yes | No - unless clearly identifiable and can be returned to a vendor | Return to suppliers or vendors - the Liquid Petroleum Gas Association can provide advice on these (tel: 01425 461612/ fax: 01425 471131). |
| Household bin bags | Yes - if large quantities | No | Yes - if large quantities | Yes - take to civic amenity site | |
| Litter | No | No | Yes - if large quantities | Yes - take to civic amenity site | |
| Metal (other than drums) | Yes | No | Yes | Yes - if small to civic amenity site or scrap yards | Some metals may be contaminated with chemicals - handle with care. |
| Oils (e.g. engine oil, lubricating and hydraulic oils, collected oil pollutants (oil/water mixes) | Yes | Yes - if in/near water or where more than 5 litres to ensure that the removal is covered by a consignment note. | Yes | No - except for small individual cans (less than 5 litres) which should go to recycling centres | Oils can present particular problems in the water environment - contact the Environment Agency emergency hotline (tel: 0800 807060) immediately if watercourses are threatened. |
| Packaging waste | Yes | No | Yes - if large quantities | Yes - if small to civic amenity site | |

| Fly tipped waste | Contact Local Authority? | Contact Environment Agency? | Report to Police? | Consider removing it yourself? | Comments |
|--|-------------------------------------|---|---|--|--|
| Plastic | Yes | No | Yes | Yes - if small - to civic amenity site | |
| Solvents (e.g. solvent-based paints, paint thinners, antifreeze, degreasers) | Yes | Yes - if in/near water (also to ensure that removal is covered by a consignment note) | Yes | No - except small numbers of paint cans etc | Solvents can present particular problems in the water environment contact the emergency hotline (tel: 0800 807060) immediately if watercourses are threatened. |
| Timber (including preservative treated timber) | Yes | Yes - if in/near water | Yes | Yes - if small quantities for re-use, or to civic amenity site | Untreated timber can be used for firewood. This is not to say that the wholesale disposal of waste by burning is generally acceptable. Do not burn treated timber. |
| Tyres | Yes | Yes - if many or in water | Yes | Yes - if small quantities to civic amenity site | Tyres should not be burned. |
| Vehicles which have been abandoned | Yes - duty to remove if on any land | Yes - if in/near water | Yes duty to remove if on the highway or verge | No | Lubricating oils, brake fluids, battery acids, antifreeze and other vehicle related fluids may present particular problems - especially in the water environment. Contact the Environment Agency emergency hotline (tel: 0800 807060) immediately if watercourses are threatened |
| White goods (including refrigerators, cookers washing machines) | Yes | Yes - if danger of CFC leak | Yes | Yes - if single items to civic amenity site or scrap yards | |

Appendix 2 Overview of arrangements in nearby Local Authorities

| Authority | Methods of reporting | | | Fly Tipping Fixed penalty notices | | Roles | | Approach | | |
|----------------|---|---|---|-----------------------------------|--------------------|---|--|---|--|--|
| |  |  |  | £ per notice | No. issued in 2017 | Team/s | Management | Main prevention activities | Most recent developments | Future plans |
| Renfrewshire | ✓ | ✓ | x | £200 | 5 | Rapid Response Team (RRT) and Community Wardens Streetscene | Head of Amenity Services and Head of Public Protection | Visiting fly tipping hot spots to implement specific measures (Barriers, Signage, Overt and covert CCTV); Visit all fly tipping complaints to assess for evidence of source | Team Up to Clean Up campaign with dedicated area for information about littering and fly tipping . | More RRT; Introduce "Report-it" App; Introduce Flymapper: (ZWS) App; Progress Permit Scheme proposal for householders |
| North Ayrshire | ✓ | ✓ | ✓ | £200 | 140*** | Dedicated Environmental Enforcement Team for investigation and enforcement. Rapid Response for removal. | Fly Tipping Officer and StreetScene Strategy Manager | Visit every fly tipping complaint to assess for evidence of source; Regular patrols of known hotspot areas; Use of FlyMapper; Promotion of positive outcomes through social media including penalties and responsibilities; Attending community group meetings for intel; "White van man" initiative, making waste producers aware of section 34 offences and preventing the use of no-licensed waste carriers; Interacting with private landlords and holding them responsible for waste from their properties | Pilot scheme to introduce covert cameras The use of body-worn cameras to capture evidence from sites etc. | Increase areas covered by CCTV Use media and social media to promote results and penalties Continue to work with groups for 'as it's happening' info Improve our escalation process |
| East Ayrshire | ✓ | ✓ | x | £200 | 35 | Corporate enforcement unit Environmental health pollution control team | Regulatory services manager | Media articles Posters Overt and covert CCTV FPNs and prosecution reports | Large case is being sentenced in June at court | Preventative and reactive work conducted by CEU and partners such as police |
| Inverclyde | ✓ | ✓ | ✓ | £200 | 9 | Trading Standards and Enforcement along with the Community Warden Service | Head of Environment and Public Protection Services | Visit every fly tipping complaint to assess for evidence of source. Make use of Public CCTV systems to monitor hotspots. Dumb dumpers signage in hotspots to discourage offences but also for | Heat mapping of issued FPNs/ reports to offer visual representation of current areas of | Further development of Heat Mapping. Education of young people through school visits. |

| Authority | Methods of reporting | | | Fly Tipping Fixed penalty notices | | Roles | | Approach | | |
|-------------------|---|---|---|-----------------------------------|--------------------|--|--------------------------------|---|---|--------------------|
| |  |  |  | £ per notice | No. issued in 2017 | Team/s | Management | Main prevention activities | Most recent developments | Future plans |
| | | | | | | | | reporting. Contact land owners to close off open sites to reduce fly-tipping. | interest, can be filtered for certain periods of time. Zoning of LA's area so that teams can focus on specific areas. | |
| East Renfrewshire | ✓ | ✓ | x | £200 | | Env Health/ Community Wardens/ Cleansing | Head of Environment Department | Signage/ CCTV/ Moveable covert camera | | None at the moment |

***At North Ayrshire the enforcement team was created in April 2016 and spent the first year or more tackling historic issues as well as new ones. Prior to the introduction of the enforcement team no-one was specifically tasked with this issue, hence the larger volume of notices issued in 2017. The numbers are starting to fall now as fly tipping prevention and detection activities progress further.


Appendix 3 Presentation from Zero Waste Scotland



Renfrewshire Council
29th May 2018

Fly Tipping Update

zerowastescotland.org.uk
@zerowastescot



About Zero Waste Scotland


Our Mission

We help reduce waste, increase energy efficiency and promote responsible water use – all as part of a journey towards a low-carbon, sustainable economy




What's Coming Up

- About Zero Waste Scotland
- Our aims and objectives
- Our work so far
- A different approach
- Open discussion



Review Evidence & Inform Policy

- How much flytipping takes place in Scotland;
- What waste types flytipping is made up of;
- What flytipping costs Scottish society;
- What the known drivers of flytipping are;
- How flytipping is perceived by the public;
- Evidence on effective countermeasures.



Evidence Review of Flytipping Behaviour
Prepared by: Zero Waste Scotland
Date: May 2017

FlyMapper



- Mobile app to log incidents;
- Website mapping:
 - Hotspots;
 - Priority materials;
 - Potential sources;
- Report production
- Export to other systems

Revised Code of Practice on Litter & Refuse

- Due to be laid in Parliament May 2018
- Focused on preventative activities
- Extended to all relevant land owners
- A new and different way of using a code of practice

A Different Approach

- Community-based action
- Attempt to re-establish local pride
- Using local people and tailor made messages
- Using Zero Waste Town Partnership

Appendix 4 Review Timetable

| Date of Board Meeting | Stage of Review | Progress |
|-----------------------|-------------------------|----------|
| 06 November 2017 | Commencement of review | ✓ |
| 22 January 2018 | Continuation of review | ✓ |
| 19 March 2018 | Continuation of review | ✓ |
| 29 May 2018 | Continuation of review | ✓ |
| 27 August 2018 | Draft report to Board | ▶ |
| 27 September 2018 | Final report to Council | ▶ |

Key:



Completed



On target