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

On: **06 November 2017**

Report by: **Lead Officer**

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

1. Summary

- 1.1 At its meeting on 28 August 2017, members of the Audit, Risk and Scrutiny Board agreed an annual programme of activity for the Board for 2017/2018. This included a review which would look into fly tipping in the countryside and at known fly tipping spots.
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2. Recommendations

- 2.1 The Board is asked to:
- approve the purpose and scope of the review;
 - approve the provisional timescale as outlined in Appendix 1 to this report;
 - authorise the Lead Officer to contact any organisations recommended by the Board who may have information useful to the Board and who may be potential witnesses;
 - delegate powers to the Lead Officer, in consultation with the Convenor, and grant the Convenor of the Board permission to alter the timetable having regard to the availability of evidence and witnesses throughout the course of the review; and,
 - authorise the Lead Officer to make the necessary arrangements to progress the review within the agreed timescales.
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3. Background

- 3.1 The Environmental Protection Act 1990 is the key piece of legislation for tackling litter and fly tipping, Part II outlines the duties for fly tipping.

3.2 Fly tipping is a national problem across the UK and is defined as the illegal deposit of any waste onto land that does not have a licence to accept it. Waste includes for example general household waste, larger domestic items including fridges and mattresses, garden refuse, and commercial waste such as builder's rubble, clinical waste and tyres.

3.3 It is thought that there are a number of reasons which cause people or

businesses to fly tip, one of which for example is financial, where a person or business may seek to avoid the cost of disposal.

3.4 Regulation and enforcement with regards to fly tipping is a dual function falling to both SEPA and Local Authorities through the provisions within the Environmental Protection Act 1990. In terms of enforcement locally, Renfrewshire Council has power to issue fixed penalty notices for fly tipping (£200 a time) and to report offenders to the Procurator Fiscal (sanctions include fines up to £40k or imprisonment). Renfrewshire Council also has power to require landowners to remove waste from their land.

3.5 When waste is deposited on any land which the council maintains, there is a duty on the council to remove the waste from the land and the council bears this cost. This duty extends to roads, roadside verges and areas of land under council ownership.

3.6 In terms of fly tipping in Renfrewshire, known spots have included for example Hillington, Glennifer Braes and Auchenlodment Road (private ownership).

4. **Purpose of the Review**

4.1 The key purpose of this review will be to:

- (1) understand what drives people (individuals and organisations), to fly tip in the countryside and known fly-tipping spots;
- (2) set out the council's current arrangements for addressing fly tipping; and
- (3) identify any other mitigation that could be recommended and that the council could pursue within available resources.

5 **Scope of the Review**

5.1 In relation to 4.1(1) above, the focus of the review will be on reviewing

Section 33 Environmental Protection Act 1990

An offence is committed if:

- ✚ a person has deposited/ knowingly caused/ knowingly permitted the deposit of controlled waste in or on land and either:
 - that land does not have a waste management licence in force in relation to it; OR
 - the deposit is not in accordance with a waste management licence.
- ✚ a person has treated, kept or disposed of controlled waste or knowingly caused or knowingly permitted the treatment, keeping or disposal of controlled waste in or on land and either:
 - that land does not have a waste management licence in force in relation to it; OR
 - the treatment, keeping or disposal is not in accordance with the licence.
- ✚ a person has treated, kept or disposed of controlled waste in a manner likely to cause pollution of the environment or harm to human health

research available on this subject and reporting this back to the Board at subsequent meetings. Consideration will additionally be given to the potential use of social media to seek feedback from residents on this topic.

- 5.2 In relation to 4.1(2) above, the Lead Officer will focus on the services currently provided by Environment & Communities, predominantly those services that fall within the remits of the Head of Amenity Services and the Head of Public Protection.
- 5.3 In relation to 4.1.(3) above, a significant focus of the review will be on fly tipping prevention and detection activities that are being taken forward elsewhere, particularly by other Scottish local authorities and partner organisations. From this it will then be possible to identify good/ best practice and benchmark the council's position in relation to this.
- 5.4 For clarity, litter/ littering does not fall within the scope of this review.

6 Timetable and witnesses

- 6.1 It is proposed that the review commences following the meeting of the Audit, Risk and Scrutiny Board and is progressed through subsequent Board meetings, with a final draft report being submitted for approval in August 2018 and a final report thereafter to Council in September 2018. (Timetable appended).
- 6.2 From an initial review of stakeholders involved in fly-tipping research, prevention and detection activities, it is suggested that witnesses/ representatives from the council's Environment & Communities service department, other local authorities, and partners including Police Scotland, SEPA and Zero Waste Scotland be invited to future meetings to provide information to the Board. Witnesses will be asked to provide written evidence prior to any meetings with the Board to allow members sufficient time for preparation ahead of the meeting.

Implications of the Report

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| 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 |
- The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights

have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

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| 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

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 Risk Manager, Risk Manager, 0141 618 7019,
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Appendix 1 Timetable for Fly-Tipping Review

Date of Board Meeting	Stage of Review
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