



SCRUTINY COMMITTEE REPORT

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| Date Written | 14 August 2020 |
| Report Author | Paul Jones/Jemma Price |
| Service Area | Neighbourhood Services |
| Committee Date | 18 January 2021 |

To: Chair, Ladies and Gentlemen

Fly tipping on Unregistered Land **Tipio anghyfreithlon ar dir anghofrestredig**

1.0 SUMMARY OF THE REPORT

1.1 This report outlines the implications of the removal of fly tipped waste from unregistered land. Considerations include setting limitations on the amount of waste collected to balance the need to protect the street scene with the cost of disposing of the waste (particularly if it is hazardous waste). A budget to meet the disposal costs would need to be identified, as well as how the function would be resourced.

2.0 RECOMMENDATION

2.1 That the contents of this report be debated.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 The Local Authority do not currently clear waste from unregistered land. As unregistered land does not have a registered keeper, the Local Authority are unable to write to an owner requesting they remove the waste.
- 3.2 The Local Authority recognise that measures need to be put in place to allow action to be taken on land where it is not possible to obtain land owner details.
- 3.3 Fly tipping has a negative impact on the environment and as waste on unregistered land is currently left in situ, it is not only unsightly but creates the perfect harbourage for vermin in certain circumstances. Another issue with fly tipped waste on

unregistered land is that as no one takes responsibility for the waste it then becomes a 'magnet' for more fly tipping instances meaning the issue escalates and more waste is added.

4.0 WHERE WE WERE

4.1 In February 2015 the Environmental Cleansing and Enforcement Team was set up to allow the Local Authority to have a dedicated team to deal with fly tipping. Originally, the team only dealt with fly tipping that was on council owned land. This then progressed to investigating all incidents of fly tipping, however waste was only removed from Council owned land. The Local Authority has a statutory duty to ensure its land is kept free from waste. This duty is not inclusive of private or unregistered land.

5.0 WHERE WE ARE NOW

5.1 Recently, by instruction from the Chief Officer after discussion with the Portfolio Member, it was decided that the Environmental Cleansing and Enforcement Team would write to landowners when fly tipping had been identified on private land highlighting that it was their responsibility to remove it.

5.2 Currently there is no policy in place to allow any team within the Local Authority to remove waste off unregistered land. Unregistered land is more difficult to take action on as there are no details of any land owner to contact to request they remove the waste. This means that if the Local Authority decides to put a policy in place to deal with unregistered land, any waste that is removed will be the responsibility of the Local Authority.

5.3 Any fly tipped material collected by the Local Authority is separated at the HWRC and the majority is recycled, contributing to our Welsh Government recovery target. All mixed black bag fly-tipped material is sent to energy from waste from which we can claim the bottom ash figures which can contribute towards the recycling target.

5.4 The local authority has no control over the type of items that are fly tipped, therefore the amount of residual waste we collect could increase which may have detrimental financial implications on the Local Authority. Disposal costs would also need to be taken into consideration, as removing waste from unregistered land would mean more fly tipped waste being collected. In addition if hazardous waste i.e. Asbestos needed to be removed this is very costly (however if it was a significant amount this should be referred to NRW for removal and should not be removed by the Local Authority).

5.5 Since April 2020, the Local Authority has been writing to private land owners where fly tipped waste has been found. This means that when searches are requested via the Estates Department, we also find out when land is unregistered. Since April 2020 we have had 26 instances of waste deposited on unregistered land reported, where no action has been taken to remove the waste as no land owner information is available.

- 5.6 It is projected that given the volume of complaints that have already been reported since April 2020, the approximate number of fly tipping instances on unregistered land that would need to be actioned over a one year period would be between 75-100. These instances would be investigated for information regarding the alleged offender and the waste cleared thereafter. Upon investigation, the areas in which fly tipping has been reported on unregistered land tend to be large scale fly tipping consisting of household waste and builders waste, likely to be from house clearances and building works.

6.0 WHERE WE WANT TO BE

- 6.1 The fly tipping team consists of one Environmental Health Officer (EHO), one Technical Administrative Assistant, two operatives and one van investigating all incidents of fly tipping as well as removing all waste types off Council owned land. In order for the Environmental Cleansing and Enforcement Team to clear waste off unregistered land, there are two options:-
- 6.2 i) To employ an additional operative (Grade 3 approx. **£26,528**), and vehicle (£655pm + fuel) to allow us to maintain our KPI level,
- ii) To accept that current resources are used, thereby increasing the time taken to remove waste from Council land and unregistered land and having a negative effect on the Local Authorities KPI, (any staff sickness or holidays would also impact on this and delay removal time).

7.0 WHAT WE NEED TO DO NEXT

- 7.1 Present a report to Cabinet to amend the existing fly tipping policy to include the removal of fly tipping from unregistered land and agree the approach in terms of how it will be resourced (staff and disposal costs) and the limits on the amount of fly tipping the Local Authority will remove from unregistered land before referring it to NRW for removal.

9.0 CONTRIBUTION TO WELLBEING OBJECTIVES

- 9.1 Environmental enforcement contributes to the Council's environmental wellbeing objective; communities protect, enhance and promote our environment and countryside.

**JUDITH JONES CHIEF OFFICER FOR
PLANNING AND NEIGHBOURHOOD
SERVICES**

**CLLR DAVID HUGHES PORTFOLLO
MEMBER FOR PLANNING AND
NEIGHBOURHOOD SERVICES**

BACKGROUND PAPERS

| Title of Document(s) | Document(s) Date | Document Location |
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| Does the report contain any issue that may impact the Council's Constitution? | | |