
TITLE: FLY TIPPING – FIXED PENALTY

Committee: Regulatory Services

Date: 6th November 2017

Author: Environmental Services Manager

[S164]

1.0 ISSUE

1.1 To agree and set a level for Fixed Penalty notices for fly tipping.

2.0 RECOMMENDATION(S)

2.1 Members are requested to:

- i) set the fee for fixed penalty notices for fly tipping at £400;
- ii) agree not to set an early payment fee.

3.0 BACKGROUND/OPTIONS

3.1 Since 9th May 2016 local authorities were given the powers under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 to tackle the crime by issuing fixed penalty notices of between £150 and £400 to those caught in the act of fly tipping. This includes anything from old fridges or sofas to garden waste or rubble.

3.2 The introduction of fixed penalty notices for fly tipping is an additional tool for dealing with waste crime, which costs the economy millions of pounds a year in clean up costs, undermines legitimate businesses and can pose serious risks to our health.

3.3 While acting as a deterrent, fixed penalty notices will save the council time and money in punishing offenders as they will provide a quicker alternative to prosecuting fly tippers through the courts. However prosecution still remains an option for local authorities in punishing large scale waste criminals.

3.4 The removal of fly tipping is covered within the Street sweeping costs of the Veolia contract therefore making it difficult to put an exact cost on the clearance and investigation. Between January 2016 and January 2017, 215 fly tips were cleared. Based on the average time and resources required to clear an individual fly tip this is estimated (conservatively) to have cost somewhere in the region of £64,500

3.5 The default payment of £200 exists at present. The Council can set the Penalty payment anywhere between £150 and £400. Having taken into consideration the cost of investigation of the fly tip by officers and the clearance and disposal of the waste consideration needs to be given to

increasing the Penalty to the maximum charge of £400. The legislation allows the council the option of setting an early payment fine of £120 if the penalty is paid within 10 days of issue. This would not cover the cost of clearance and investigation, and may not act as a deterrent to offenders

Costs	Amount
Officer time (Technical Officer x 4 hours, Senior EHO x 2 hours)	£180.38
Removal (loader/driver/vehicle)	£82
Disposal	£135/tonne
Total	£397.83

4.0 ARGUMENTS/CONCLUSIONS

4.1 The cost to the Council for investigating and clearing fly tips is substantial. The new powers introduced in May 2016 provide the Council with another tool to crack down on individuals who blight our neighbourhoods and impact on our rural landscape.

4.2 Having looked at the cost associated with dealing with this environmental crime it is evident that the default payment of £200 is insufficient to cover the cost of dealing with an individual fly tip.

4.3 Under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 the Council can set the fine anywhere between £150 and £400. It is therefore suggested that the Fixed Penalty fine should be increased to £400. This will not only enable the Council to recover cost of dealing with fly tips, but also act as a deterrent.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 The introduction of the increased fine will when issued allows the Council to recover cost which will offset service delivery.

5.2 Equality Impact Assessment (INRA) not required

Background Documents

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016

Location

The Grange,
Ely

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