

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	12 October 2016
<b>Title:</b>	Fly Tipping Strategy
<b>Reference:</b>	7822
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Executive Summary

1.1. The purpose of this paper is to seek approval to develop a Fly-Tipping Strategy for Hampshire, in partnership with a variety of organisations in the County who share the County Council's objective to reduce the impact of fly-tipping.

1.2. This paper seeks to:

- Set out the reasons for the development of the Strategy;
- Provide an update on work that has already been undertaken in the development of the Strategy;
- Seek approval on proceeding with the development of the Strategy.

### 2. Contextual information

2.1. In response to the public consultation that was run in Spring 2016 over the future of the Household Waste Recycling Centre network, Hampshire residents noted a clear concern over the issue of fly-tipping in Hampshire. From these consultation responses, it was clear that fly-tipping is something that residents would like to see addressed by the County Council and other responsible bodies.

2.2. The majority of fly-tipped waste in Hampshire is understood to arise from commercial and industrial operations. In particular, the largest scale fly-tipping incidents, which are the most costly to dispose of and the ones that attract most media interest, are linked to commercial operations rather than to householders.

- 2.3. A recent survey undertaken on behalf of the national 'Right Waste, Right Place' campaign<sup>1</sup> found that 48% of small and medium sized enterprises did not know where all their waste goes once it leaves site. This leads to uncertainty over whether these wastes are disposed of in a legal way (and leaves the enterprises in question open to fines and prosecution in future due to this lack of awareness).
- 2.4. Previous experience from other local authorities suggests that introducing similar measures to those being introduced in Hampshire (reduced opening hours, charging for non-household wastes, charging out-of-county residents to use the sites) does not lead to a long term increase in fly-tipping. Similarly, when the County Council has made other changes to its own HWRC network there has been no long term increase in fly-tipping,
- 2.5. As a result, the County Council does not accept that a relationship should exist between changes at HWRC sites and an increase in fly-tipping. However, this does not detract from the seriousness with which the County Council takes the issue of fly-tipping, and from the desire to take action to reduce the harmful impacts of fly-tipping in Hampshire.
- 2.6. Noting that the Surrey Waste Partnership had recently developed a comprehensive and collaborative approach to dealing with fly-tipping in Surrey, a commitment was made to develop a similar strategy for Hampshire, engaging with a range of partner organisations.
- 2.7. Fly-tipping is a criminal offence and one of the most common forms of anti-social behaviour. It poses a significant environmental, social and financial problem nationally and in Hampshire. It blights our countryside, is a threat to livestock and local wildlife, a source of pollution, a danger to public health, and attracts other forms of anti-social behaviour and environmental crime such as arson, littering, graffiti and dog fouling.
- 2.8. The cost of fly tipping on public land falls on Local Authorities. It is the responsibility of the Districts and Boroughs to collect fly-tipped waste, and the County Council to dispose of it. The cost of disposing of this waste is the greatest cost (amounting to over £650K in 14/15) and therefore is a key financial issue for the County Council, in addition to wider concerns about the harmful impacts of fly-tipping. It should also be noted that fly-tipping on private land, while not the responsibility of local authorities, is of equal concern, which will be reflected in the development of the Strategy.
- 2.9. It is proposed that the Strategy, subject to further engagement and development with partner organisations, will seek to bring about a reduction in fly-tipping in Hampshire with focus on three key areas:
  - Communications – delivering messages to residents and businesses in support of, and education around their 'Duty of Care';

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<sup>1</sup> <http://www.ciwm-journal.co.uk/businesses-breaching-waste-laws-due-chronic-lack-awareness/>

- Reporting, Collection & Disposal – seeking agreement between partners to ensure that the most effective processes for reporting, collection and disposal of fly-tipping incidents are in place; and
- Investigation & Enforcement – working together between partners to maximise investigation and enforcement resources in dealing with fly-tipping incidents.

### **3. Progress Following Previous Decision (22 July 2016)**

- 3.1. In support of making initial progress on the development and delivery of the Strategy following the 22 July 2016 decision, the County Council has already taken steps to engage with partner organisations and commence with the development of an initial draft Strategy.
- 3.2. A workshop was organised on 8 September 2016, with the intention of commencing the wider discussion about what needs to be achieved, and how, to enable the development of a comprehensive strategy that reflects the views and concerns of a broad range of partners.
- 3.3. The following organisations were among those represented at the workshop:
  - District & Unitary Authorities
  - The Environment Agency
  - National Park Authorities
  - Hampshire Constabulary
  - National Farmers Union
  - Farming Community Network
  - Country Landowners & Business Association
  - Forestry Commission
- 3.4. The workshop helped to generate a number of ideas around how the organisations could work in partnership to achieve the key aims of the Strategy. These ideas are now being utilised to refine and update the existing strategy, with ongoing input from partners.

### **4. Finance**

- 4.1. The work required to deliver this strategy will be resourced within existing Department Budgets.

### **5. Consultation**

- 5.1. In order to gain an understanding of residents and site users' views on proposals to reduce the annual cost of the HWRC service, the County

Council undertook a public consultation from 16 March 2016 to 25 May 2016. Nearly 12,000 responses were received to the consultation.

- 5.2. As a result of this and previous consultation feedback, the County Council is making a number of changes to the HWRC network in support of achieving savings through reducing opening hours and days at all sites, introducing charges for non-household wastes, introducing small charges for out-of-county residents to access sites and allowing small and medium enterprises to use the sites in exchange for a charge, whilst avoiding the requirement to fully close any of the HWRC sites, as was a key demand of residents.
- 5.3. A number of respondents to the consultation noted a concern over the issue of fly-tipping in Hampshire, as per Section 2 of this document.

## **6. Future direction & Timescales**

- 6.1. It is proposed that the Fly-Tipping Strategy for Hampshire and associated Action Plan is developed and finalised before being brought back to the Executive Member for Environment and Transport for adoption in due course.
- 6.2. It is envisaged that by this time the detailed Action Plan will have been finalised, all relevant organisations will be in a position to begin delivering the agreed actions (although it is hoped that delivery of some actions can commence before this point where possible).

## **7. Recommendations**

- 7.1. That the Executive Member for Environment and Transport approves the development of a Fly-Tipping Strategy for Hampshire by the County Council, in partnership with a variety of organisations who share the County Council's objective to reduce the impact of fly-tipping in Hampshire, subject to full and final agreement from each relevant organisation.
- 7.2. That the final Fly-Tipping Strategy and associated Action Plan is brought back to the Executive Member for Environment and Transport for adoption at a later date.

Rpt/7822/SH

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes
Corporate Improvement plan link number (if appropriate):	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Household Waste Recycling Centre Service Efficiencies Implementation	7534	22 July 2016

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

It is considered that the project/proposal will have no specific impact on groups with protected characteristics for the following reasons (taken from the Equalities Impact Assessment):

The Fly-Tipping Strategy for Hampshire will aim to meet the objective of the County Council and its partner organisations to reduce the impact of fly-tipping in Hampshire. In doing so it is intended that there will be positive impacts for all groups in Hampshire, including those for whom there is a statutory consideration to take into account protected characteristics, by reducing the harmful financial and environmental costs of fly-tipping to the County as a whole.

The only specific group that will be impacted upon to a greater degree than the above is those residents and businesses in Hampshire, regardless of other groupings or characteristics, which currently choose to dispose of their waste in an illegal manner. The impact for these residents and businesses is that it will become harder for them to do this in future.

### **2. Impact on Crime and Disorder:**

2.1. The intention is to help prevent the illegal act of fly-tipping in Hampshire, and make it easier to investigate and enforce against those remaining businesses and residents

who continue to commit this crime. Therefore, a positive impact is intended, namely a reduction in crime.

**3. Climate Change:**

3.1. How does what is being proposed impact on our carbon footprint / energy consumption?

n/a

3.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

By helping to prevent and enforce against the illegal act of fly-tipping, it is intended that wastes that would otherwise have been fly-tipped will instead be disposed of via legal means, encouraging proper consideration of the waste hierarchy and a reduction in the volume of waste that is sent to landfill. The associated benefit will be a reduction in harmful greenhouse gases that arise from the landfilling of wastes.