

Cabinet Report



Report of Head of Health and Housing

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To: CABINET

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Fly Tipping

Recommendation

Cabinet agrees that the post of Enforcement Officer, fly tipping should be made permanent from 1 April 2014 and to include this in its 2014/15 budget proposals to council.

Purpose of report

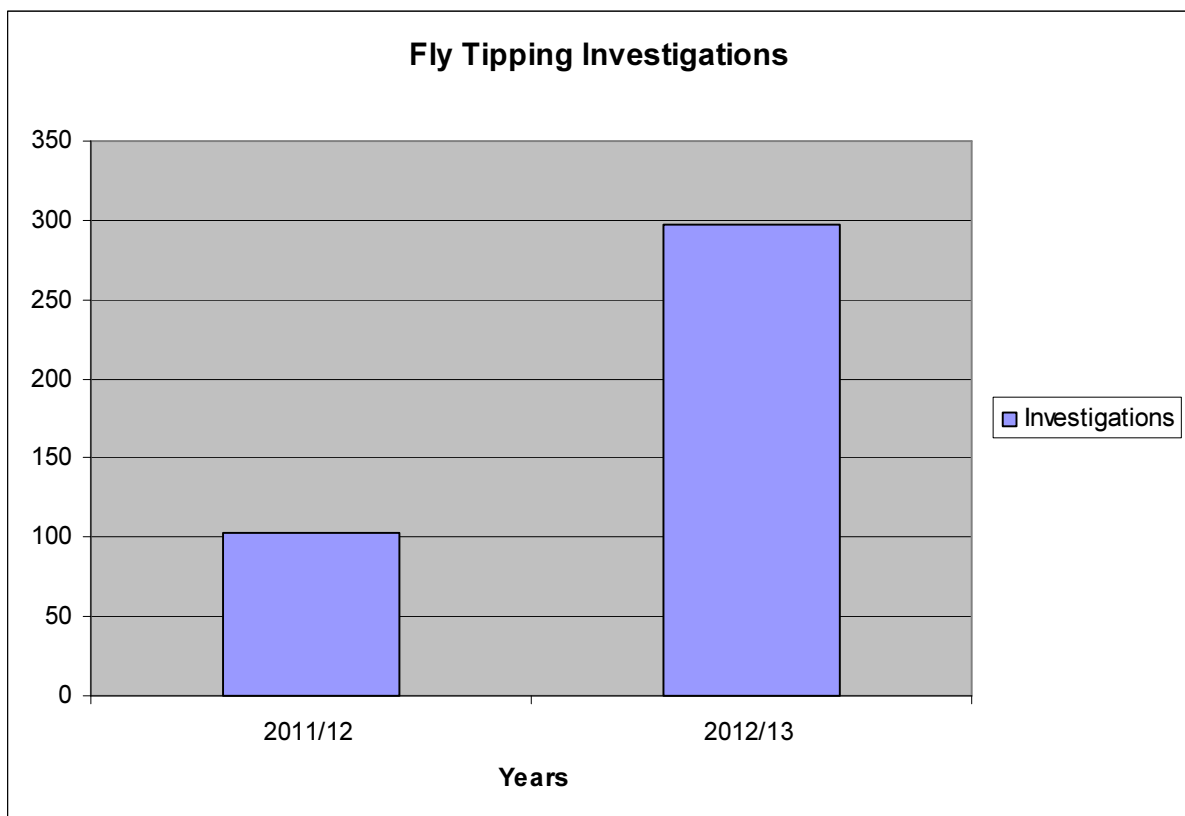
1. In 2011, there was a marked increase in the level of fly tipping across South Oxfordshire. Officers advised that neighbouring authorities pursued fly tipping offenders more vigorously with dedicated staff resources and that enforcement action seemed to be a material factor in deterring fly-tippers. Accordingly, Cabinet approved a fixed term post to carry out fly-tipping investigation and enforcement and asked to review the effectiveness of this after 18 months.
2. The purpose of this report is therefore is to provide Cabinet with information on fly-tipping enforcement and its impact on the levels of fly tipping in the district, so as to assess the effectiveness of the post. In conclusion officers recommend the continuation of the post and invite cabinet to submit a growth bid to make the post permanent from 1 April 2014.

Corporate objectives

- The proposal contributes to the objectives of excellent delivery of key services and support for communities and building the local economy (improve the viability and attractiveness of our towns).

Background

- The graph below shows the number of fly-tipping investigations carried out by the council for the past two years.



- Since the introduction of the temporary post in March 2012 the number of fly tipping investigations increased from 102 in 2011/12 to 297 in 2012/13. In 2013/14 we have carried out 126 investigations to date.

6. The table below provides shows the enforcement actions taken before and after the introduction of the fly tipping enforcement post.

	11/12	12/13
Road side checks	4	12
Duty of care inspection- (roadside inspections of waste permits)	2	70
Statutory notice (seeking further info)	0	26
Warning letter	17	39
Formal caution	2	5
Fixed Penalty Notice	8	12
Prosecution	8	4

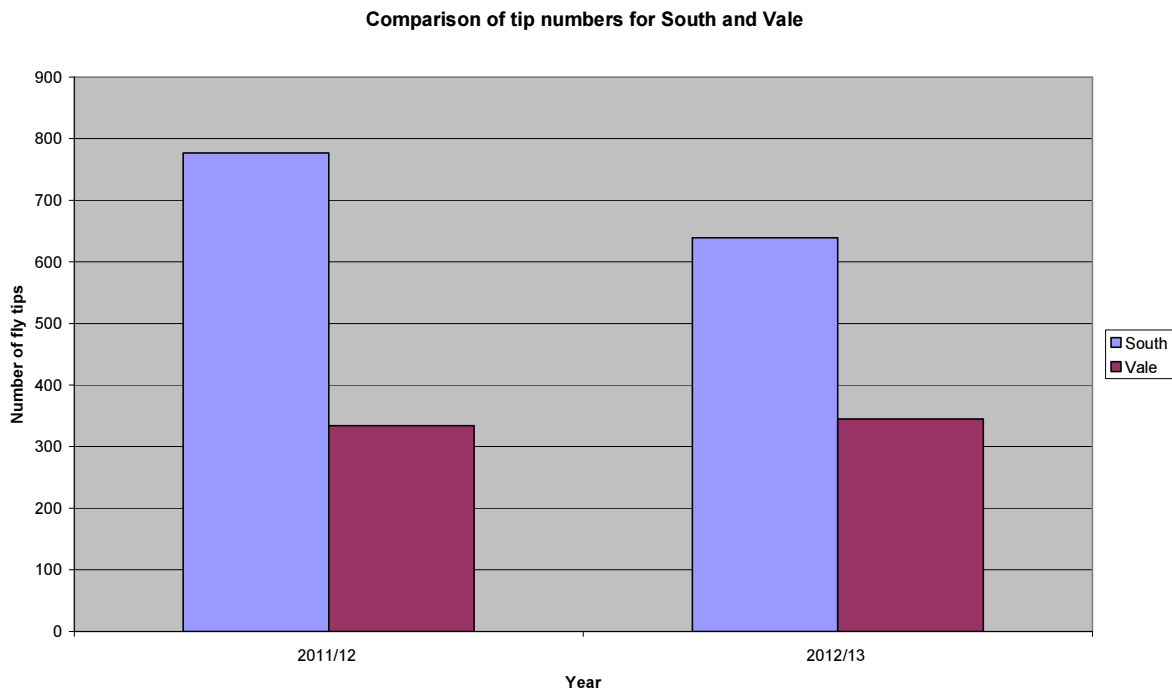
7. Cabinet will note that both the number and type of enforcement actions have increased with the introduction of the temporary Enforcement Officer post. Before the appointment most actions stopped at warning letters but the appointment of the post has allowed both the number and breadth of actions to increase. Inevitably it takes time to bring cases through to court and so in the current year the number of more formal actions including prosecutions will increase. During the first six months of this year we have successfully prosecuted seven offenders and have five further cases with court dates.

The impact of enforcement activity on levels of fly tipping

8. Officers continue to believe that the best method of tackling fly tipping is to have high levels of enforcement activity.
9. For example, for people who commit an offence out of ignorance or mistakes we find that informal advice, warning letters and cautions are good educational tools and re-offending is very rare. Similarly, officers find that high profile enforcement activity such as roadside checks for waste notices and prosecutions are effective against serial fly-tippers who operate for financial gain.
10. Cabinet will be aware that Vale of White Horse District Council (Vale) has prioritised enforcement for several years. It makes sense therefore, when assessing the effectiveness of fly tipping enforcement in South Oxfordshire, to compare fly-tip levels across the two councils.
11. Officers believe there is a geographic factor in relation to the number of fly tips seen in South Oxfordshire compared with the Vale of White Horse. The proximity of

rural parts of our district to major conurbations makes it easy for serial fly tippers to travel to fly tip in South Oxfordshire and we have evidence from our investigations that this occurs.

12. The bar chart below shows the number of fly-tipping incidents in both districts in 2011/12 and 2012/13. In one year we have achieved an 18% reduction in the number of fly tips in South Oxfordshire. Given there will always be a lag time between taking tougher action and fly tippers getting the message, officers are confident that sustained action by a dedicated fly tipping enforcement officer will result in continuing improvements.



13. We have a corporate target to reduce the number of fly-tipping incidents by 5% year on year. We achieved this target in 2012/13 and we are currently on track to achieve the target for 2013/14.

Options

14. Cabinet could decide not to extend the post beyond its current end date of 31 March 2014. This would mean that there would be insufficient resources in the Environmental Protection team to maintain the current level of enforcement action and is likely to result in an increase in fly tipping again.
15. Cabinet could decide that it wishes to make the fly tipping enforcement post permanent and include this in its 2014/15 budget proposals for endorsement by full council.

Financial Implications

16. The cost of the approval of the recommendation will be £43,821 (SCP 34 £35,511 + 23.4% to cover NI and pension) per annum.

Legal implications

17. The task of fly tipping enforcement generates a workload for legal services who are closely involved in any decision to proceed with prosecution. Legal services agree all cases proceeding for prosecution prior to action.

Risks

18. There are legal and reputational risks associated with all enforcement action. Officers manage this risk by a process of senior officer sign off for prosecutions and challenge by legal colleagues. This process has worked well for some years and will continue.

Other implications

- 19 None

Conclusion

20. Officers believe that the data in this report demonstrates that the temporary Enforcement Officer has improved the performance of the council's fly tipping service in the following ways:

- The corporate target, a 5% reduction in the number of fly-tips in South Oxfordshire District, was achieved in 2012/13 and we are on track to achieve the target for 2013/14;
- Enforcement activity has increased to levels comparable to the best performing Oxfordshire authorities; and
- The number of prosecutions has increased and we have had positive publicity which is assisting us deterring fly-tipping.

21. Officers believe that the continuation of the post will provide the resources to continue to tackle fly tipping in South Oxfordshire.

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