

Flytipping / abandoned cars / litter

Chiltern Local Committee

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1 Purpose of report

- a The increasing problems of flytipping and abandoned cars in Chiltern and South Bucks cause a great deal of concern locally. It is hoped that this joint report of the County and District Council will clarify the responsibilities of the various agencies involved and help to answer many most common questions asked by, and of Councillors and Parishes.

2 Proposed action

- b The Local Committee is invited to NOTE this report

3 Supporting information

FLYTIPPING

- c Flytipping is the illegal depositing of waste onto open land. Various Local Authorities, the Environment Agency, the Highways Agency and private landowners have different responsibilities with regard to fly-tipped material. The responsibility to remove and dispose varies according to where the material is left.
 - ◆ Waste fly-tipped on private land is the responsibility of the landowner.
 - ◆ Waste fly-tipped on land which is owned or controlled by the County/ District Council and to which the public have access is the responsibility of the appropriate District Council.
 - ◆ Waste fly-tipped on the carriageways of public roads is the responsibility of BCC acting as Highway Authority to collect and dispose provided the Highway Authority considers it to be a danger to the users of the highway. It is the responsibility of the Highways Agency, where the road is a trunk road or motorway.
- d Onyx's contract with Chiltern District Council requires Onyx to collect flytipped materials within five working days following receipt of written

instruction from the Council. In practice, over the period April 2000 to March 2001, the average time taken by the contractor was 2.5 working days and over this period some 467 incidents had been dealt with.

- e The total number of flytips dealt with during 2000/2001 was a 54% increase on those dealt with in 1999/2000. The total cost of dealing with flytipping in 1999/2000 was approximately £22K.
- f 58% of flytips over this period were reported by members of the public and 42% by Council employees. The procedure in dealing with the reports from members of the public differ according to location and type of material. If there is no doubt that the flytip is in a public area and if it comprises specific items such as furniture, fridges etc then no inspection is made and an instruction is issued immediately to Onyx. Should there be doubt over the location of the incident or should it comprise rubble or green waste the volume of which needs to be measured before an instruction can be issued then the flytip is inspected by a Council employee before an instruction is issued. This requirement often delays removal of the flytip by one working day.
- g An historical perspective on the rise in flytipping over the last few years, has been given by Chiltern District Council, who have provided the following figures

1997/98	121 incidents
1998/99	(prior to installation of barriers at household waste sites) 175 incidents per annum (equivalent)
22 May 1998	barriers installed
1998/99	(post installation of barriers at household waste sites) 355 incidents per annum (equivalent)
10 Oct 1998	barriers lifted on Saturdays
1998/99	(post Sat. lifting of barriers at household waste sites) 322 incidents per annum (equivalent)
1999/2000	304 incidents
2000/2001	466 incidents
2001/2002	427 incidents (predicted)

- h The Enforcement Team Leader from Environment Agency has made the following observations:
- (i) Flytipping is increasing significantly everywhere. Places such as South Bucks and Chiltern do not suffer to the same extent as Local Authorities eg Watford; Harlow.
 - (ii) The introduction of Landfill Tax in 1996 has contributed to the increase in the problem
 - (iii) Most flytipped material is commercial in origin. Few householders are flytipping directly. Where flytipping can be traced back to domestic premises, the householder has normally paid for someone to take the materials away (thus making it commercial).
 - (iv) Small scale traders (often travellers) have problems disposing of any waste they collect since they cannot normally use commercial sites which run on the basis of having an account.
 - (v) The Environmental Agency Enforcement team that covers Chiltern and South Bucks, covers 40 Local Authorities in total - an area 3,500 sq km in size with a population of 7 million.
 - (vi) There are 4 Enforcement Officers and a Team Leader covering this area. In view of this level of staffing, enforcement activities have to be targeted primarily against the criminal gangs which having been paid to remove waste, then indulge in large scale flytipping.

Prosecution

- i The Environment Agency and Police have powers to prosecute in all cases of fly-tipping, and will take action if sufficient evidence is available. The appropriate District Council has powers to take action in the case of litter.

Hazardous materials

- j The responsibilities are the same in the case of fly-tipping of hazardous waste and chemical spillages although, since hazardous incidents lead to a more rapid response and more often the perpetrators will be known, a slightly modified procedure is adopted by the authorities.
- k Where this occurs on public land and at the request of landowners of private land, the District Council will "manage" the incident and endeavour to recover the costs from those responsible.
- l Such incidents on public roads are managed by BCC or the Highways Agency acting as the Highway Authority.

ABANDONED VEHICLES

- m Chiltern District Council has a statutory duty to remove vehicles which have been abandoned illegally on the highway and on areas of public land. Such vehicles on private land are the responsibility of the landowner.
- n Disposal of the abandoned vehicle is the responsibility of the waste disposal authority, Bucks County Council, who also bear all costs of the disposal.
- o Abandoned vehicles are often an eyesore and can be a safety risk to others, particularly children. However, the numbers of vehicles abandoned within the District are increasing due to the rising cost of disposing of a vehicle that the owner cannot afford to maintain to a roadworthy standard.
- p Recent totals for vehicles collected and sent for scrap are as follows:-
 - 1998/1999 - 32 no.
 - 1999/2000 - 132 no.
 - 2000/2001 - 195 no.

The total cost of dealing with abandoned vehicles in 1999/2000 was approximately £27K

- q The procedure at Chiltern for dealing with abandoned vehicles does not differ significantly from that adopted by most other similar authorities. If a resident or other member of the public believes that a vehicle has been abandoned either on the highway or on public land then in the first instance the facts are reported, generally by the public, to Thames Valley Police. The Council work closely with the Police who check whether the vehicle has been involved in a crime or whether it has been stolen. The Police will check also the identity of its current owner and they have the power to remove the vehicle immediately should it be causing an obstruction on the road.
- r Once the Council have received confirmation from the DVLA at Swansea via TVP that the vehicle is abandoned then a 7 day notice sticker is attached to the vehicle. If the vehicle is not removed by its owner within this period then it is taken by the Council's contractor, delivered to BCC and scrapped.
- s The procedures for dealing with vehicles abandoned on private land, currently approximately 10% of the total collected, are similar to those abandoned on the highway. The only significant practical difference being the necessity that the owner of the land formally requests the removal in writing before DVLA enquiries proceed. At present the charges and costs associated with the provision of this service are not recovered from the owners of the land upon which the vehicles have been abandoned.

- t The Council also provides a charged service for the collection and disposal of vehicles at an owners request, i.e. for vehicles that have not been abandoned but which are no longer required by the owner. This service is subject to a statutory charge set at a national level and the charge is such that it is significantly cheaper for vehicle owners to make their own arrangements for collection and disposal. Consequently, there are very few requests each year for this service.
- u The removal of the vehicle and delivery to a BCC appointed scrap yard is carried out by Onyx UK Ltd under the terms and conditions of the Refuse Collection & Street Cleansing Contract. This contract commenced in November 1997 and has an operational period of seven years.
- v Recently, information has been received from Aylesbury Vale District Council regarding a change to their procedures in dealing with abandoned vehicles. They have adopted this practice in partnership with Thames Valley Police.
- w The recent practice of AVDC had been very similar to Chiltern, except in their procedure for the removal of vehicles to a scrapyard, which we understand had been carried out under a less formal arrangement with a contractor.
- x It is understood that the new arrangement between AVDC and TVP has been agreed for a 6-month trial period, effective from 1st January 2001.
- y Should the trials by AVDC be successful then Chiltern may wish to consider a similar arrangement with TVP subject to being able to agree such changes within the current contractual arrangements with Onyx. It is recommended that a further report be prepared following the completion of the AVDC/TVP six-month trial period.

LITTER

- z Chiltern District Council are responsible for the removal of litter on the public highway and in other public areas.

CARS FOR SALE ON THE HIGHWAY

- aa This is not a significant problem in Chiltern District. However County Council Environmental Services via Area Offices, will act as an initial contact point. The following agencies may get involved .

Chiltern District Council: if a car appears to be abandoned. The car owner may also be in contravention of the Town and County Planning Act and the District Council's Planning Department will have an interest.

Police: if the car is causing an obstruction, or road traffic hazard or contravention of Traffic Regulation Order such as double yellow lines, or

bus bay (NB Traffic Orders apply to the verge or path behind kerb as well as road).

County Council: Trading Standards will need to establish if the seller is a trader. They need to establish how many cars are being sold by the trader by gathering information such as: telephone numbers on adverts and notices and registration numbers. Trading Standards can only take action in relation to illegal trading activities. Trading Standards cannot remove vehicles.

bb The County Council and Aylesbury Vale District Council are piloting a new approach to this problem where cars for sale are causing a nuisance eg

- ◆ Impeding safe and reasonable passage over the highway (e.g. obstructing a footway, obstructing a turning head, obstructing an entrance etc).
- ◆ Preventing proper maintenance, e.g. grass cutting.
- ◆ Obstructing visibility (sight lines).
- ◆ Long term parking in laybys (preventing reasonable use by other road users).

cc In such cases a "Green poster" is placed on the car by District Council officers and a form is completed and faxed to our the County Councils Area Office. Where possible photographs are taken to support the action of posting. If persistent offenders are found or recurring telephone numbers appear on advertisements, action will be taken to a) seek the Magistrates' Order and b) where appropriate, inform Trading Standards in order for investigation to take place.

dd The success or otherwise of this pilot will need to be established over time before considering extending this into other District area. Clearly support from the appropriate District Council will be needed.

- **Report ends** -