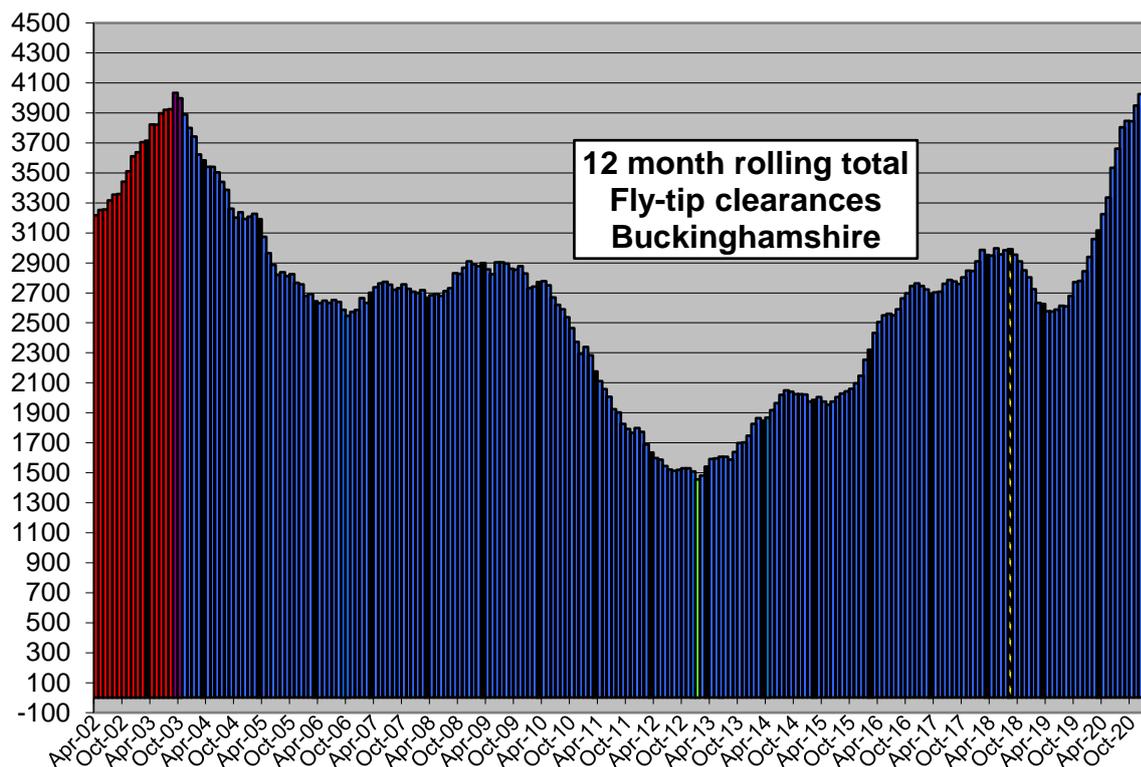


Transport, Environment & Climate Change Select Committee - 11 March

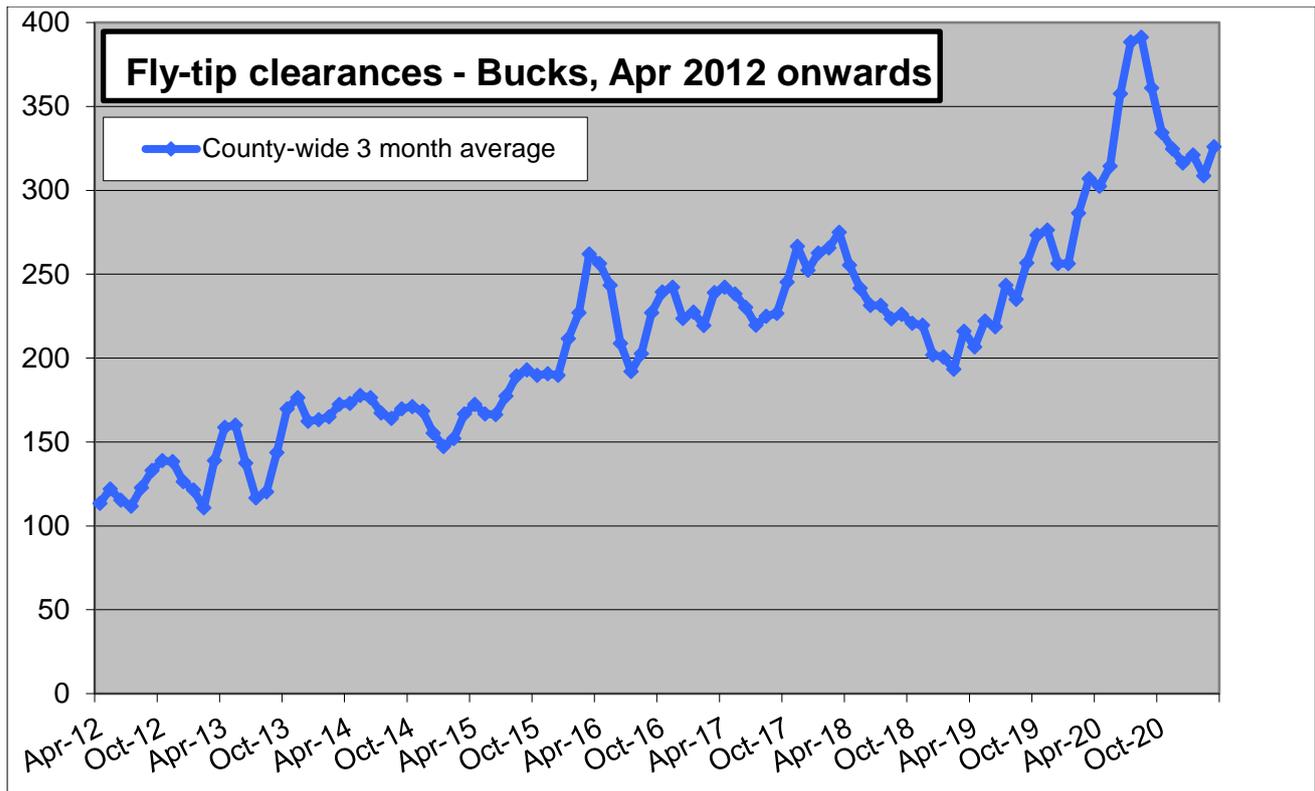
Fly-tipping Update - Clearances from public land (non-highway) – Buckinghamshire

Background

1. The Buckinghamshire fly-tipping trend (continuing from the September 2020 report) shows that fly-tipping levels have risen across the Pandemic period. The below graph shows the 12 month rolling total of 'clearances' from public land (non-highway) :-



2. We have consistently observed that more than half of the dumped waste has been brought into the county from elsewhere. We also still see that more than 60% has been dumped by commercial waste carriers, as 'trade waste'.
3. This pattern follows the national trend for English authorities which is unsurprising given the high proportion of waste imports to Buckinghamshire - notably from West London and Slough.
4. The subsequent graph is based on a 3-month rolling total rather than the 12-month total as above. This gives the graph a 'spikier' pattern, but it shows that the main peak of dumping during the Pandemic seems to have passed, with the peak values shown on this graph in July and August of 2020:



5. The values are still higher than we would expect or would like to see, but we are now seeing reducing rather than rising levels in the county-wide total.
6. The pre-Pandemic rising trend in dumping levels means that the current rolling 3-month total lies somewhere near the level we would have expected (by continuing the previous trend without the Pandemic) and in order to reduce the total further we are working to reduce the underlying level.

Enforcement Responses - 2020-21

7. The Enforcement Team investigates illegal dumping by examining dumped waste for evidence of where it came from, taking statements from eyewitnesses to the dumping and by using surveillance. We also use privately supplied CCTV footage where it is available. Examining dumped waste is the low-cost option which is always available to us and it results in the highest number of convictions.
8. Despite the various Lockdowns, the Enforcement Team has operated across Buckinghamshire without pause. We have continued to adapt and operate throughout the Pandemic, seeing strong results despite the restrictions faced.

9. The courts were unable to process cases as usual during parts of the Pandemic and in fact no dumping cases were heard in Buckinghamshire from 19 March until 5 August 2020. On average prior to that Buckinghamshire had convicted better than one a week for 10 years.
10. It is widely publicised that the Courts have been under enormous pressure, but despite this the Council's Legal Team managed to prosecute 46 cases successfully during 2020. This compares with 47 in both 2018 and 2019. Five additional convictions have been obtained so far in 2021. This is an excellent result for the BC Legal Team and the team has also managed to address much of the COVID-related backlog.
11. In total the offenders in these cases were ordered to pay £36,543 in fines and the courts awarded £47,010 in costs. Two dumping offenders were given immediate prison sentences of 12 and 21 months. Two offenders were disqualified from driving. In one of the cases, a joint prosecution with Slough Borough Council, the offender was ordered to forfeit 4 of his vehicles which had been seized by Slough. These vehicles, alongside a fifth that had been seized by TVP, were crushed.
12. In addition, in 2020 the Council adopted powers to issue fixed penalty notices (FPNs) at £400 (the national maximum allowed by Government) for smaller scale offences, including where householders employ waste carriers without making the required checks on credentials. The first FPNs were issued by BC in August 2020 and 30 were issued in 2020 in total. Five more FPNs have been issued so far in 2021.
13. Two FPNs were not paid within the time allowed and those were referred for prosecution. One case has been to court already and the offender was ordered to pay a total of £1,776 in fines and costs (substantially more than the £400 he could have paid, or £300 if paid within 2 weeks). The second case will be heard at court in due course. We expect a similar outcome.
14. When the FPN payments and victim surcharges (imposed by the courts) are taken into consideration the total bill to the dumping offenders exceeded £100,000. It was the third highest total bill to the dumpers we have recorded in the Enforcement Team's 18-year existence.
15. While dumping levels are still elevated, our investigations and enforcement work gives a direct downward deterrent pressure on illegal dumping. We are still working with a broad group of authorities under the SCRAP Fly-tipping campaign (which now has 100 members). The campaign messages continue to provide excellent guidance across many areas to influence those who transfer waste to 'rogue' waste carriers to ensure that they know the questions to ask and to urge traceable payments and the avoidance of cash in their transactions.



16. We are still seeking to influence more London authorities and DEFRA to bring in measures to reduce the flow of waste between areas which we have seen become a major contributor to the dumping problems we face. Fly-tipping is one of the 'signal' crimes where people see it and feel there is either less chance of detection, or more acceptability in commission. That has been particularly true during the Pandemic.

17. The last 12 months have been a 'hand to mouth' experience for enforcement, both with the additional offending and because the team lost 28% of available resources to health issues unrelated to COVID-19. We hope this will settle following the excellent vaccination programme. Over the coming year, our priority is to strengthen the team structure by implementing additional management and operational capacity. This will support us to bring forward our programme to proactively target commercial dumpers which had to be temporarily shelved during the Pandemic, provide the potential to expand our remit and offer time to assist our kerbside teams when they undertake an end-to-end fly-tipping review through our observations from 'within' the process.