

## Environment and Infrastructure Select Committee

### 11 October 2017

### Call In response

#### 1) Cabinet's data on fly-tipping is inaccurate and should not inform decision making as to the potential effects of increasing charges

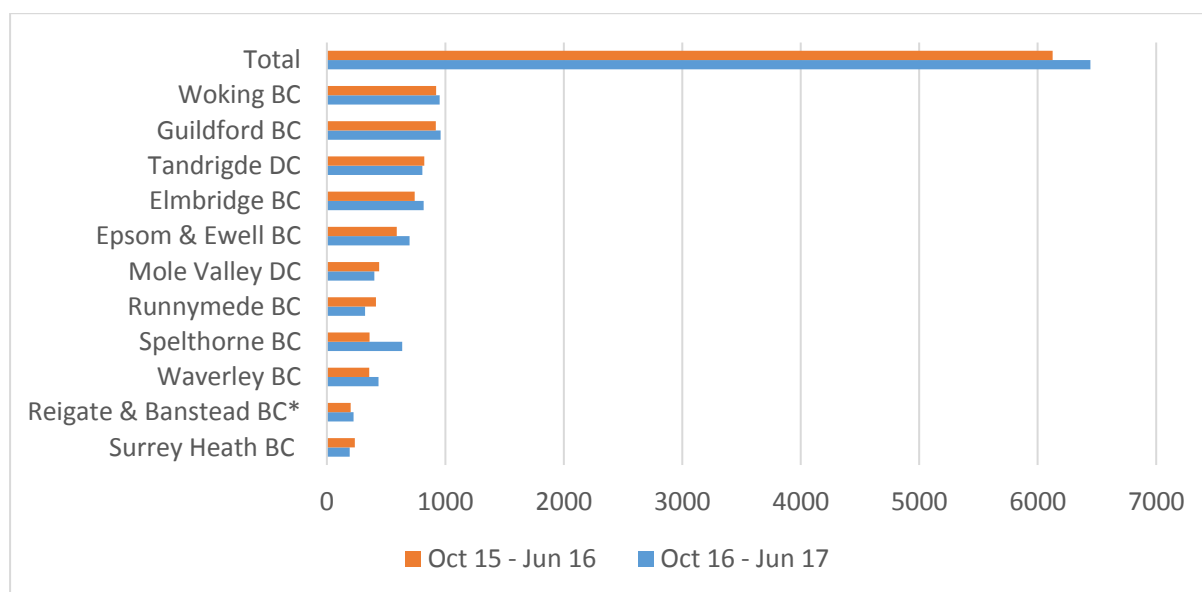
The data on fly-tipping that Cabinet considered originates from fly-tips that are collected by district and borough councils, and are taken to Surrey's waste transfer stations where they are weighed and disposed of. In 2016/17, since changes have been made at the CRCs including the introduction of the chargeable non-household waste scheme for some types of non-household waste, the amount of fly-tipped waste taken to Surrey's waste transfer stations by district & borough councils has gone down by more than 1,000 tonnes.

This information won't include any fly-tips that occur on private land, as district and borough councils are not responsible for clearing this. Private landowners, occupiers and managers have a responsibility to clear waste that is illegally dumped on their land and ensure that it is disposed of responsibly.

Separately, as waste collection authorities, district and borough councils have a statutory duty to submit waste data returns including fly-tipping incidents to the national waste reporting system – Waste Data Flow. This data can be downloaded from Waste Data Flow once it has been validated by DEFRA. In some cases there can be a 3-6 month lag in obtaining this information because of how the data is submitted and the validation that is required.

The county council has obtained data for the latest available period since the CRC charging waste scheme came into operation in September 2016, which is the period October 2016 to June 2017. **Graph 1** below shows an overall increase in fly-tipping incidents reported by district and borough councils.

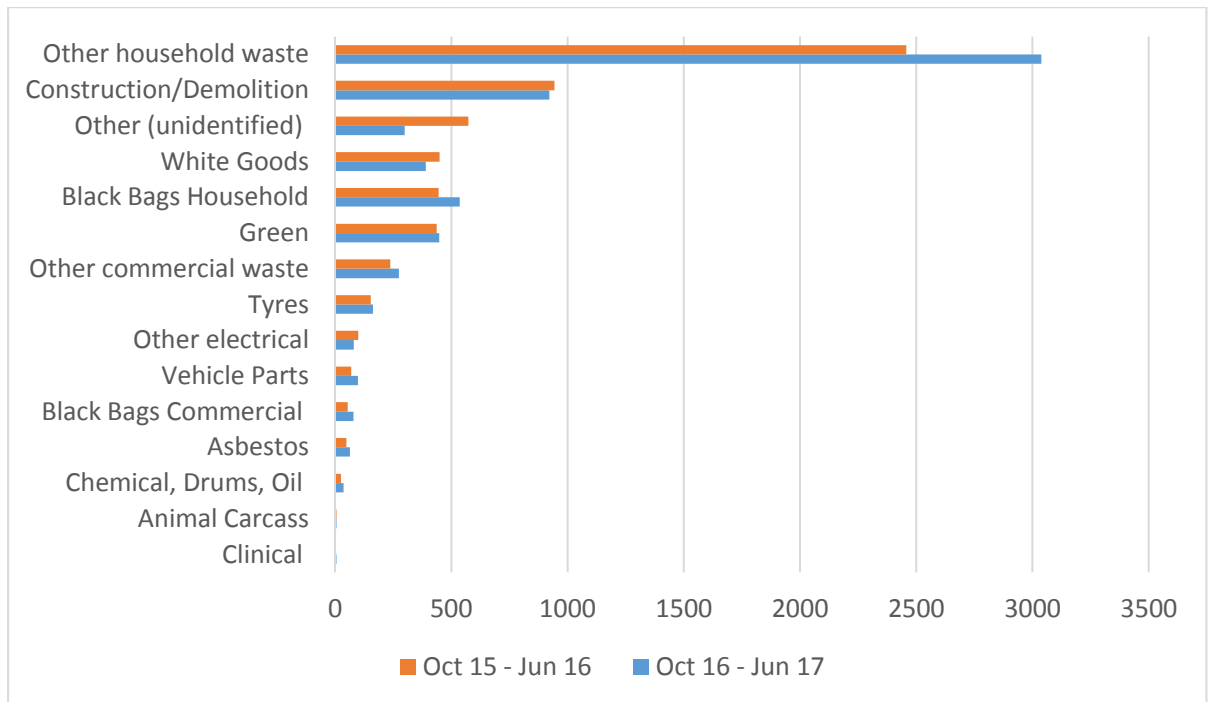
**Graph 1: Fly-tipping incidents reported by district and borough councils Oct 15 – Jun 16 to Oct 16 – Jun 17**



\* Reigate and Banstead data return is Oct – Mar, as Apr – Jun 17 has not been submitted to Waste Data Flow

The county council have looked into the type of incidents reported in this period, and construction/demolition related incidents have dropped, as shown in **Graph 2** below. The increase in incidents seem to be linked to household waste, which could have been taken to a CRC free of charge.

**Graph 2: Fly-tipping incidents by waste type reported by district and borough councils Oct 15 – Jun 16 to Oct 16 – Jun 17**



Nationally DEFRA have reported that overall fly-tipping incidents have been on the increase since 2012/13 with 711,000 incidents reported in England in that year compared to 938,000 incidents in 2015/16 (32% increase). In that same period, Surrey's reported position has fallen below the national increase level with 6,450 incidents in 2012/13 compared to 7,567 incidents in 2015/16 (17% increase).

DEFRA have indicated that the national increase could be related to improvements in reporting and more public awareness of fly-tipping. The county council believe since the Surrey fly-tipping prevention strategy launched in June 2016 with district and borough councils and other agencies, there has been more awareness of fly-tipping and how the public can report this, which could be a contributor to the increase in incidents being reported. The partnership has worked hard to prevent fly-tipping in the county and the main highlights of this work so far include:

- Educating residents and businesses in two countywide campaigns in the summer of 2016 and 2017. More information can be found on [www.recycleforsurrey.org.uk/fly-tipping](http://www.recycleforsurrey.org.uk/fly-tipping)
- Stronger working relationships developed with a variety of key stakeholders including private landowners.
- Better intelligence gathering and sharing amongst partners in the strategy.

- Trialling of new technology including forensic coding solutions and high definition CCTV.
- A number of successful prosecutions against fly-tippers including fines, community service orders, vehicle seizures and custodial sentences.
- Use of recently enhanced enforcement powers such as Fixed Penalty Notices for low level fly-tipping with the one of the highest issue rates in country.

The prosecution outcomes since the strategy launched in June 2016 can be found in **Table 1** below.

**Table 1: Prosecution outcomes in Surrey since June 2016**

<b>Prosecution Type</b>	<b>Number</b>
Paid FPN's	30
Fines	19
Absolute/Conditional Discharge	4
Community Service Order	3
Custodial sentence	1

**2) No chance for committee to scrutinise the new opening arrangements for CRCs as these were tabled at the meeting**

The Environment and Infrastructure Select Committee agreed to the proposal that CRCs are closed on quieter days of the week, and recommended that a strategic network of sites remain open for 7 days week. The day closure plan that was presented to Cabinet is in alignment with the request from the committee.

**3) Government advice on charging for DIY waste contradicts Cabinet decision and could lead to loss of income if charges are ruled to be illegal**

In April 2017, government launched the litter strategy for England. In the strategy they said they would work with WRAP and local authorities to review current guidance to make clear what we can and cannot be charged for at recycling centres.

In providing community recycling centres, the Council is required to comply with the law , which in this case is the Environmental Protection Act 1990 ( EPA 1990) and the Controlled waste Regulations 2012 ( CWR 2012). Both EPA 1990 and the CWR 2012 define controlled waste as either household, industrial or commercial. The CWR 2012 makes it clear that waste arising from construction or demolition works including preparatory works is defined as industrial waste, and therefore the county council does not have any obligation to accept this waste free of charge at its community recycling centres. The CWR 2012 also states that the term 'construction' includes improvement, repair or alteration. The term 'DIY' is not defined in the EPA 1990 or CWR 2012, and therefore has no legal meaning.

Therefore, the county council can choose not to accept these materials, put limits on the amount we accept and/ or charge to accept it at its CRCs

Neither the Litter Strategy or the WRAP guidance have any legal status and whilst the government may have a view that DIY waste is household waste, this has no basis in law.

The county council will review any guidance that government issues on this, however they will have to change the relevant legislation, which they have so far indicated that they will not be doing.

#### **4) No evidence that invest to save opportunities to accelerate rise in recycling rate to deliver savings have been considered as an alternative**

Over the last few years the Surrey Waste Partnership have delivered a programme of work targeted to improve the rate of recycling at the kerbside. The key achievements from this work include:

##### **Textile campaigns**

- This campaign led to a 25% increase in textiles collected in 2015, and further 7% of textiles collected in 2016.
- This campaign also received recognition in the form of the LGC campaign of the year award and CIWM Effective Marketing and Communications Campaign Award.

##### **Food waste intervention**

- More than 294,000 bins were stickered and 255,000 households received leaflets or liners and leaflets.
- It also led to a 19% increase in food waste being collected.

##### **Contamination campaign**

- Service guides delivered in eight authorities.
- Search tool launched - nearly 40,000 searches and over 3,000 app downloads in first six months.
- Doorstep engagement campaign engaged with 11,000 residents.

##### **Waste buster**

- Online education programme provided to all Surrey state primary schools.
- 60% of schools now using the programme.
- Homework challenge engaged 43 schools and over 7,000 children to get their families involved in recycling too.

##### **Policy changes**

Healthcare waste: Policy to only collect hazardous healthcare waste in separate collection agreed and implemented by the partnership.

Non-domestic waste Policy to charge disposal costs for waste not classified as domestic by the Controlled Waste Regulations agreed by the partnership. Exercise carried out to update average weights of this waste

There is also a whole programme of activity already underway and planned for the year ahead via the Surrey Waste Partnership to improve the rate of recycling at the kerbside. This work includes:

- Flats improvement programme – delivering tailored service improvements and communications.
- Food waste and Dry Mixed Recyclables campaigns
- Service guide distribution - A mailing of localised leaflets to all households

- Vehicle livery - Long term set of consistent livery is created for authorities who wish to use it, to promote a high level positive message about recycling.
- Wastebuster schools programme – building on the success of the programme.
- Template waste collection policy
- New property planning guidance

Also Joint Waste Solutions (JWS) formed this year to manage waste collection for four Surrey councils, Elmbridge Borough Council, Mole Valley District Council, Surrey Heath Borough Council and Woking Borough Council. The four authorities currently recycle an average of 55% of waste, and believe that access to new technologies will help them to improve services and communicate consistently with residents, enabling them to recycle more.

Separately, and as stated in the Cabinet report, the county council are also working on initiatives at CRCs such as the reuse shops and black bag sorting, which look to divert materials from landfill, and therefore improve the rate of recycling at CRCs.

The changes recommended in the cabinet report are also required on top of these initiatives to deliver the medium term financial plan.

**Richard Parkinson**  
**Waste Operations Group Manager**

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