

## EAST AYRSHIRE COUNCIL

KILMARNOCK SOUTH LOCAL COMMITTEE –13<sup>th</sup> SEPTEMBER 2000

### FLY TIPPING IN THE KILMARNOCK AREA

#### Report by the Director of Community Services

#### 1. PURPOSE OF REPORT

- 1.1 To advise the Committee of the problem of fly-tipping and the control measures taken by the Council.

#### 2. BACKGROUND

- 2.1 Fly-tipping can be defined as the illegal deposit of controlled waste on land. Fly-tipping can be categorised generally as:-
- 2.1.1 Bags of household rubbish, household furniture etc left by householders unaware of the Council's extensive refuse collection service.
- 2.1.2 Discarded kitchen units, bathroom suites, sheds, fencing, coal bunkers etc abandoned by householders who are not prepared to pay the Council's charges for removal and disposal.
- 2.1.3 Commercial waste dumped by traders who are not prepared to pay for the cost of its removal and disposal through the normal channels.
- 2.1.4 Household, commercial and industrial waste dumped by unscrupulous contractors who offer cheaper collection and disposal services than genuine traders. The practice avoids payment of waste disposal and landfill tax charges.
- 2.2 Measures of dealing with fly-tipping depend to a large extent on the ownership of the ground on which the material is dumped i.e:-
- 2.2.1 Where the ground is in private ownership, responsibility for removing fly-tipping lies with the owner of the ground (such responsibility includes transport and disposal charges). However Council and SEPA staff will (depending on the merits of each individual case) assist in tracing the culprit and on appropriate disposal routes.
- 2.2.2 Where the ground ownership is unclear, the Council may (again subject to individual circumstances) proceed to deal with the problem. Such an approach however is dependent on budgets available.
- 2.2.3 Where fly-tipping occurs on Council ground, responsibility for removal and disposal will rest with the Department responsible for the ground e.g. Development Services, Education and Social Work, Community Services etc.

2.3 So far the Council has adopted a number of general measures to control the fly-tipping problem:-

2.3.1 The Council is an active participant in National Spring Clean which runs during each April. Extensive publicity is given to encouraging local clean-ups by community groups and each of the seven Local Committees is provided with appropriate information on their performance. Community Services Department supports National Spring Clean in the form of providing skips, bags and gloves for volunteers. Since 1996, East Ayrshire Council has been among the top five Councils in Scotland when the number of events per head of population was measured.

2.3.2 Community Services Department promotes the "Lethal Litter" campaign throughout all primary schools. Each year primary five pupils are visited by the Country Park Rangers and Community Police Officers who explain how thoughtlessly discarded litter can damage wildlife.

2.3.3 Community Services Department regularly issues Press Releases about the problem of fly-tipping, litter and dog fouling. The opportunity is also taken to remind householders that if they are having contractors carrying out improvement works (e.g. kitchens and bathroom) or for garden maintenance then the discarded material cannot be accommodated within the normal refuse collection service.

2.3.4 The Council has prepared and distributed a leaflet to all homes advising on the range of services offered for the collection and disposal of domestic waste.

2.4 Community Services Department has also adopted a number of specific measures designed to deal with the fly-tipping problem:-

2.4.1 All bags of dumped rubbish are examined by Council staff for evidence of the individual responsible. Where such evidence is available it is passed to the Police and in a number of cases successful prosecutions have ensued.

2.4.2 Where the fly-tipping is substantial and involves trade or industrial waste, Officers of SEPA will be involved for more detailed investigations.

2.4.3 Community Services Department has introduced Fixed Penalty Notices during 2000 for those individuals believed to be involved in fly-tipping.

2.4.4 Community Services Department will also be introducing a facility where the 24 hour Helpline will be used to allow members of the public to (anonymously) report incidents where individuals and vehicles are seen to be involved in fly-tipping. Those identified will either be the subject of Fixed Penalty Notices or a report (via the Police) to the Procurator Fiscal.

### **3. DISCUSSION**

- 3.1 Fly-tipping is not a new phenomenon and is endemic throughout the UK. It despoils the countryside, towns and cities. For Local Authorities, it generates expenditure which could otherwise be spent on more productive projects.
- 3.2 The main legislation, the Environmental Protection Act 1990 was drafted at a time when responsibility for waste regulation and operation was vested in the former District Councils. Although Local Government was reorganised in 1996 and at the same time the Scottish Environmental Protection Agency was set up (where the latter were given responsibility for waste regulation) the original legislation has never been changed with the result that both the unitary authorities and SEPA have varying opinions about their relative responsibilities in terms of the Act.
- 3.3 This situation has been recognised by the Convention of Scottish Local Authorities who recently submitted a comprehensive document to the Scottish Executive highlighting the main problems experienced by Unitary Authorities and possible ways of improving the situation. Remedial measures included changing the legislation (to allow unitary authorities to conduct more detailed investigations into fly-tipping) and the provision of additional resources to employ enforcement staff.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 East Ayrshire Council will spend over £1.3m on providing street cleansing services (including the removal of fly-tipping) in financial year 2000/01.

### **5. LEGAL IMPLICATIONS**

- 5.1 The Environmental Protection Act 1990.
- 5.2 The Code of Practice on the Duty of Care.
- 5.3 The Code of Practice on Litter and Refuse.

### **6. POLICY IMPLICATIONS**

- 6.1 The Council is committed to maintaining public awareness about the fly-tipping problem and the benefits to the community if improvements can be secured.

### **7. CONCLUSIONS**

- 7.1 East Ayrshire Council like most other unitary authorities in Scotland continues to have ongoing problems with fly-tipping throughout the Council area.
- 7.2 The Council has adopted a number of measures designed to highlight public awareness of the problem and also formed links with Strathclyde Police and SEPA to ensure that those involved in the practice can be identified and (where appropriate) prosecuted.

7.3 While a measure of control can be kept on the problem, it has to be recognised that it cannot be entirely eradicated and the Council will continue to be faced with the cost of removing and disposing of fly-tipped waste.

## **8. RECOMMENDATIONS**

8.1 The Committee is invited to note the report.

William Stafford  
**Director of Community Services**

WS/JFC/RRS

23<sup>rd</sup> May 2000

### **LIST OF BACKGROUND PAPERS**

**Nil.**

**Implementation Officer** – [john.crawford@east-ayrshire.gov.uk](mailto:john.crawford@east-ayrshire.gov.uk)

**AGENDA**