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October 2016

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report **C/16/69**

**To:** Cabinet  
**Date:** 19 October 2016  
**Status:** Non-executive Decision  
**Head of Service:** Sarah Robson, Head of Communities  
**Cabinet Member:** Councillor Stuart Peall, Environment

**SUBJECT: DOVER ROAD BIN PILOT SCHEME – MID YEAR REVIEW**

**SUMMARY:** The Dover Road Bin Pilot Scheme is a project that has sought to address the ongoing waste and fly tipping issues in 45-95 Dover Road. Following an investment of £20,000 towards the scheme, this report now presents a scheme evaluation and conclusion.

**RECOMMENDATIONS:**

**Cabinet is asked to consider the following recommendations:**

- 1. To receive and note Report C/16/69.**
- 2. To note the introduction of a Fixed Penalty Notice (FPN) of £300 for small fly-tipping incidents under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.**
- 3. The above has been proposed as part of the Fees and Charges setting for 2017/18. However, approval is asked for the charge to be added to the current year Fees and Charges schedule.**
- 4. To approve an £18,000 growth item contribution towards the purchase of additional mobile CCTV cameras to help with deterring and enforcing against fly tipping in Dover Road.**

## 1. Background

1.1 Ongoing waste and fly tipping issues have dominated 45-95 Dover Road in Folkestone. In March 2016, Cabinet agreed an additional budget of £20,000 to support the Dover Road bin pilot scheme, tackling three priority areas for further action:

- Waste collection
- Fly tipping
- Recycling

1.2 Budget expenditure was identified to support the following actions:

| Action  | Cost                  | Actual Cost  | Project Lead                          |
|---|-----------------------|--|---------------------------------------|
| Continue Dover Street Community Bins collections (three times per week) | £2,800 pa             | £2800  | Waste Management Team                 |
| Residual bin lid apertures  | £4,000 (one off cost) | £2020  | Waste Management Team                 |
| Recycling bin lid apertures   | £4,000 (one off cost) | £600   | Waste Management Team                 |
| Waste information bin stickers  | £500 (one off cost)   | £60  | Waste Management Team                 |
| No fly tipping signage (design, print and installation)                 | £550 (one off cost)   | Planned £550 from corporate budget   | Environmental Health (Pollution) Team |
| Overt camera (purchase, installation and monitoring)                    | £7,500                | £7,185.45<br>WWCTV Camera - £7,000<br>Remaining spend on protective spikes, electrical sockets etc | Environmental Health (Pollution) Team |
| Waste and Recycling information leaflet (design, print and translation) | £500 (one off costs)  | Paid for within current budget   | Waste Management Team                 |
| <b>TOTAL COST</b>   | <b>£19,850</b>        | <b>£13,215.45</b>  |                                       |

## 2. Action review

2.1 Additional investment, both in terms of budget and staffing resource has been dedicated to Dover Road since November 2015. However, now that the majority of residents are using the communal bins, they are filling up very quickly and overflowing. The bins are also attracting fly-tipping from outside of Dover Road,

including domestic and commercial waste and bulkier furniture items. Recycling advice has been provided through the well-attended weekly Dover Road Community Hub at the Children's Centre, however recycling remains comparatively low and waste contamination is high.

### **Priority 1: Waste Collections**

- 2.2 40 properties were identified in the trial area, housing approximately 69 separate dwellings. Education of the recycling and waste scheme has been focused on residents who live in the properties from 45-95 Dover Road.
- 2.3 Waste Services is currently emptying the wheeled refuse bins three times a week; this allows each property to generate 860ltrs of waste per fortnight when the agreed limit for a household is 180ltrs.
- 2.4 Lockable lids with apertures were fitted to all refuse bins to avoid overfilling and to all recycling bins to reduce contamination. New bins have been installed, with some initial issues, including residents not putting sacks through the aperture, but leaving on the road side.
- 2.5 Whilst the recycling bins are being used and the recycling within them is of a good quality, the refuse bins with the aperture lids are not and waste is regularly being left on the road side. The refuse bins have now been replaced at no additional cost to the authority and the aperture refuse bins will be utilised in other areas.
- 2.6 Intelligence from the Veolia team has shown that the bins are attracting waste disposal and fly-tipping from outside of Dover Road, including domestic and commercial waste and bulkier furniture items.
- 2.7 The domestic waste enforcement procedure under Section 46 of the Environmental Act 1990 has suffered as a result of the Deregulation Act, particularly in areas where there are known 'transient' communities. The Council continues to issue Section 46 warning and education letters and Notices where waste is presented in the incorrect bags, on the wrong collection day or contaminated. However, although the breach of a Section 46 Notice is subject to the issue of a Fixed Penalty Notice, if it is not paid, a civil recovery procedure is instigated, which is often fruitless due to the transient nature of the tenants. The legislation does not support progress to legal action in court as it has been decriminalised.

### **Priority 2: Fly tipping**

- 2.8 Fly tipping in Queen Street Alley was an issue before the communal bins were installed. The installation of CCTV and signage in Queen Street alley in July, has acted as a clear deterrent and seen a reduction in fly tipping incidents and dog fouling. It also gives the Council the ability to investigate and prosecute based on the CCTV footage evidence provided. However, the Enforcement Officers have reported that this has served to only push the issues to the other two communal sites in Dover Road. Intelligence has shown that fly tipping is prevalent around bin collection days.
- 2.9 The Environmental Enforcement Officers are investigating all issues of fly tipping across Dover Road. However, where CCTV is not present, no direct evidence has been forthcoming in helping to trace the fly tipping back to the originator. Therefore, no prosecutions have been undertaken.
- 2.10 The Environmental Enforcement Officers have provided morning and afternoon patrol visits during Monday to Friday each week, reporting any issues to the Waste

Services team to provide education letter and clearance. No FPNs have been issued. One Community Protection Warning was issued for accumulation in a back garden address on Dover Rd (103). The landlord has now served notice on the tenants to leave due to continual problems with them. The landlord cleared the first large amount of rubbish and is now clearing the second instance (see photos in Appendix 1).

- 2.1 Prior to morning and afternoon patrolling (commenced in August 2016), patrol hours have totalled 260 hours. The experience of officers also suggests the bins are being used by passers-by i.e. general members of the public.

### **Priority 3: Recycling**

- 2.2 Provision of wheeled bins for recycling were already placed out at the communal sites, but were not being used correctly despite engagement with residents. Recycling information stickers have been applied to the bins and aperture lids put on them. Recycling levels remain low, but the recycling within them is of good quality and does allow the residents who wish to recycle to be able to. The clear use of visual communications has been used to reach the audience where English is not necessarily the first language.

## **3. Conclusion and Recommendations**

- 3.1 It is recommended that the existing task and finish group continues to meet to explore future options and work with the community to increase public ownership and buy in to resolving problems.

### **Priority 1: Waste Collections**

- 3.2 Historically, the Dover Road area and Queens Street alley has always had issues with waste and the communal sites have at least directed the waste and fly tipping to the communal sites.
- 3.3 It is an opinion that due to the demographics of the area and its level of deprivation that waste issues will never be completely resolved. The sites need to be managed, with regular inspections by Veolia and the waste team to ensure that the bins are fit for purpose, are not overflowing and any evidence found is dealt with to ensure that enforcement action can be taken where relevant.
- 3.4 The introduction of rubbish collections 3 times a week and daily cleansing has reduced many of problems, however the bins themselves are attracting fly tipping as rubbish sacks and large bulky items are placed around them.
- 3.5 Waste Services will continue to review other types of waste disposal methods, including lockable bins, with education advice regularly being provided to residents. Increased investigation searches of waste bags have been undertaken since May this year, with Section 46 warning letters and notices being issued, however, due to the transient nature of Dover Road residents, this is ongoing work.
- 3.6 Where bulky waste gets put out in front of the property, this can be classed as waste put out incorrectly, and not necessarily a fly-tip. However, due to the housing of large families and transient populations in the Dover Road area, the Environmental Enforcement, Waste Services and Veolia are reviewing their working processes to ascertain when bulky waste items in the Charlotte Street, Queen Street and Martello Road areas should be reported to Veolia for immediate bulky waste collection and

where there is clear evidence of fly tipping, to notify the Environmental Enforcement Officers to investigate and potential prosecution.

- 3.7 Although previous checks on some commercial operations in the area have shown premises are complying with the disposal of trade waste, Environmental Enforcement Officers are due to undertake a review of trade waste agreements in the vicinity of Dover Road in December 2016, to ensure the relevant paperwork is in place.

### **Fly-tipping**

- 3.8 Fly-tipping can be anything from a single black bag to several truck loads of construction, demolition and excavation waste. Some illegal dumps, whilst small in size can be serious, particularly if hazardous waste is involved.
- 3.9 The introduction of CCTV in Queen's Street Alley has acted as a deterrent, helping to significantly reduce fly tipping in this location. However, it has pushed the issues to the other two communal sites in Dover Road, with fly tipping being reported weekly, predominantly around waste collection days. Therefore, it is recommended that two further CCTV cameras are required at the two communal bin sites if the problem of waste by the transient Dover Road residents is ever to be fully deterred and eradicated. This would assist better partnership working across Environmental Enforcement, Waste Services and Veolia to increase opportunities for enforcement and prosecution. The additional deployment of CCTV cameras would require Council investment of £18,000.
- 3.10 Under Section 33 of the Environmental Protection Act 1990, the Council may take someone who has fly-tipped on public land to Court. However, the Council must prove in court, beyond all reasonable doubt, that the accused fly-tipper has fly-tipped, which is both a lengthy and resource intensive legal route.
- 3.11 However, the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 introduces a new enforcement tool, the serving of a Fixed Penalty Notice (FPN) of up to £400 for lower level, minor instances of fly-tipping. The FPN can be issued when an authorised officer has reason to believe that a person has committed a waste deposit offence in the area of the authority. By issuing a FPN, the legislation allows this to discharge any liability to conviction for the offence to which it relates by payment of a fixed penalty. However, if the FPN is unpaid or the offence is recommitted, the legislation supports incurring fines of £2,500 in a magistrates court and £250 per day that the offence continues after conviction.
- 3.12 It is proposed that the Council sets a Fixed Penalty Notice (FPN) fee of £300, payable within 14 days and no early payment reduction. In Dover Road, the fly-tipping is often caused by residents placing their domestic waste in areas of the road a small distance from their household dwelling, but within the same road. Therefore, although the council would need to be sensible on how it enforced the FPN for small fly tips, it would provide officers with a mechanism to enforce in a consistent manner.

### **Recycling**

- 3.13 Environmental Enforcement Officers are continuously providing education on their patrol visits, but a focused education programme needs to be considered in partnership with Veolia, Waste Services and Environmental Enforcement.
- 3.14 Clearer leaflets with pictorial images need to be produced to help the community further. A small cost is likely to be associated with this.

## 4. Implications

7.1 Please give consideration to the following and provide information here (if relevant):

- **Legal (DK)**

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 introduce a new section 33ZA to the Environmental Protection Act 1990 (EPA 1990) to allow the Council (as a waste collection authority) to issue fixed penalty notices (FPNs) for fly-tipping waste offences in breach of section 33(1)(a) of the EPA 1990. The FPN can be for between £150 and £400, as specified by the Council. (Central government has indicated that the FPNs will only be appropriate for small-scale fly-tipping offences; the Council is still able to prosecute large-scale or repeat offences.

- **Finance (LH)**

There is no budget that has been set-aside for this in 2017/18 and would therefore require a growth bid of £18,000.

- **Equalities (ST)**

The project aims to work with all sectors of the community regardless of age, gender, disability, race, religion etc. Education and engagement is paramount and we have worked with the community affected to ensure they understand what is required and the potential consequences if this is not followed. Enforcement is applied in a fair and consistent manner. It is important that, due to the transient nature of the community living within this area, we undertake regular communication with these households.

- **Communications (ML)**

Communications on waste in Dover Road remain a challenge as until there are either successful prosecutions and/or improvements to the level of waste on in the Dover Road area we will continue to have to deal with complaints from the public and residents. The newspapers are currently keen to publicise fly-tipping issues and we can publicise any successes that are reported to us.

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The following background documents have been relied upon in the preparation of this report: None

**Appendices:**

Appendix 1: Community Protection Notice, 103 Dover Road and CCTV installation