

Fly Tipping in the Borough and the use of CCTV as a method of surveillance

Contact officer: Ed Shaylor/Colin Russell
Telephone: 01895 277532/556217

REASON FOR ITEM

The Committee requested an update on this matter at its meeting in June 2014.

INFORMATION

Fly-tipping is the illegal dumping of rubbish or bulky items on land that is not licensed to receive it or not suitable to dispose of waste on. The principal legislation is the Environmental Protection Act s.33 (unauthorised deposit of waste) and s.59 (unauthorised storage of waste).

The council's street cleansing service receives about 4,500 requests per year to collect fly tipped rubbish from public places. This could be a lorry load but is more commonly simply a single item such as a mattress, domestic waste bags or a small deposit such as from a van or a car boot. It is estimated that these clear ups cost about £250,000 per year.

The council's anti-social behaviour investigations team receives about 500 service requests per year regarding fly tipping - this will be because there is some identification of the offender, but more commonly because the tipping is on private land and negotiation is necessary with the land owner for the removal of the rubbish.

Fly-tippers can be fined up to £50,000 in Magistrates' Courts, face unlimited fines in higher courts, as well as community punishment orders or prison sentences of up to 5 years (although this would only be applicable to repeated serious offences). The difficulty though is obtaining sufficient evidence to prove beyond reasonable doubt (in other words to a criminal burden of proof) that the person accused is the person who committed or was responsible for the fly tip.

The Council encourages residents to assist to detect fly tipping with the following message on the web site:

What you can do to help

If you see any fly tipping on any land, please report it to us as we will arrange for its removal and we will investigate the person responsible with an aim to seek prosecution. By reporting such incidents you help the council to take effective action that can stop this kind of activity. Together we can make a difference. If you wish to report this issue, the following information will be requested:

- The name and address of the person (s) tipping the waste, if you know it
- Full descriptions of the incident(s) including the precise locations and any vehicle registration numbers or identifying names or phone numbers
- Full description of the waste and whether you witnessed it actually being dumped

- Whether you think it is likely to happen again
- Any police reference numbers, if you have reported the incident to the police
- How the incident has affected you

In August 2014 the council published the following news release:

Residents and businesses in the London Borough of Hillingdon are being warned that rubbish from building works or garden landscaping that ends up being fly-tipped could be traced back to them, potentially resulting in costly fines.

Even if rubbish is fly-tipped in neighbouring boroughs, or dumped by somebody else, council officers in Hillingdon and neighbouring boroughs work together to find out who is responsible.

West Drayton resident Andrea Brown* was redecorating her house when she was cold-called by two men offering a rubbish clearing service. She paid them £160 to take rubbish away but they fly-tipped it on a road in Buckinghamshire. She said "I didn't really want to agree for them to take my rubbish but I felt I had no other option because I live on my own and I don't drive. Weeks later I got a call from South Buckinghamshire District Council to say I'd dumped the rubbish on Mansion Lane.

"I would urge people to only use trusted and reputable rubbish clearance services and ask them for a receipt showing where they have taken your rubbish. Don't be pressured into making a hasty decision like I did."

Cllr Douglas Mills, Cabinet Member for Community, Commerce and Regeneration at Hillingdon Council, said:

"Over the past few months there has been an increase in the number of fly-tipping reports both in the London Borough of Hillingdon and the neighbouring area of South Buckinghamshire. Some of these have been traced back to Hillingdon addresses. Fly-tippers can be fined up to £50,000 in magistrates' courts and in serious cases there might be community punishment orders or prison sentences. If you have waste to dispose of, please take responsibility for it and ensure it is dealt with properly. If you employ a professional waste carrier they must be registered with the Environment Agency and give you a Waste Transfer Note which shows where the rubbish is to be taken."

CCTV as a method of surveillance

Hillingdon has 11 cameras specifically located in fly tipping hot spots:

- New Year's Green Lane, Harefield;
- Harmondsworth Lane, Sipson;
- Pump Lane, Hayes
- Bullsbrook Road, Hayes
- Bolingbroke Way, Hayes
- Charville Lane, Hayes
- Mellow Lane, Hayes
- Cricketfield Road, West Drayton

These were put in place about 10 years ago and have over time enabled a number of prosecutions to take place. For example in 2008 there were 23 prosecutions and in 2009 there were 20. These fixed fly tipping cameras have reduced the amount of fly tipping in these locations, but have not eliminated it completely.

The number of prosecutions has dropped in recent years and there are a number of reasons for this, some of which are as follows:

- Offenders conceal their identity, so that visual recognition is difficult
- CCTV images are only rarely useful as evidence without supporting evidence - identification by CCTV image is quite easily refuted by the defence as not being clear enough, especially if hoods or hats are being worn
- Even if a facial image is good, it may not lead to the identity of the offender without additional information such as a registration number
- Vehicles frequently have false number plates, so when we have an image of a registration plate this often does not lead to the identification of the offender
- Fly tipping occurs in an increasingly wide range of locations such as garages and alley ways and it is not possible to cover all of them with cameras

The council has responded to these rising challenges by using portable CCTV cameras which can be fitted cheaply and easily to lamp posts, provided there is a lamp post in the right location and is tall enough to prevent vandalism or tampering. These are useful at locations for a short period, to deter further tipping and sometimes to capture images of offenders. For example two young men were seen on CCTV dragging a television across the road from their house and leaving it in an alley - they were visited at their address, admitted the offence and were given fixed penalty notices.

The limitations of portable CCTV are that the sensitive wireless recording equipment suffers from being frequently moved and this shortens the life of the unit, lamp posts are sometimes not present or are too short, and that unless a short time frame is known when the fly tipping occurred, it is labour intensive to search for a recording of the incident. Modern portable cameras have better zoom capabilities without losing clarity of images, which has overcome one of the main problems with older portable equipment which was only useful at a range of less than 50 metres.

Link to Rented Properties

The committee asked that this report address the perceived link between Houses of Multiple Occupancy (HMOs) and Flytipping. There is no proven link between HMOs and the dumping of waste. Rental properties in general, rather than just HMOs, are more likely to produce waste as residents move home more frequently than owner occupiers. A particular issue is mattresses, which are commonly found dumped, potentially as a result of replacement at the change of a tenancy. It is not thought that Brunel students living in HMOs generate fly tipping as these types of properties are generally fully furnished. Officers do not believe that rented properties cause a significant proportion of fly tipping in the borough; the main culprits are businesses.