

Report for Resources Overview & Scrutiny Committee – 18th March 2025

Environmental Health and Fly Tipping on Private Land

The Environmental Protection team, which sit within the Environmental Health Service, are responsible for the investigation of fly tipping on private land.

Two Environmental Standards Officers carry out this work on a day-to-day basis and are supervised by the Environmental Health Manager, Environmental Protection.

It is estimated that the two Officers spend 80% of their time on this type of work and the Manager spends 20% of their time supervising this work.

The cost of providing this service is therefore estimated at £82,092 per annum based on 2024/25 salaries.

The work is split into a number of areas, fly tipping on private land and accumulations of waste on private land, including back yards and gardens.

Requests for service (complaints) are received from a variety of sources and the team work with a number of Council departments where appropriate. There are significant links with the Waste Services Team who deal with fly tipping on *public* land. There is cross over here and Officers work closely with colleagues at Willows Lane.

All complaints are investigated; a staged approach to enforcement is taken. Officers will carry out a visit, engage initially and try to achieve compliance informally; if this approach fails then enforcement action is taken.

There are a number of routes to enforcement using the legislation detailed below:

- Environmental Protection Act 1990, S59, S79, S80
- Anti-social Behaviour, Crime and Policing Act 2014 – Community Protection Warnings / Notices
- Town and Country Planning Act 1990, S215
- Prevention of Damage by Pests Act 1949, S4

The number of complaints received and visits carried out for the last two years are provided below:

	2023/2024	2024/2025
Number of complaints - Fly tipping on private land	123	122
Number of complaints - Accumulations of waste on private land (yards, gardens etc.)	475	385
Number of visits/re-visits carried out to investigate fly tipping on private land	1121	1665

Fly tipping on private land

The land owner is responsible for the removal of any accumulation of waste fly tipped, on their land.

On receipt of a complaint of this nature, Officers will investigate to find the land owner and engage with them to ensure the waste is removed at their cost. Occasionally, the owner of land cannot be traced via land registry searches. If this is the case, we would look to remove the waste and take on associated costs, if the waste is putrescible in nature and therefore posed a public health issue.

If the waste is inert, which is usually the case, we would not look to remove the waste as we have no budget to do so and no land owner to claim the money back from.

Officers do investigate the source of the waste and look to identify any persons responsible for fly tipping. Any persons identified would be dealt with in a formal manner and we would look to secure appropriate evidence to take formal action e.g. prosecute. Over the last two years the team have been unable to identify any persons engaged in fly tipping on private land and have therefore not had sufficient evidence to prosecute any individuals for fly tipping.

Any prosecution would include an element of cost recovery for the case. However, if the case was successful, any fine would not come back to the Council as is the case with most prosecutions we take.

Accumulations of waste on private land (yards, gardens, garages, land etc.)

The land owner is responsible for any accumulation of waste accumulating on their land.

On receipt of a complaint of this nature, Officers will investigate to find the land owner and engage with them to ensure the waste is removed at their cost. Officers may write to land owners initially and to landlords if the property/land concerned is rented. Officers will re-visit to check the land has been cleared. If the land has not been cleared then Officers may send a final warning. Depending on the type of waste, level of accumulation, they may take formal action in the form of a notice.

If a legal notice is served on the owner and not complied with, the Council can carry out work in default to remove the waste and place a charge on the property to recover the costs however this charge is only re-paid once the property is sold. Therefore not timely in terms of budget resource. The Council may also serve a Fixed Penalty Notice on the land owner / tenant / property owner.

The team endeavor to respond in a staged approach initially as many cases we investigate involve residents with mental health, financial, social challenges and therefore a FPN is not ideal, nor in many cases would be paid without there being the need for debt recovery. The team therefore do not see FPNs as a cost recovery option. However, where appropriate these will be served in line with enforcement policy.

The actions, informal and formal, taken by the team for the last two years are provided below:

	2023/2024	2024/2025
Number of first warning letters re accumulations of waste on private land (yards, gardens, garages etc.)	294	273
Number of final warning letters re accumulations of waste on private land (yards, gardens, garages etc.)	60	76
Number of letters to landlords relating to waste on property they own and rent	121	149
Number of first warning letters to landowners under S215, waste accumulation leading to detrimental effect on amenity	53	86
Number of final warning letters to landowners under S215, waste accumulation leading to detrimental effect on amenity	23	19
Number of notices served on landowners under S215, waste accumulation leading to detrimental effect on amenity	16	11
Number of letters sent relating to waste accumulation under S79 & 59 of Environmental Protection Act requiring removal of waste on private land	5	4
Number of Community Protection Warnings issued	6	38
Number of Community Protection Notices issued	6	32

Head of Environmental Health, 10th March 2025