

## **Appendix 1 – Notice of Motion – Flytipping**

(Minute 105 from Council 14<sup>th</sup> December 2023)

[Notice of Motion - Fly-tipping](#)  PDF 62 KB

Notice of Motion

### **Additional documents:**

- [Webcast for 105.](#)

### **Minutes:**

In accordance with Standing Order 20, a Notice of Motion concerning fly-tipping enforcement was submitted by Councillor Campbell and seconded by three other members of the Conservative Group.

During consideration of this matter an amendment was proposed by Councillor Hyde and seconded by Councillor Cowan. The amendment was carried.

Resolved:

That the Notice of Motion concerning fly-tipping, as amended below, be referred to the Cabinet for consideration:

### **'Southend-on-Sea City Council Fly-tipping Enforcement**

From April 2021 to March 2022, there were 1,961 reported total incidents of fly-tipping in Southend and 3,060 total enforcement actions in response. Of these total enforcement actions, there were 0 Fixed Penalty Notices (FPNs) issued. For that reporting year, Southend-on-Sea Borough Council (as it was known as) was joint last in 266<sup>th</sup> place on the league tables for tackling fly-tipping through FPNs. Similarly, from the financial years of 2020-2023, a total of 0 FPNs and 2,789 warning letters were issued in relation to fly-tipping. From the calendar year of 2021-2023 (to date on 19<sup>th</sup> October 2023), 5,396 educational letters were issued in relation to fly-tipping.

Fly-tipping is a crime under the Environmental Protection Act 1990, worsens the community our residents live in, and is costly to the Council to have to action. Charging perpetrators with an FPN generates income to the Council and reduces the risk of reoffending.

It is recognised that not every situation of fly-tipping requires an FPN as other methods of enforcement may be more effective; however, it cannot be appropriate to never issue an FPN for an offence. In comparison to other local authorities, not issuing a single FPN shows a reluctance on the part of the Council to use all powers given to it to tackle fly-tipping offences. Only law-abiding residents and communities are punished through this lack of enforcement action.

### **This Council therefore:**

1. Notes that the Council's current approach of education and engagement is enshrined in the Council's enforcement policy in accordance with central government's preferred approach.
2. Notes that the Council has not issued FPNs for fly-tipping offences in the past 4 years.
3. Resolves *to request Cabinet* to seek to issue FPNs for fly-tipping offences where appropriate.
4. *Notes that good evidence collection is fundamental to correct identification of perpetrators and resolves to create an easy way for residents to submit video of offences.*
5. *Notes that many fly-tipping hot-spots in Southend-on-Sea are located on private land and resolves to make ward maps of 'relevant land' easily accessible to ward councillors.*

*6. Notes that in many instances, incidents are 'misrepresented waste' rather than fly-tipping. In areas with repeated incidents of this, and resolves to engage constructively with residents to improve understanding.'*