

## FLYTIPPING POLICY

### Responsible Officer

Director of Customer Services

### Aim of the Policy

Flytipping is illegal dumping of materials on land; instead of using kerbside collections or using an authorised rubbish dump.

Phoenix is committed to working together with residents and other agencies to ensure our community is free from flytipping and has a zero tolerance policy on flytipping.

We will do this by:

- Encouraging people to dispose of their waste responsibly through signage, letters or other means.
- Issuing Fixed Penalty Notices to people who flytip on our land or liaising with the local authority to prosecute them.
- Carrying out environmental improvements to prevent flytipping where this is feasible.

This policy links to Phoenix's overall objectives in the following ways:

- Our vision: *'to work together to build a better future for our Phoenix Community.'*
- Our strategic objective: *'Excellent services delivered with fun and empathy'.*

### The Policy

#### 1 Responsibility of residents

- 1.1 To dispose of their waste either in the appropriate bins or where it is bulky waste to arrange collection using the Lewisham Council bulky waste collection service, using a private waste collection service or taking it to a waste disposal site.
- 1.2 Residents need to be mindful that if using a private waste collection service, they need to take reasonable precautions to ensure that whoever they use disposes of the waste legally as they will be responsible for this if they do not.
- 1.3 It should be emphasised that the "lumber point" system, where bulky waste could be left at a point on an estate for collection by Phoenix, is no longer in operation.

## **2 Responsibility of Phoenix**

- 2.1 Phoenix will patrol our estates and street greens daily to collect flytipping and take it to a tip.
- 2.2 Phoenix will assess flytips before removal to ascertain any Health & Safety risks. If any flytips contain asbestos containing materials, Phoenix will refer to a specialist contractor for removal and disposal. Confirmation from the contractor is sent to our Asbestos Specialist for our records.
- 2.3 Where there is evidence who has done the flytipping, members of the estates services management team are now trained and authorised to issue a Fixed Penalty Notice (FPN). Sufficient evidence is:
  - where a member of staff has found correspondence within the rubbish indicating where the rubbish has come from,
  - where a member of staff has seen someone bringing the rubbish out from a property,
  - where there is imagery from a camera.
  - where a member of the public has seen the rubbish being dumped or has photographed it and is prepared to provide a statement to that effect.
- 2.4 The FPN gives the flytipper the opportunity to discharge themselves of the liability for the offence of littering. They are given 14 days in which to pay the FPN. If they pay the penalty within 10 days they can pay the lesser amount of £90 to discharge their liability.
- 2.5 Failure to pay within 14 days or further offences of littering may result in legal proceedings being taken against them by the local authority. The maximum penalty upon conviction for this offence is a fine of £2,500.
- 2.6 In addition to the Fixed Penalty Notice Phoenix will also seek to re-charge costs of collection. Where the flytipping constitutes nuisance, we will apply for an injunction and may initiate possession proceedings.
- 2.7 Where flytipping is commercial, on a large scale or persistent Phoenix will work with the local authority to prosecute.
- 2.8 Phoenix has installed many cameras on our estates with the express purpose of prevention and detection of crime. We will complete Data Protection Impact Assessments for each camera location.

## **3 Legislation**

- The Health and Safety at Work Act 1974
- Environmental Protection Act 1990, Section 87(1)
- Workplace (Health, Safety and Welfare) Regulations 1992

- Provisions and Use of Work Equipment Regulations 1992
- Manual Handling 1992
- Management of Health & Safety at Work Regulations 1999
- Control of Substances Hazardous to Health Regulations 2002
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- Anti-Social Crime and Policing Act 2014
- Data Protection Act 2018
- CCTV Guidance

#### 4 Key Performance Indicators

Phoenix monitors performance related to flytipping cases including:

- The number of flytipping cases reported.
- The total tonnage of collected flytipping cases.
- The average cost of flytipping collections.
- Phoenix will also report performance information to residents.

#### 5 Policy Review

Phoenix will review this policy and supporting procedures once every 3 years, or sooner if required by legislation or related changes.

#### Reference to other documents and associated policies and procedures

- Phoenix Standards
- Health & Safety Statement of Intent
- Group Asbestos Management Policy
- Data Protection Policy and Toolkit
- Tenants Handbook

### Definitions

Term/acronym	Description
Resident	Includes tenants, freeholders and leaseholders.
Phoenix	Phoenix Community Housing.

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