

<b>Committee(s)</b>	<b>Dated:</b>
Market Committee – For Information	11/05/2016
<b>Subject:</b> Non-Tenant Waste	<b>Public</b>
<b>Report of:</b> David Smith - Director of Markets & Consumer Protection	<b>For Information</b>
<b>Report author:</b> Donald Perry	

### Summary

This report provides Members with an update on the issue of non-tenant waste at the City's Wholesale food markets as requested by Members at March's Markets Committee.

In general, the Markets Superintendents' do not consider the matter of waste being brought onto their sites' for disposal (fly-tipping or dumping) by non-tenants has a significant impact on operations or cost.

Each site manages the risk of fly-tipping differently. How this is done is strongly influenced by the geography of the individual site, and the manner in which trade at the site is carried out.

### Recommendation(s)

Members are asked to:

- Note the report.

## **Main Report**

### **Background**

1. Dealing with waste and the cleaning of the City's markets is a major item of cost on the respective market service charges. Markets Committee Members expressed concern about the issue of waste brought onto the sites by customers for disposal (fly tipping or dumping) at the markets which could be placing an unfair financial burden on tenants via the service charge.
2. Members asked for a report to be brought to Committee outlining the extent of the problem and possible legal recourse or remedies open to the City to address this matter.

### **Current Position**

#### Billingsgate Market

3. Although not considered to be a major site problem, small amounts of domestic waste are often dumped into the waste bins that are on site. On occasions, bulky domestic waste items, such as mattresses, are found on site. For the more significant instances of dumping, the Market Constables will review the CCTV records to see if an offender can be identified. Where a person is identified, they are spoken to and required to remove the waste from site and not reoffend.
4. Trade waste such as cardboard boxes and polystyrene boxes are also dumped into the waste bins on site. At times this has become an issue with the time spent on clearing up dumped boxes leading to a backlog of waste clearing/ cleaning work for the site cleaning team. Some tenants ask customers to return clean polystyrene boxes for tenants to reuse, which can confuse matters as to whether or not boxes are being dumped. For customers to legitimately return polystyrene boxes, a requirement of written confirmation from the tenant has been introduced, which states the quantity of boxes required by the tenant.
5. These legitimate polystyrene returns are delivered direct from the customer's van to the tenant. The quantity stated by the tenant is monitored to ensure that the tenant is not facilitating waste dumping by the customer. In recent months there has been increased Market Constabulary presence in the trade park area. A number of customers have been caught dumping polystyrene boxes and, although a lesser issue, cardboard boxes, and have been required to take the waste back and been warned not to dump in future. Details of vehicles caught dumping waste are entered in the Automatic Number Plate Recognition System (ANPR) so that should these vehicles return to site, the Market Constables are quickly alerted and can attend and monitor that there is no waste on board. With this increased vigilance trade waste dumping is less of a current issue.

6. Although the legal route is yet to be instigated, C&CS colleagues, when advising on other matters, have stated that persons can be excluded from the site but recommend that notices be displayed on site stating the type of offences that would lead to a person being excluded. A meeting has been requested with Tower Hamlets Environmental Health Officers to discuss their enforcement powers and whether these powers can be used to assist Billingsgate.

#### Smithfield Market

7. The majority of fly-tipping incidents at Smithfield Market involve the dumping of unwanted meat, or Animal By-Products (ABP), by market customers. In addition, general waste is also dumped at the market and its immediate environs from time to time.
8. In addition to patrols that help to deter fly-tipping, the market Constabulary use the market's closed-circuit television (CCTV) camera system in order to identify perpetrators when an instance of dumping is reported. However, the CCTV footage is frequently inconclusive and cannot provide positive identification of an individual that would allow further action to be taken. Where a positive identification can be made, the normal remedy is to request that the offender removes the items. If they refuse to remove the dumped materials then the Smithfield Constabulary have delegated powers which allow them to issue a Fixed Penalty Notice (FPN) of £80 for littering. Most offenders choose to remove the materials themselves when the possibility of a FPN is explained.
9. The number of FPNs has reduced significantly in recent years and this is reflected in a reduction in the quantities of waste dumped at the market. Anecdotally, in the past there used to be whole pallets of meat dumped at the market. There are now fewer instances of dumping, and the quantity of material dumped has also reduced, although it is not possible to identify a single factor that has led to this, other than greater vigilance by the Market Constabulary.
10. A campaign is planned with the Street Enforcement Team (SET) to educate tenants, buyers and CoL staff with a view to reducing the levels of littering around the site. At present the Market Constabulary are actively assisting the SET by providing evidence and statements in the prosecution of two fly tipping offences. Fly-tipping is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court. This is far higher than the penalties for littering which is a maximum of £2500 with most offences dealt with in the form of a fixed penalty of £80 which can be reduced to £50 by paying within fifteen days.

11. Data on instances of fly-tipping at the market over the last twelve months is given at Appendix 1.

#### New Spitalfields Market

12. Constabulary staff are tasked with stopping and searching vehicles entering the Market during times when the market is open. One of their performance objectives is that they must each stop and search a minimum of 120 vehicles per month, turning away those with waste on board, and entering the vehicle details into the Automatic Number Plate Recognition (ANPR) system
13. Multiple staff patrol the Market every day and one of their tasks is to look for dumped waste. If located, this information is recorded on a Dumped Waste Schedule, and subsequently CCTV footage is reviewed to try to identify the person responsible. In addition, at approx. 10.00 hours each day there is a specific 'rubbish patrol' with the express purpose of looking out for and recording dumped waste, with CCTV reviews also undertaken for this waste.
14. People caught fly tipping are charged a disposal fee (see schedule attached – Appendix 1). The recovery of this fee is encouraged by the suggestion that if it is not paid they will be excluded from the Market. The fee is limited to £100 as this is the maximum amount of cash that can be accepted. A total of £2480 in charges has been issued to non-tenant fly tippers identified by the Market Constabulary this year. The recovery rate for these charges is in excess of 85% by value.
15. Individual staff at the market are set performance objectives to run targeted operations against fly-tippers, identify waste dumpers and recover disposal fees from the same, and to use the CCTV system to monitor vehicles on site and look out for those dumping waste. The cleaning contractor sends through dumped waste information on a daily basis and this too is reviewed via the CCTV system and followed up if the person responsible is identified.

#### Conclusion

17. In conclusion, the Superintendents do not consider the matter of waste being brought onto their sites' for disposal by non-tenants has a significant impact on operations or costs. Each site has measures in place that involve a combination of the use of patrols, CCTV, and charges for those found littering, in order to address the matter. The Superintendents acknowledge that waste dumping does happen at their markets but at present it is an issue that, although not perfect, is felt to be under control.

#### Appendices

- Appendix 1 – Markets Data

Donald Perry (*Report author*)

T: 020 7332 3221

E: [donald.perry@cityoflondon.gov.uk](mailto:donald.perry@cityoflondon.gov.uk)

Smithfield Market:

Superintendent – Matthew Hill

T: 020 7332 3747

E: [matthew.hill@cityoflondon.gov.uk](mailto:matthew.hill@cityoflondon.gov.uk)

New Spitalfields Market:

Superintendent – Ben Milligan

T: 020 8518 7670

E: [ben.milligan@cityoflondon.gov.uk](mailto:ben.milligan@cityoflondon.gov.uk)

Billingsgate Market:

Superintendent – Malcolm Macleod

T: 020 7332 3067

E: [malcolm.macleod@cityoflondon.gov.uk](mailto:malcolm.macleod@cityoflondon.gov.uk)

Appendix 1

Smithfield Market

Dumping of Non-Tenant Waste – Incidents

Period	April 2015	May 2015	June 2015	July 2015	August 2015	September 2015	October 2015	November 2015	December 2015	January 2016	February 2016	March 2016
Reported Incidents	7	6	17	9	8	15	5	9	4	5	4	9
CCTV Reviews	1	5	11	6	3	8	5	3	1	2	1	2
FPNs Issued	0	0	0	0	0	1	0	0	0	0	0	0

FPNs Issued

2013	32
2014	14
2015	1
2016	1

Appendix 1

New Spitalfields Market Fly tipped Waste Charges – June 2013

<b>Waste Type</b>	<b>Unit</b>	<b>Charge</b>
Mattress	Per Mattress	£60 Each
Tyre – Car, Van, Truck	Per Tyre	£25 Each
Organic Waste	Half Pallet	£40 Per half pallet
Organic Waste	Full Pallet	£80 Per pallet
General household wastes (non-hazardous)	Half Pallet	£70 Per Half Pallet
General household wastes (non-hazardous)	Full Pallet	£100 Per Pallet
Empty produce containers / boxes	Full Pallet	£40 Per Full Pallet
Small pile of bricks / rubble	Small pile	£60 per small pile
Domestic fridge / freezer	Per fridge, fridge/freezer	£60 per unit
20 litre drum of waste oil (cooking or engine)	Per 20 litre drum	£40 per drum
Vehicle battery	Per battery	£12 per battery
Small pile of meat /fish	Per 240 litre bin	£65 per 240 litre bin
Computer equipment	Per half pallet	£90 per half pallet
Gas bottle	Per gas bottle	£35 per gas bottle