

JOINT LOCAL AND CENTRAL GOVERNMENT WASTE WORKING GROUP – FLY-TIPPING SUB GROUP - TERMS OF REFERENCE

Introduction:

The fly-tipping of waste remains a high profile environmental issue. It is a criminal activity that can blight communities and reduces the quality of life for residents. It can often begin a spiral of decline and has the potential to cause serious pollution to the environment. In some cases, it may also be a risk to human health as well as causing harm to the environment.

Fly-tipping is a potential consequence of the management of municipal waste and the pressure on the public and businesses to recycle waste with unscrupulous individuals using fly-tipping as a way of avoiding the costs of the proper management of waste. Fly-tipping also undermines the legitimate waste industry.

Both the NIEA and local Councils have powers and responsibilities to deal with fly-tipping. Clarity of working arrangements is vital to efficient and effective services for the public. Therefore, a sub-group of the Joint Central & Local Government waste Working Group will be established to consider local arrangements and agreements on the matter of fly-tipping.

Purpose / role of the group:

The Fly-tipping Sub-Groups main purpose is to examine how agreement can be reached between central and local government on the response to fly-tipping including:

- (a) Individual responsibilities; and
- (b) Areas for further research/work or investigation.

Scope:

The highly controversial issue of bonfires which is often associated with fly-tipping is not included at this stage in the work of the sub-Group. However, fly-tipping arrangements, once agreed, may be utilized to deal with the consequences of bonfires (fly-tipping) where there are clear agreements in place for the removal of fly-tipped materials.

Similarly, the matter of fly-tipping or dumping of fuel laundered waste is excluded from consideration at this stage.

In both the above cases separate mechanisms will be required to resolve those matters.

Membership:

The Fly-tipping Sub-Group will be co-chaired by the Environmental Director of Lisburn City and Castlereagh Council and the Assistant Director, Enforcement, NIEA. It will also be attended by a small quorum of other Council Technical/Environmental Directors (3/4 when

nominated) and NIEA staff. The charity Keep Northern Ireland Beautiful will also be invited to participate.

Accountability:

The fly-tipping Sub-Group will report to the Joint Central & Local Government Waste Working Group and ultimately to the Joint Central & Local Government Waste Strategic Group. These groups also report through their membership both to SOLACE and the NIEA and DAERA Board's. Hence existing governance arrangements will provide oversight and endorsement of the work of the Fly-tipping Sub-Group.

These arrangements will not remove the need for normal governance arrangements, for example, within Councils.

Review:

The fly-tipping Sub-Group arrangements and constitution will be reviewed annually (October/November each year). Similarly, any agreement on fly-tipping arrangements will be subject to annual review.

Working methods:

Through the Sub- Group chair meetings will be arranged as required and the Sub-Group will meet at least once per quarter. Minutes will be arranged through the chair with meeting secretariat provided in rotation by the co-chairs.

Sharing of information:

The NIEA rely on the Article 76(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997 as the legal basis for the sharing of information with local Councils. Councils may also share information with NIEA using the same statutory basis.

In each case cognizance will be taken of the requirements of the Data Protection Act 1998 and or General Data Protection Regulations when in force.

Definition of terms:

While the Fly-tipping Sub-Group will examine the issue of definitions in more detail as part of its work, for the purposes of practical working the following working definitions are adopted in the interim:

Littering means the unlawful deposit of litter contrary to Article 3 (1) of the Litter (Northern Ireland) Order 1994.

Fly-tipping means the illegal deposit of small¹ amounts of controlled waste contrary to Article 4 of the Waste and Contaminated Land (Northern Ireland) Order 1997.

¹ Small in this context usually means volumes under 20m³

In practical terms littering means the disposal of small, usually individual items of waste. Fly-tipping means the depositing of waste ranging from a bin bag to a lorry load of waste. Illegal dumping means the large scale² deposit of controlled waste in excess of a lorry load of waste, usually 20m³.

² Large scale in this context will usually mean a volume in excess of 20m³.