

AGENDA SUPPLEMENT (1)

Meeting: Environment Select Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 23 April 2019

Time: 10.30 am

The Agenda for the above meeting was published on 11 April 2019. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7 **Waste Management** *(Pages 3 - 6)*

Report about fly tipping prosecutions is attached.

DATE OF PUBLICATION: 15 April 2019

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Wiltshire Council

Environment Select Committee

Date 23 April 2019

Fly Tipping Prosecutions

Purpose of Report

1. To provide information on actions taken in response to fly tipping during 2018-19 and to address other issues arising from the Executive Response to the final report of the Waste Contracts Task Group provided by the Cabinet Member for Highways, Transport and Waste presented to Environment Select Committee at the meeting held on 12 March 2019.

Background

2. A Waste Contracts Task Group was established by Environment Select Committee and its terms of reference were endorsed by the committee at a meeting held on 16 January 2018. The council's plans to address fly tipping and littering were added to the terms of reference by the committee at its meeting held on 26 June 2018.

Main Considerations for the Council

3. The Enforcement Team within Waste and Environment utilises covert cameras to deter possible fly tipping incidents, identify culprits and facilitate the enforcement of criminal investigations using any evidence gathered. Such camera operations are only conducted when all other options have been exhausted for example at locations where there have been multiple fly tips which are never witnessed and no evidence is ever found within the waste. These operations are generally located in very rural locations.
4. The use of covert surveillance for this purpose is strictly regulated under the Regulation of Investigatory Powers Act 2000 (RIPA). Any application for authorisation of covert surveillance must demonstrate that this would be proportionate to the case in hand, considering that all other methods of apprehending fly-tippers at a specific location have been exhausted.
5. Local authority authorisations are subject to judicial approval. This requirement means that local authorities need to obtain an order approving the grant or renewal of an authorisation from a judicial authority, before it can take effect. If a justice of the peace or magistrate is satisfied that the statutory tests have been met and that the use of the technique is necessary and proportionate, he or she will issue an order authorising the

use of the technique as described in the application. The surveillance cannot commence until this has been obtained.

6. In this context local authority means a district, county or unitary council in England or a London Borough Council. The role of town and parish councils is critical in addressing fly tipping through reporting incidents in their local area. This assists the council in identifying any evidence at the earliest opportunity. In addition the reports help to provide evidence that covert surveillance would be a proportionate response.
7. The table below sets out the number of enforcement actions taken during the period from 1 April 2018 to 31 March 2019. The total number of unique reports of 2,822 is lower than the figure for 2017-18 of 3,167, a fall of 10.9%.

Action	Total
Investigation	2,822
Warning letter	149
Statutory notice	78
Fixed penalty notice	37
Evidence seized	47
Witness statement	32
Invitation to interview	68
Police and Criminal Evidence Act (PACE) interview	56
Regulation of Investigatory Powers Act (RIPA) application	1
Duty of care inspection	17
Stop and search	18
Vehicles seized	0
Formal caution	0
Prosecution	1
Injunction	0
Duplicate reports	560
Total	3,885

Safeguarding Considerations

8. There are no safeguarding considerations arising from this report.

Public Health Implications

9. There are no public health implications arising from this report.

Environmental and Climate Change Considerations

10. There are no environmental and climate change considerations arising from this report.

Equalities Impact of the Proposal

11. There is no equalities impact arising from this report.

Risk Assessment

12. There are no risks arising from this report.

Risks that may arise if the proposed decision and related work is not taken

13. There are no risks arising from the proposed decision.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

14. There are no risks arising from the proposed decision.

Financial Implications

15. There are no financial implications arising from this report.

Legal Implications

16. There are no legal implications arising from this report.

Options Considered

17. The only option considered is to note the response.

Conclusions

18. A significant amount of activity has been undertaken in response to the number of reports of fly tipping which the council received during 2018-19.

Proposal

19. The committee is invited to note the information provided.

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12 April 2019

Background Papers

None

Appendices

None

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