

## **Fly-tipping Enforcement in the Wiltshire Council area**

### **Executive summary**

Wiltshire Council, through its Environmental Enforcement Team, is the statutory enforcing authority for a number of legislative provisions linked to environmental crime. The service has an important role in ensuring activities undertaken by individuals and businesses comply with a wide range of regulatory standards.

This summary report updates the Committee on the key aims, priorities and procedures to secure regulatory compliance, and both investigate and, where necessary, undertake enforcement action following breaches of regulations. It also provides an overview and ongoing work to improve our commitment and approach to securing effective public and environmental protection for those who reside, work or visit our area and it supports businesses trading here and aligns and underpins the Councils' business plans, vision and priorities. It takes as its default position a robust commitment to secure compliance with the most important regulatory requirements, which safeguards the local environmental quality in Wiltshire.

### **Proposal**

That the committee notes:

- a) The content of this report which updates and details the current procedures regarding fly tipping enforcement.
- b) The continued service development which maintains and enhances the environmental enforcement service delivery to combat fly tipping.

### **Reason for proposal**

To update and brief the Environment Select Committee.

### **Author:**

Contact details: Peter White (Enforcement Manager)

## **Fly-tipping Enforcement in the Wiltshire Council area**

### **Purpose of report**

1. The purpose of this briefing note is to update the Environment Select Committee (ESC) on the Council's current approach and ongoing continual development to the enforcement of fly-tipping in the County.

### **Background**

2. Fly-tipping is the illegal deposit of waste on land contrary to Section 33(1)(a) of the Environmental Protection Act 1990. The types of waste fly-tipped range from a 'black bag' of waste to large deposits of materials such as industrial waste, tyres, construction material, garden/tree and hazardous waste. Fly-tipping is a significant blight on local environments, a source of pollution, a potential danger to public health and hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.
3. Fly-tipping is a serious criminal offence punishable by a fine of up to £50,000- or 12-months imprisonment if convicted in a Magistrates' Court. The offence can also attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court. There are also others way to finalise the outcomes of criminal investigations such as issuing fixed penalty or statutory notices, administering a caution or warning letters. Local Authorities also have the powers to seize vehicles used in the commission of waste related crime.
4. The enforcement functions are conducted in accordance with relevant environmental legislation such as the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005, Anti-Social Behaviour, Crime and Policing Act 2014, Police & Criminal Evidence Act 1884, Criminal Procedures & Investigations Act 1996 and the Regulation of Investigatory Powers Act 2000.

### **Main considerations for the Committee**

#### **Fly Tipping - Enforcement service responsibilities**

5. Environmental Enforcement sits within the Highways & Transport Directorate and consists of 6 full time equivalent (FTE) officers. An additional full-time vacancy exists within the structure but is subject to the outcome of the council's current spending review. Their primary role is to be responsible for the enforcement of environmental and highways legislation linked to statutory and non-statutory duties. A list of primary responsibilities is detailed at Paragraph 10 below. In addition to the enforcement functions, the service ensures that where practicable, information is shared effectively to highlight concerns and deal with matters informally.
6. Wiltshire Council is responsible for investigating and clearing fly tipping on relevant land (this is land for which the council has the legally responsibility for the clearance of litter and waste deposited). The clearance of small quantities of fly-tipping (under 3 cubic metres) is conducted by idverde as the council's Streetscene contractor.

7. Fly tips over 3 cubic meters and hazardous waste is cleared by specialised contractors with rates agreed at the time of requested clearance.
8. The Environment Agency (EA) investigates larger scale fly-tipping incidents involving more than a lorry load of waste, hazardous waste and fly-tipping by organised gangs.
9. Landowners are responsible for clearing fly-tipped waste from their private land.

### **Role of an Environmental Enforcement Officer**

10. The following tasks are conducted by officers relating to administration, education and enforcement across the entire Wiltshire Council authority area:

- Conduct complex criminal investigations and enforcement activities in fulfilment of the council's duties relating to fly-tipping, domestic/commercial waste offences, littering and general waste offences in line with relevant legislation. This includes obtaining the necessary evidence and production of case files for legal/court use, including all administration.
- Enforce and administer the relevant statutory legislation relating to abandoned vehicles, ensuring owners comply with their responsibilities and/or arrange removal for destruction using the council's contractors
- Administer, support and undertake the planning/organisation of the statutory forced eviction of any unauthorised traveller and gypsy encampments, having regard to all relevant statutes, DoE Circulars, human rights issues, and the requirements of the justice system
- Plan, prepare and conduct covert camera operations to proactively apprehend fly tippers at known hotspots. This element is conducted under strict rules contained within the Regulation of Investigatory Powers Act (2000)
- Perform all relevant statutory duties and powers regarding scrap metal including administration, licensing, inspections, powers of entry, service of notices and taking enforcement action in relation to any breaches. This is conducted under the primary legislation - Scrap Metal Dealers Act (2013) and all subordinate regulations and orders.
- Enforce and administer the relevant statutory legislation relating to highway obstructions to include encroachment, displays, A-boards, cafe furniture and vehicles for sale
- Conduct joint enforcement and intelligence operations with partner agencies such as the Police and the Environment Agency to disrupt and enforce against rogue traders and unlicensed transport of waste and scrap metal

### **Fly-tipping reports – Current Situation**

11. Detailed below are the fly-tipping report numbers by month for the last three financial years:

FY	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
2019/20	247	212	200	234	246	227	233	185	220	291	262	266	2,823
2020/21	320	258	365	299	257	315	297	265	260	361	310	435	3,742
2021/22	330	255	224	231	266	191	204	223					1,701

12. During 2020/21 and the national lockdowns for COVID, levels of fly tipping had risen nationally. Levels rose in Wiltshire by 33%. Wiltshire Council have generally seen report numbers below the national average in previous years.

13. The media have reported that the one possible cause for the increase has been the closure and COVID restrictions of Household Recycling Centres (HRC). However, analysis of the reports indicates approximately 60% of fly tips are of a commercial nature (waste taken for a fee – man and a van etc.) due to the size of waste deposits. Commercial operators such as these cannot use an HRC, as this is commercial waste. Legally, only domestic waste taken by the waste owner may be deposited at an HRC.

14. The assumption is that the COVID restrictions changed the behaviour of waste producers with seeking alternative options for disposing of their waste, increasing the demand for waste collectors. This allowed less scrupulous operators to take advantage of the situation. Where waste producers did not check they were using licenced businesses to collect their waste this allowed these irresponsible commercial collectors to fly tip to save disposal costs.

### Enforcement actions

15. Detailed below are the formal actions conducted by the Environmental Enforcement Team for the last three financial years:

Serial	Formal Actions	2019/20	2020/21	2021/22 (to date)	Remarks
1	Prosecution	6	0	3	Offenders prosecuted in Court.
2	Formal Cautions	3	0	0	Where an officer deems that this formal action is the most appropriate when factoring in the Public Interest and Evidential Tests.
3	Fixed Penalty Notices	22	15	14	Fly-tipping (£400) Business waste (£300 - discounted to £180 if paid within 10 days) Household Waste (£400 – discounted to £200 if paid within 10 days) Littering (£150 –

					discounted to £100 if paid within 10 days) Waste Carriers (£300 - discounted to £180 if paid within 10 days)
4	Warning Letters	67	64	20	Issued when fly-tipping issues are identified in built-up areas where no evidence is available or no witnesses. These are advisory/warning letters requesting to cease activity.
5	Vehicles seized	1	1	0	Vehicles seized where required evidence has been obtained proving vehicle was used to conduct the fly tip.

16. It should be noted that during 2020/21 and the impact of the COVID pandemic, formal actions were reduced due to the lockdown periods and the fact that officers could not formally interview suspects with the national and council restrictions of face-to-face activity. The team are currently working through a significant backlog of cases from this time period.

### Enforcement Action Options – Fly Tipping

17. Enforcement actions against fly-tipping offences will require authorised officers to follow environmental legislation, The Police and Criminal Evidence Act (PACE) and The Criminal Procedure & Investigation Act (CPIA). These acts ensure consistency in the collection of evidence and the type of enforcement actions applied. Enforcement action should only be taken if there is evidence to support a criminal investigation.

18. Officers may use the following range of enforcement actions:

Enforcement Action	Activities to be undertaken
Education & Advice	<p>Officers may consider education and advice if a person believed to be causing or permitting an offence via an advisory letter or verbal communication. The enforcement officer's role will be to inform, guide and support.</p> <p>If written observations, suggestions or requirements are appropriate, such written guidance will clearly identify the nature of the complaint or problem and any remedial works that are required.</p> <p>Any requirements made verbally or in writing will</p>

	<p>clearly identify whether they are mandatory or advisory in nature. If the requirements are mandatory, a timescale for compliance will be specified.</p> <p>Informal written warnings may be issued making it clear to the recipient of that written warning notice that any further breaches of legislation will be treated seriously, and should future breaches be reported enforcement actions may be escalated.</p>
Warning letter	Formal written warnings should only be used when there is evidence that shows beyond reasonable doubt that a person has committed an offence and it is considered to be inappropriate to issue an official caution or Fixed Penalty Notice.
Formal Caution	The decision whether to issue an official caution, or to take higher-level enforcement action, will depend on the type and nature of waste that has been illegally deposited. There must be an admission of guilt by the alleged offender(s).
Fixed Penalty Notice (FPN)	<p>An FPN will be issued to persons who are alleged to have committed an offence where it is considered that a caution is not appropriate. This gives the alleged offender the opportunity of discharging any liability to conviction for any offence by payment of an FPN.</p> <p>It is essential for the issuing of an FPN that the authorised officer collects adequate evidence to support any legal proceedings if the FPN is not paid. The alleged offender must also make an admission of guilt and agree to accept the FPN. If the alleged offender refuses to accept an FPN, then a case file must be submitted to the Council's legal department.</p>
Prosecution	<p>In certain cases, prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect. Prosecution will likely follow when:</p> <ul style="list-style-type: none"> <li>• An FPN is issued to an alleged offender is returned unpaid after the 14-day payment period</li> <li>• An FPN has already been issued to the offender for the same offence</li> <li>• Hazardous waste has been illegally deposited then issuing an FPN will not be appropriate.</li> <li>• The size of the fly-tipped waste is too large to consider it suitable to issue an FPN.</li> </ul> <p>Where prosecution through the courts is appropriate, a full case file will be prepared by the Enforcement</p>

	<p>Officer passed to the Council's Legal Department for prosecution if it is within the public interest.</p> <p><b>Note:</b> It should be noted that Magistrates are taking a stricter approach to fly tipping offenders which is welcomed. The Council's last two cases heard in a Magistrate Court resulted in:</p> <p>1 x Fly-tipper: Penalty £6,980 for fly-tipping hazardous waste and vehicle seized/crushed.</p> <p>1 x Fly-tipper: Penalty £2,815 for fly-tipping a sofa. Offender ignored an issued FPN so prosecuted for original offence.</p>
Vehicle Seizures	<p>Enforcement Officers do have powers to seize vehicles which have been involved in fly-tipping. However, seizure would only be conducted if officers have sufficient evidence that a vehicle has been involved e.g. CCTV evidence. Officers work closely with Wiltshire Police and request a PNC marker be placed on the vehicle which allows the Police to stop if seen and seize on behalf of Wiltshire Council (use of shared legislation).</p>

## Evidence gathering

19. Evidence is key to the fly-tipping enforcement procedure. The recording and storage of this evidence must be carried out in a concise and consistent manner to ensure its admissibility in Court. Evidence collected by authorised officers will come in various forms, from various sources and, dependant on its quality, could be used in a variety of enforcement actions.

Type of evidence	Activities to be undertaken
Addressed documents	<p>Evidence gathered in relation to an offence can come in the form of an addressed document, which <u>may</u> relate to the person believed to have committed the offence (e.g. when household waste is found to be fly tipped, an authorised officer will search the waste for any documentation which may relate to the person responsible).</p> <p><b>IMPORTANT: Evidence of this nature only identifies the person who 'produced' the waste at this stage. This does not mean that the same person fly-tipped the waste. An investigation, to include an interview under caution, with the waste producer is conducted to establish the facts as to how their waste was fly tipped at the location. Resulting from this interview will determine an action as per the above action table.</b></p>

Witness statements	<p>Where an authorised officer has witnessed an offence occurring, that officer will have to produce a witness statement.</p> <p>If a member of the public has witnessed an offence, in order for the evidence to be of value (admissible as evidence), they must be willing to make a statement of evidence and be available to attend court to give their evidence, if they are required to do so.</p>
Interviewing	<p>Any person interviewed must be treated in accordance with the Police and Criminal Evidence Act 1984 (PACE).</p> <p>If the investigating officer fails to comply with PACE, then the interview will be deemed to be inadmissible as evidence.</p> <p><b>IMPORTANT: Link to point above under 'addressed documents', in that all cases may result in prosecution e.g. an issued FPN which is not paid.</b></p>

20. Where the case depends in part on admissions or confessions, consideration should be made to their admissibility and whether interviews, statements and other evidence have been obtained in compliance with relevant legislation. In determining the admissibility of evidence, regard should be given to the requirements of PACE and the Criminal Procedure and Investigations Act 1996 (CPIA) and associated Codes of Practice.

### **Fly-tipping (Wiltshire) - Investigating the source of fly tipped waste**

21. Officers within the service are very experienced and are successful at identifying the source (producer) of the waste. Waste producers, whether that is household or commercial, are committing an offence if they are passing their waste to anyone without conducting the necessary checks.

22. Source identification can only be established from any evidence which is present within the waste. This can be in the form of correspondence or even shop receipts which indicate loyalty card numbers. On occasions, photographs of the waste can be published asking for information to see if anyone recognises the items.

23. Witnesses who view such activity are a real bonus, especially if they can obtain the pedigree information associated with the incident, such as vehicle details, offender descriptions, what was witnessed, and waste tipped. Officers would then obtain a witness statement to initiate an investigation which would aim to apprehend the offender and also identify the source of the waste.

24. The enforcement activity is to catch the fly-tipper and not so much the source. On occasions, the producer does conduct the relevant checks, but the waste can still end up being fly tipped. However, as stated above, if the producers did not hand waste over to such offenders the reports would significantly decrease as a result.

**Fly-tipping (Wiltshire) – Repeat Offenders**

- 25. It is not common for repeat offenders to be identified. In the main, persistent fly-tippers tend to ensure that no evidence is present in the waste before they tip. This includes any evidence from the waste producer, as officers can trace the waste back to the originator.
- 26. The fly-tipper is then at risk of being caught by the waste producer providing their details. As stated above, the waste producer (householder or business) also risks being prosecuted for passing their waste to someone who may not be licensed, and the relevant checks/documentation not conducted.

**Fly-tipping – Fixed Penalty Notices**

**Household Waste Duty of Care FPN – (s.34 (2A) - Environmental Protection Act 1990).**

- 27. Section 34(2A) of the Environmental Protection Act 1990 places a duty of care on all occupiers of domestic properties in England and Wales to take all necessary and reasonable measures to ensure that they only transfer their household waste to an ‘authorised person’. This is defined further in legislation, but is normally either the local authority collection service, a registered waste carrier or an operator of a registered site.
- 28. While two-thirds of fly-tipping incidents involve household waste, this is often fly-tipped not by the individual that produced it but by the person or business they used to take it away (normally for a fee). Reducing the flow of household waste to unauthorised carriers will help ensure it is managed and disposed of appropriately and not fly-tipped.
- 29. This FPN provides authorities with an alternative enforcement option to prosecuting offenders through the courts.
- 30. It is important to remember that FPNs should be issued in a proportionate manner, and that issuing FPNs for the household waste duty of care should not take the focus away from seeking to fine or convict fly-tippers themselves. Instead, effective enforcement of the household duty of care provides a second complimentary route through which fly-tipping can be prevented.
- 31. In England, the legislation sets out the ranges for the FPN fine levels. This FPN level within the range set by Wiltshire Council is detailed below:

<b>Offence</b>	<b>Legislation</b>	<b>Amount if paid within 10 days</b>	<b>Amount if paid within 14 days</b>	<b>Maximum Penalty on Conviction</b>
Failure to comply with Household waste duty of care	Section 34(2A) - Environmental Protection Act 1990	£200	£400	£5,000

**Fly-tipping FPN – (s.33 (ZA) - Environmental Protection Act 1990).**

- 32. Section 33 (ZA) of the Environmental Protection Act 1990 details that an authorised officer of a local authority may issue a fixed penalty notice if they have reason to believe that a person has committed a fly tipping offence in the area of the authority.
- 33. This FPN provides local authorities in England with a more efficient and proportionate response to small-scale fly-tipping of waste, instead of enforcement solely by way of prosecution. An example of small-scale fly-tipping would be, but not limited to, up to 5 black sacks of waste.
- 34. For offences which are considered over and above those deemed as small-scale fly-tipping, an investigation and case file would be initiated with a view to a formal prosecution for the fly-tipping offence.
- 35. In England, the legislation sets out the ranges for the FPN fine levels. This FPN level within this range is set by Wiltshire Council as detailed below:

Offence	Legislation	Amount if paid within 10 days	Amount if paid within 14 days	Maximum Penalty on Conviction
Fly-tipping	Section 33(ZA) - Environmental Protection Act 1990	No reduction	£400	£50,000 or 12-months imprisonment (Magistrates' Court) or unlimited fine and up to 5 years imprisonment if convicted (Crown Court)

**Household Recycling Centre (HRC)**

- 36. Under Section 51 of the Environmental Protection Act 1990, Councils acting as Waste Disposal Authorities must ‘provide places where household waste can be deposited at all reasonable times, free of charge by persons resident in the area of the authority’. Current guidance recommends the provision of at least one Household Recycling Centre (HRC) per 143,750 residents. Wiltshire Council provides 10 HRCs, equating to one site per 47,098 residents, with 95% of the population able to access a HRC within 20 minutes or less from their home.
- 37. These sites are operated under Environmental Permits, which do not allow for the acceptance of commercially generated waste. Some access restrictions are in place to guard against cross-border use, and to aid traffic flow through the sites; these include a proof of address scheme, and a permit entry system for residents choosing to visit with vans or large trailers. Sites are typically open 5 days per week, with all sites available on a Saturday, Sunday and Monday.

Covid-19 impacts

- 38. To comply with national “stay at home” guidance, all HRCs were closed to the public from 24 March 2020, and reopened with reduced capacity due to social distancing requirements from 18 May 2020. With social distancing requirements

needing to remain in place, an online booking system was implemented from 8 June 2020 to help control the number of visitors able to access the sites at any time. This effectively restricted access to Wiltshire residents only. The HRC booking system was removed 19 July 2021 with the intention of providing Wiltshire residents with more flexibility over when they could visit an HRC.

39. Since the temporary closure 8-week closure of the HRCs last spring, the council has sought to offer reasonable and safe access to Wiltshire residents' needing to dispose of their excess household waste.
40. Despite significant service disruption to waste service in other parts of the country, Wiltshire Council's contractors have continued to provide the full suite of waste and recycling collection services (including garden waste) throughout the period of the pandemic which will have reduced the potential for increases in fly tipping in the county. Bulky household collections services have also continued to be provided, and reuse charities are also now re-opening in order to provide residents with further alternatives when looking to dispose of unwanted but reusable goods and furniture.

### **Other considerations and scope for development/new ways of working**

#### Current Proactive Enforcement

41. The service does conduct covert camera operations in trouble hotspots of fly-tipping. Currently the service utilises covert camera systems and are deployed under the required legislation, council policies/procedures and Magistrate requirements. Covert cameras will only be used if there is no other way of identifying the offenders by conventional methods (evidence within waste or witnessed). In addition, a covert camera will only be placed in a known hot spot where waste is being deposited on a regular basis e.g. weekly. Officers are required to seek internal, and Magistrates sign off before a camera operation can be conducted.
42. The service conducts joint operations with partner agencies such as Wiltshire Police, Environment Agency and other local authorities contribute to the proactive effort to tackle fly-tipping. Joint operations such as ROGUE TRADER, GRANITE and TORNADO brings partner agencies together to conduct stop and search days. These seek to apprehend unlicensed waste carriers at the roadside where relevant checks can be conducted. Fixed penalties can be issued or follow up investigatory work carried out to prosecute the illegal transport of waste.
43. Council officers also form part of joint multi-agency groups across Wiltshire such as the Joint Intelligence Cell and Rural Crime Partnership. These groups provide an opportunity to share intelligence and information on known rogue traders and offenders. Often, persons of interest are involved with other crime as well as fly tipping and such opportunities arise where agencies can work together in catching offenders across many areas or crime.

#### Scope for proactive enforcement improvement

44. Covert surveillance enforcement could be upscaled with the addition of resource to proactively increase the number of covert camera operations across the County. Such operations are very resource intensive with commitment to ongoing monitoring when cameras are deployed. This would allow officers to focus on this

away from other statutory commitments would see an increase in apprehending offenders at hot spots where other evidence of tipping is not available.

45. Council officers strive to increase joint working opportunities to apprehend and reduce the fly tipping across the county. Further work to increase recognised operations with partner agencies is vital. In addition, officers will look to further develop more local, targeted operations which will increase the mobility of agency teams in unmarked police vehicles and focus on areas within the county where illegal waste carriage is taking place.
46. The Environmental Enforcement Team will produce a paper for the consideration for implementation in the 2023/24 budget year to identify the costs of increasing enforcement resources (if approved) and the forecasted income achieved from enforcement and savings from fly tip reductions.

#### Current Prevention via effective Communications and Campaigns

47. The service conducts an educational element to the householders and businesses in the county, which aims to assist in the prevention of fly-tipping from source. Such work educates householders and businesses to understand their obligations regarding their own duty of care with respect their waste and its lawful management. With regard to the legislation, the householder or business must ensure they only pass their waste to authorised and licensed collectors. If their waste ends up being fly-tipped, they too can be prosecuted for allowing their waste to be tipped illegally (cradle to grave – waste duty of care). In addition, the service communicates the penalties for this illegal activity combined with the outcomes of successful formal action, this aims to further deter would be fly-tippers.
48. All of the above is conducted in conjunction with the Council's Communications Team. This includes widely communicating every successfully issued and paid FPN as well as all prosecutions. Feedback on the posts communicated on social media are routinely seen by more than 10,000 people at a time and have some of the highest rates of engagement of all council posts, with hundreds of likes, and around 20 comments and shares each time.
49. In addition, Wiltshire Council manage a reward scheme called 'We're Targeting Fly-tippers'. This campaign scheme rewards anyone who provides information to the council as a witness which results in a paid FPN or successful prosecution.
50. The team have an 'Environmental Enforcement' Facebook page which is used to provide advisory messages and guidance to community groups on the lawful and responsible ways to manage both household and business waste.
51. Such messages exercise caution with using anyone without the correct credentials who charge low rates for lawful waste disposal and the risk to themselves in handing waste over without recording/checking operators' details.

#### Scope for further prevention - Communications and Campaigns

52. The service will continue to work with our communication team to link into national available resources. Wiltshire Council are exemplar members of Keep Britain Tidy which provides wide ranging benefits across all areas of environmental crime education and enforcement. We will continue to utilise all available resources available from Keep Britain Tidy linked to national campaigns. Such campaigns

like 'Better Streets' can be explored which aims to reduce fly tipping and improve the local environmental quality in Wiltshire.

53. Securing future funding for this national network membership will see wide ranging benefits to Wiltshire by working together to maintain existing good practice and develop new approaches to minimise fly-tipping in the County.

54. In the Environmental Enforcement Team's paper for the 2023/24 budget year, improvements to the communication and campaigns will be identified to seek if savings from additional enforcement (if approved) could also fund further education and awareness.

#### Training & Qualifications

55. The continual professional development of service enforcement officers is vital in ensuring that they remain current, competent and qualified in the profession. This in turn will deliver the high quality of service that safeguards the public and meets the expectations of customers.

56. As part of the overall competences of officers linked to the necessary council authorisations, officers must demonstrate that they are suitably current and qualified as part of the overall enforcement function. This requirement standard is expected when producing criminal case files and presenting evidence in Court, with Magistrates, Judges or Defence solicitors requiring officers to demonstrate their competencies.

#### Scope for continual professional development – Enforcement Officers

57. Officers will conduct an accredited training course 'The Enforcement Academy' in March 2022 which will be delivered by Keep Britain Tidy (KBT). This accreditation course will enable officers in the enviro-crime enforcement profession to develop a common and consistent enforcement approach across the country. It ensures that the knowledge and skills acquired during training can be applied immediately, positively impacting on the work of the officers and ensures they are current, competent and qualified to conduct their role. Subject to funding approval, this training qualification will ensure our enforcement officers operate as effectively as possible and demonstrate investment in our officers by way of continual professional development.

#### Reporting

58. Reporting of such illegal activity is crucial in identifying and enforcing effectively. Residents are encouraged to report any fly-tipping as soon as it is identified. The ability for Wiltshire residents to report fly-tipping is very good.

59. The MyWilts App is a quick and easy way to report such incidents which are investigated by officers on receipt of the report. In addition, the main council telephone number allows residents to report incidents to Customer Services Officers which are then recorded on the MyWilts system.

60. Feedback to residents reporting does occur via the App system and the communication of successful formal actions is conducted as above acting as a preventative measure as detailed above.

#### Scope for reporting improvement

61. Whilst MyWilts is a very good customer management system it does not meet the needs for a speedy instruction and recording fly tip system. In November 2022 the council will be employing a bespoke back-office management system (HIAMs) to improve the service and speed of collections.

#### Clearance

62. It is well known that fly-tipped waste attracts further fly-tipping if it is not cleared in a timely manner. The current systems in place do work but are combined within an overall contract with other council functions. This shared resource managed under contract by idverde who prioritise fly-tipping clearance with all other reports across the council area i.e. grounds maintenance and litter collection.

#### Scope for fly tip clearance improvements

63. From November 2022 all fly tip clearances will be included in the Streetscene contract which will deliver considerable improvements to clearance timescales. This combined approach will deliver far better outcomes as the economies of scale allow for greater influence over the collection timing of waste. Key Performance Indicators will be included in the contract to ensure that the council can drive improvements in collection times and faster costing arrangements for specialised fly tipped wastes.

#### Case Management

64. The enforcement service currently manages its enforcement cases within MyWilts and Sharepoint. Whilst this is manageable it can be time consuming in terms of different operating systems. Reporting challenges are also experienced with using a customer-based system.

#### Scope for a bespoke Case Management System

65. The service is working with the ICT department to develop one system which is allows collaboration, accessible and searchable, preserves confidentiality, maintains evidence and creates processes allowing repeatable patterns of activity to be defined (workflow) and accomplished.

### **Environmental impact of the proposal**

66. There are no environmental impacts resulting from this update report.

### **Equality and diversity impact of the proposal**

67. There are no equality and diversity impacts resulting from the update report.

### **Risk assessment**

68. There are no risk assessment requirements resulting from this update report.

### **Financial implications**

69. There are no financial implications resulting from this update report.

### **Legal implications**

70. There are no legal implications resulting from this update report.

## **Options considered**

71. There are no options considered resulting from this update report.

## **Conclusion**

72. Enforcement against fly-tipping is the highest priority for the enforcement team within Highways and Transport. Such activity is both socially and environmentally unacceptable, and it is important that people know this crime carries significant penalties. Within its current resources, the team combat fly-tipping across the county of Wiltshire as well as deliver their other statutory commitments.

73. The use of environmental FPNs can be an effective and they can offer an alternative enforcement option to prosecuting offenders through the courts. If enforced correctly they can act as an effective deterrent and change behaviour, all of which can help the council deliver its statutory duty to keep relevant land clear of litter and refuse. However, the enforcement of such offences must be conducted in line with criminal investigative procedures and legislation, as all offences, however small may result in a prosecutable offence in Court. As with all criminal offence investigations, results can only be achieved if the required evidence is available.

74. Effective enforcement contributes to the quality of the local environment in Wiltshire and prevents crime. The use of enforcement and education must continue to tackle these issues. The combined approach is a deterrent effect in reducing incidents and sends out a clear message to would be fly-tippers that fly-tipping will not be tolerated.

75. Increasing resources associated with environmental enforcement linked to professional training standards and memberships, staffing and equipment will deliver further improvement and drive standards over and above current effective delivery. A paper on the implications of increased resources and identifying savings/costs will be undertaken in 2022.

76. The new Streetscene contract in 2022 will include a number of improvements to speed the removal of fly tips from relevant land. The contract will introduce a bespoke work management system with real time reporting to fly tip collectors, new Key Performance Indicators with reduced collection times and faster costing arrangements for specialised fly tipped wastes.

---

## **Background papers**

None.

## **Appendices**

None.

---

Report author: Peter White, Enforcement Manager