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| Report for: | Strategic Planning and Environment Overview and Scrutiny Committee |
| Date of meeting: | 23rd October 2018 |
| Part: | 1 |
| If Part II, reason: | |

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| Title of report: | Flytipping |
| Contact: | <p>Cllr Neil Harden, Portfolio Holder for Community and Regulatory Services</p> <p>Author/Responsible Officer: Nicola Lobendhan ASB Team Leader David Austin – Assistant Director Neighbourhood Delivery</p> |
| Purpose of report: | 1.To provide members with information around enforcement activity relating to flytipping and to highlight some successes locally as well as to provide information on the County wide campaign. |
| Recommendations | 1.That members note the report and can suggest areas where they would like further information or reports on specific areas relating to flytipping. |
| Corporate objectives: | A clean, safe enjoyable environment Building strong and vibrant communities |
| Implications: | <u>Financial</u> |
| 'Value for money' implications | Within existing budgets |
| | <u>Value for money</u> |
| Risk implications | The successful prosecution of flytippers should lead to the reduction in clear up costs incurred by the Council. None at this stage. |

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| Community Impact Assessment | Not Applicable |
| Health and safety Implications | Not Applicable |
| Consultees: | Environmental Enforcement Officers, Environmental projects lead officer |
| Background papers: | Appendix 1 - Safe and Clean Action Day Report Appendix 2 – Hertfordshire Waste Partnership Flytipping Update Report. Appendix 3 – Press Coverage of Prosecutions |
| Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i> | Flytipping remains an issue in the Borough and the wider County and this report seeks to update Members on progress with regards enforcement in this area. |
| Glossary of acronyms and any other abbreviations used in this report: | ECP Environmental and Community Protection ASB Anti Social Behaviour EEO Environmental Enforcement Officers PACE Police and Criminal Evidence Act CPNW Community Protection Notice Warning RIPA Regulation of Investigatory Powers Act FTG Fly Tipping Group |

1) Background

- 1.1 In January 2018, as part of a restructure in ECP, the environmental enforcement officers were moved from the pollution team to the ASB team. There were 3 environmental officer posts, but one member of staff was off long term sick and then subsequently resigned in June 2018. Another environmental officer then successfully applied for a secondment and is now working as an ASB officer until March 2019. This left just one environmental

enforcement officer covering the whole of the borough, dealing with reports of fly tipping as well as abandoned vehicles.

1.2 The team is now up to strength with two new enforcement officers in post, however their training is ongoing and they are currently undertaking the Keep Britain Tidy Enforcement Academy 5 day training course, as well as the police accreditation training.

1.3 The ASB Team consists of one team leader, two ASB officers and three Environmental Enforcement Officers.

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| Nicky Lobendhan | ASB Team Leader |
| Kim Ashworth | ASB Officer |
| Ben Stevens | ASB Officer |
| Chris Briancon | Environmental Enforcement Officer |
| Gemma Reid | Environmental Enforcement Officer |
| Paul Coats | Environmental Enforcement Officer |

1.4

2) Legislation

2.1 This move was felt appropriate due to the implementation of the ASB crime and Police Act 2014, and the flexible nature of tools such as the Community Protection Notices, which has already been issued by EEO's.

2.2 Due to the close working relationship the ASB team has with the local police, the EEO's have their own swipe access to the police station and can work more closely with colleagues in the police, which was evidenced on the recent clean-up day in Grovehill on 8th August 2018 (see appendix 1). One EEO is already accredited under the community safety accreditation scheme and the two new staff are awaiting a training date and will be accredited in the near future.

2.3 Community Safety Accreditation is a nationally recognised initiative promoted by the Home Office and the National Police Chief's Council (NPCC). It recognises the contribution that people like neighbourhood wardens, park rangers, local authority officers and security guards make to public safety in the community. It provides the opportunity for organisations to work in partnership with the Constabulary and be accredited with limited policing powers to help them undertake their roles more effectively. By being given targeted police powers, an accredited person is better equipped to deal with issues such as anti-social behaviour, disorder and nuisance, with the potential to address certain issues on the spot without the involvement of police. This has proved to be particularly useful when accessing names and addresses of registered owners for vehicles suspected of fly tipping and also abandoned vehicles through the police national computer. It also provides added protection for officers when carrying out patrols on events such as clean up days.

3) Prosecutions and other action since January 2018

- 3.1 In March 2018 DBC v Puddephat resulted in sum of £1,197 made up as follows; - £350 fine, £35 victim surcharge, £412 officer's costs, £400 legal costs. This was due to a fly tip in a garage block (appendix 3).

- In April 2018 DBC v Girgova (Ida) resulted in a sum of £260 made up as follows; - £80 Fine, £30 victim surcharge and costs of £150.
- In June DBC v Whittle prosecution withdrawn as no longer considered in the public interest as offender currently on remand for murder. Legal aid had been obtained by suspect to defend the prosecution and due to remand status it was very unlikely any fine or costs could be recovered by DBC. The vehicle connected with this fly tip had already been destroyed by another local authority.
- In May 2018 two warrants were issued by Courts in respect of non-attendance by two separate individuals for prosecutions for fly tipping. Currently, the offenders are still outstanding, awaiting arrest by police.
- Since January 2018 we have issued 3 official warning for low level fly tip offences, three fixed penalties have been issued (1 has been paid and 2 are outstanding with time remaining for them to be paid). Two cases are pending PACE interviews.

4) Surveillance

- 4.1 After completing RIPA training in May 2018 and ensuring that we comply with RIPA requirements, new Covert Cameras with infra-red capability have been ordered so that we can target identified fly tipping hotspots. The cameras will be moved around the borough periodically and this should help identify repeat offenders, that are targeting the more vulnerable rural communities and country lanes. DBC will prosecute offenders where there is available evidence and it is in the public interest to do so. We also have close working relationships with our colleagues across Hertfordshire and neighbouring towns such as Dunstable and information and intelligence about possible offenders is shared at the Herts Fly Tipping Group.

5) Hertfordshire Fly Tipping Group

- 5.1 DBC are proud to be an active member of the Hertfordshire Fly Tipping Group and have been engaged with the countywide fly tipping campaign, taking part in various meetings and a town centre display to raise awareness of fly tipping,
- 5.2 The Herts FTG campaign has been nominated for both a Local Authority Recycling Advisory Committee award and an Association for Public Service Excellence award as well as already winning a Keep Britain Tidy and Adept Award earlier in the year. Officers will give a short presentation at the meeting on the key elements of this campaign.
- 5.3 Attached as Appendix 2 to this report is an update from the Hertfordshire Waste partnership which gives further information on flytipping trends across the County of Hertfordshire.

6) The Future

- 6.1 Currently fly tips are reported through to waste services based at Cupid Green. Cupid Green staff will allocate any potential fly tips that may contain evidence to the EEO's. EEO's then have 5 working days to visit the fly tip and investigate to see if any evidence can be found. Since the new staff have joined, fly tips are being visited within 1 working day. Once it has been

established that a fly tip does not contain any evidence and needs to be cleared, Cupid Green will then have 5 working days to clear it.

- 6.2 The Focus for the EEO's moving forward is to ensure we work closely with our partners both within Hertfordshire and in neighbouring authorities to share information and intelligence. This will enable us to look at new and innovative ways of working, using not only our powers under the Environmental Protection Act 1990, but also our powers under the ASB Crime and Police Act 2014.
- 6.3 We have recently had a training day with Barrister David Armstrong from the Mallard Consultancy, that looks at new ways of dealing with Environmental ASB. We are now members of this consultancy and our officers have access to the website which contains templates, advice and information in respect of prosecutions and enforcement.
- 6.4 We will also be using new technology by way of covert cameras and also by trialling the use of mobile devices which enable EEO's to access the database and process inspections and notices whilst out in the district, rather than having to come back to the office to complete data entry.
- 6.5 Discussions are currently under way for a joint operation between EEO's and the local police to carry out a preventative operation, whereby vehicles that are carrying waste will be stopped to check that they have the necessary waste transfer notices, and if they do not, they will be prosecuted. This is something that both the police and the EEO's are very keen to do. We are hoping to have something in place for November 2018.

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