

FLY TIPPING ACTION AND ENFORCEMENT

OVERVIEW AND SCRUTINY - JANUARY 2017

1 BACKGROUND

Illegal dumping of waste on open land, roads, public spaces and back alleyways constitutes fly tipping and is a real problem both locally and nationally. Fly tipping is a criminal offence under the Environmental Protection Act 1990. In 2016, Doncaster Council received nearly 13,000 complaints regarding waste. In the last 12-month period the Council has spent nearly £450,000 on removing fly tipping from public land. This is in addition to the cost of waste education and enforcement as well as the cost to private landowners in Doncaster to keep their land clear of fly tipping. This is a considerable amount of money and resources and the authority has devised an action plan to tackle fly tipping.

2 THIS IS MY DONCASTER



“This is my Doncaster” is our exciting new campaign to boost Doncaster as a cleaner and greener place to live, work and visit. The campaign is about encouraging everyone across the Borough to join us in taking pride in their local environment. We take a ‘zero tolerance’ policy on offenders, which has resulted in a massive increase in fixed penalty fines for littering and other environmental offences.

One great challenge for the Enforcement Team is to find sufficient evidence to catch and convict these criminals and without consistent reports from members of the public we rely on catching them in the act. This makes every report of environmental crime we receive from our residents extremely useful. Reports

allow us to build a map of hotspot areas and concentrate our resources, including overt and sometimes covert cameras, to those places. There are a number of ways that the public and community groups can report incidents. There is an e-form on the Doncaster Council internet site which can be found at:

<http://www.doncaster.gov.uk/thisismydoncasterreport>

In addition, the **My Doncaster App** can be downloaded to a smartphone and used to report incidents that affect the street scene as well as many other services that the Council provides. If the report includes evidence, this will be forwarded to the Enforcement Team for investigation. Sometimes this would include giving eye witnesses an opportunity to provide statements to assist the investigation.

We are also working with local volunteers to help them support their communities and to engage with the public to encourage them to report incidents to the council and help keep their community clean.



To gain support from our communities we also work with the media. This includes highlighting the fly tipping problem through the Doncaster Free Press with a regular page updating on council involvement. We are report court results on Twitter and Facebook and update the council's web site with the latest information. We have also recently been involved in a BBC programme based on how we tackle the problem of fly tipping that impact on local areas.

3 WORKING TOGETHER

Doncaster Council do not just wait for residents to report problems, we also carry out proactive patrols throughout the borough regularly to ensure fly tipping problems are picked up as early as possible.

To give us as many eyes and ears on the ground as possible, there are approximately 160 council officers outside the structure of the Enforcement

Team who are authorised to collect evidence through the blue book process. Through this process officers from the Neighbourhood Response Team, Communities Team, St Leger and other areas can report:

- Fly tipping
- Litter from a vehicle
- Litter
- Dog fouling
- Vehicles for sale on the highway
- Public Space Protection Order offences

This information comes to the Enforcement Team where an area Enforcement Officer is tasked with investigating the offence.

Through our evidence based enforcement we have identified a number of hot spot areas that are checked on a weekly basis by the Enforcement Team. Officers will gather any evidence and get any waste cleared as soon as possible.



The Enforcement Team also have a number of small cameras that are used when there is a problem identified at a particular fly tipping hotspot. Most of the time cameras are used overtly, clearly visible and signage is present to show the area is under surveillance. On some occasions, however, where appropriate the Enforcement Team will also consider gaining authorisation under Regulation of Investigatory Powers Act 2000 (RIPA) for covert surveillance. There are also fixed Closed-circuit television (CCTV) cameras available in fly tipping hot spots in the Hexthorpe area Officers can also use footage from other fixed Council managed CCTV cameras across the Borough where these are available.

If a member of the public records a fly tipping incident on their own personal CCTV system, which they are happy for the council to use, then they need to provide a copy of this and supply the authority with a witness statement. An Enforcement officer will attend their property and take the statement and then investigate the incident.

4 BACK ALLEY PROJECT

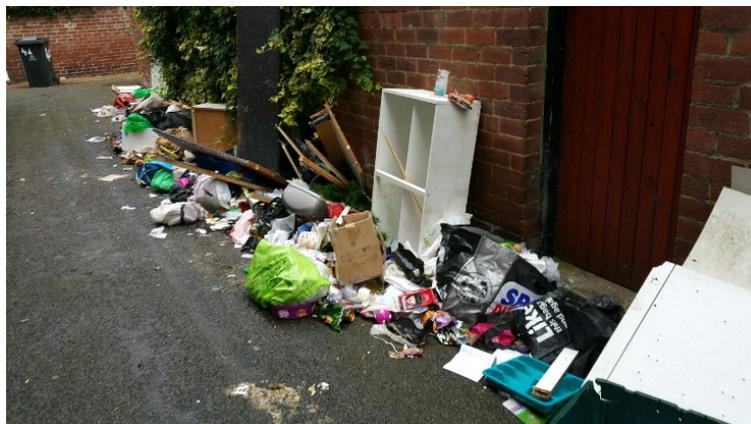
The back alley project is partnership working between Street Scene and the Enforcement team to help tackle fly tipping in the urban areas. It aims to decrease the time fly tipping remains in a location by coordinating the enforcement and removal resources within the Council. Enforcement Officers will search through fly tipped waste and try to identify evidence within the waste to enable them to investigate.

Once the waste has been investigated by the officer then the Street Scene operatives will clear the waste. The Enforcement Officer will do an investigation that includes:

- Door to door enquiries
- Interview under Caution
- Invite the potential offender in for interview

Sanctions can include:

- Fixed Penalty Notices
- Prosecution for fly tipping
- Caution for the offence
- Section 46 notice (wrongly presented for collection notice)





5 STREET SCENE (FLAG)

The Street Scene team are responsible for the removal of fly tipping and plays a key part in its prevention. If waste is removed quickly it prevents a build-up and protects public confidence. The Street Scene operatives will supply the Enforcement Officers with photographic evidence of any waste that includes evidence of where it has come from. To achieve this co-ordinated approach, Doncaster Council needs to know:

- where it is
- what it is
- is it hazardous - asbestos, oils, chemicals etc
- roughly how much
- if possible, information about the vehicle/individuals involved
- your contact details in case we need to contact you for more information

The Council will clear waste illegally dumped on public land for which it has responsibility within 5 working days. The Enforcement Team will also work with private land owners to ensure any dumped materials are safely removed.

6 DUTY OF CARE INSPECTIONS / WASTE BUILDING UP AT PRIVATE PROPERTIES

As part of our strategy to prevent fly tipping we make businesses aware of their duty of care for disposing of their waste correctly. Officers will attend businesses that have a build-up of waste, carry out a duty of care inspection and give them advice about how to dispose of their waste legally. If no waste transfer information is available at the premise then the officer will serve a legal notice for them to produce their documentation to evidence how they have been disposing of the waste from the business. Officers will also do proactive patrols in their district to identify accumulations of waste in private gardens. Where required officers will write to the residents asking them to dispose of the

waste correctly. This strategy identifies the waste before it is fly tipped and reduces the impact on communities and waste disposal costs.

7 ENFORCEMENT PERFORMANCE

Enforcement of fly tipping is often challenging. Only a small proportion of fly tips found contain any evidence that could prove their origin, making Enforcement Officers highly reliant on camera evidence or local eye witnesses to secure a conviction. The legislation allows courts to impose fines of up to £20,000 or a prison sentence for fly tipping. However, the reality is that courts carefully consider any mitigation provided by the offender as well as their personal financial circumstances. As a result fines received on conviction of fly tipping in Doncaster Magistrates Court rarely exceeds £1,000.

The Enforcement hub was created in 2016 to fully integrate and further increase the focus on Enforcement across a range of disciplines. This includes an increased focus on difficult waste cases which is starting to show a real impact. Examples include detection and challenge of illegal waste removal services advertised on Social Media and improving detection rates for fly tipping with limited evidence, using modern technology. The table below shows a gradual increase in prosecutions for waste related incidents in court from May 2016 to December 2016. This includes all waste prosecutions, not just fly tipping offences.

Month	Number of Prosecutions	Total value of fines
May 2016	6	£1,140
June 2016	41	£6,185
July 2016	13	£3,616
August 2016	67	£11,920
September 2016	68	£20,870
October 2016	96	£28,112
November 2016	85	£16,090
December 2016	210	£42,840

Overall 12 month performance (1st November 2015 until 31st October 2016)

Action	No of incidents
Fly tipping/waste related incidents report to DMBC	12,357
Investigated fly tips where evidence was found	810
Prosecutions fly tipping	21
Prosecutions for other waste/litter offences	454
Simple Cautions issued fly tipping	11
Fixed Penalty Notices issued fly tipping	38

Fixed Penalty Notices issued for Litter	7807
Notices served for failure to manage domestic waste	195
Notices served for waste on private land	710
Notices served for failure to manage trade waste	23
Duty of Care inspections	63

Examples of some successful fly tipping investigations include:

1. Fly tipping of household waste in back alley behind 20 Vaughan Avenue, Doncaster



In May 2016 video footage was sent in anonymously to Doncaster Council of waste being left by individuals in the back alley behind Vaughan Avenue, Wheatley. The area was visited and within the waste documents were found relating to Flat, 50 Nether Hall Road, Doncaster. After speaking with the resident of that address it was clear to officers this was the man seen on the video footage. An interview under caution was conducted where the offender admitted the offence. The case was heard at court on 14 December 2016. The resident pleaded guilty and received a fine of £150, costs of £409.38 and a victim surcharge of £30.

2. Builder's waste fly tipped at Long Leys Lane, Braithwell



In June 2016 whilst on proactive patrol officers from the Enforcement Team found large amounts of builder's waste fly tipped on Long Leys Lane, Braithwell. Evidence was found on the packaging relating to an order placed with Platinum Interiors Mexborough. After visiting Platinum Interiors details of the customer who had ordered the suite that the packaging belonged to was

identified along with the tradesman who had fitted it. After numerous interviews an admission was made and charges were brought. The case was heard at court December 2016. The offender pleaded guilty and received a fine of £370.00 and costs of £539.16

3. Two incidents of fly tipping at Long Sandall, Clay Lane and Stainforth Moor Road, Hatfield Woodhouse.



In February 2016, whilst on proactive patrol officers from the Enforcement Team found a mattress, cardboard, bed frame and household waste in two separate locations at Long Sandall, Clay Lane and Stainforth Moor Road, Hatfield Woodhouse. Evidence was found in both areas relating to 2 different addresses. Interviews under caution took place at both of these addresses. Both provided information that identified a single male, Mr Fenwick as the fly tipper. In one case arrangements had been made using Facebook. Mr Fenwick attended for formal interview made no comment to all questions but agreed to participate in identification procedures. South Yorkshire Police conducted a video identification on our behalf and both witnesses identified Mr Fenwick as having taken the waste during that process. Based on that the evidence gathered Mr Fenwick was then prosecuted for both counts of fly tipping. The case was heard at court on the 14 December 2016. The offender pleaded guilty and received a 12 month conditional discharge fine of £370.00 and costs of £539.16.

4. Fly tipping in back alley behind Palmer Street, Hyde Park



In June 2016, whilst responding to a complaint made by a resident regarding noise, officers from the Enforcement Team also found eight black bags filled with domestic waste at the rear of Palmer Street, Hyde Park. Within the bags was a medication label from an address on Palmer Street. The resident was interviewed under caution and admitted to putting the waste in the alley. Due to the limited amounts of waste dumped and the location, the offender was issued with a fixed penalty notice on the 28 July 2016. However if the fixed penalty would remain unpaid the matter would progress to court.

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