

SLOUGH BOROUGH COUNCIL

REPORT TO: Neighbourhoods & Community Services Scrutiny Panel

DATE: Thursday 28th February 2019

CONTACT OFFICER: Ian Blake Neighbourhood Manager Resilience and Enforcement Team, Neighbourhood Services.
Peter Webster, CCTV & Careline Centre Manager
(For all Enquiries) 01753 464057

WARD(S): All

PART I **FOR COMMENT & CONSIDERATION**

FLY TIPPING

1. Purpose of Report

- 1.1 This report follows on from a previous Scrutiny Panel report on the 6th February 2018, which set out the legislation available to the Council to enable enforcement and legal action with regard to fly tipping. This report will focus on the potential options for tackling fly tipping in a more proactive and intelligence-led manner and provide an update on deployment of CCTV in relation to this.
- 1.2 At a previous panel meeting, officers were asked to clarify and review the complexities of investigating fly tipping offences and to examine some options, which could potentially offer some solutions.

2. Recommendation(s)/Proposed Action

The Panel is requested to:

- a) note the key actions developed;
- b) consider options to enhance the council's approach on tackling fly tipping; and
- c) agree the recommendations and offer support, comments and advice.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

3a Slough Joint Wellbeing Strategy Priorities

The connection between health and wellbeing and a good quality environment is well established. The Council's 5 Year Plan sets out its ambition to regenerate neighbourhoods, improve the quality of the environment and to contribute to reducing waste generation, responsible waste disposal and handling and meeting waste recycling targets.

3b Five Year Plan outcomes

Slough will be an attractive place where people choose to live, work and stay.

4. **Other Implications**

(a) **Financial**

There would be financial and resource implications if any of the proposed actions with regards to the purchase of equipment and use of personnel are implemented.

(b) **Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
The entire process in this area is a risk based approach and the actions taken / policies adopted are within the legislative and regulatory framework.	There is no risk or threat to the current situation regarding the nature of this report. There are however, opportunities in implementing and using the legal powers available.	Through partnership working officers could reduce or mitigate any potential risks.
The use of CCTV in public space	Whilst there are opportunities for detection of crime and as a deterrent there are risks to the right to private life and family life	Approved guidance is followed for the deployment of CCTV

(c) **Human Rights Act and Other Legal Implications**

Whilst there are no human rights implications in relation to the options, any option that involves the deployment of CCTV must be in line with the principles established by the Surveillance Camera Commissioners Code of practice, which supports compliance with The Human Rights Act 1998 – the right to respect for private and family life.

(d) **Equalities Impact Assessment**

The proposed options are based around national legislation and guidance that has already undergone EIA.

(e) **Workforce Implications**

There are no workforce implications.

5. **Supporting Information**

- 5.1 Fly tipping is defined as the illegal depositing of waste in an unauthorised location. Fly tipping is a criminal offence in the UK by virtue of Section 33 of the Environmental Protection Act 1990 and is punishable by an unlimited fine or up to five years imprisonment if convicted in the Crown Court (HMSO, 1990). The evidence test for conviction is “beyond all reasonable doubt” and requires witnesses to give live evidence in court. Local Authorities (LAs) share responsibility for the enforcement of this statute with the Environment Agency. Fly tipping is ‘catch-all’ terminology conventionally used to describe offences wide ranging in their extent, from deposits of single sacks of household rubbish to industrial scale tipping of tonnes of commercial waste. The House of Commons Environmental Audit Committee in 2003 expressed concern that the term, fly

tipping underplays the severity of an offence that has a profound impact on the environment and society (Papworth and Thompson, 2009).

The apparent increase in fly tipping is a major cause for concern for LAs in the UK as they are legally obliged to keep public land within their jurisdiction free from litter and refuse and are therefore unable to avoid the costs associated with the collection and disposal of fly tipped waste. However, the impact of fly tipping is not merely financial. It is postulated that fly tipping impacts more widely on the environment, the economy and society.

The natural response of local authorities and the Environment Agency to dealing with fly tipping is to regulate and enforce and both organisations have a range of enforcement tools at their disposal (Webb 2006). However, for a variety of reasons criminal convictions for fly tipping are relatively few.

Typically the items fly tipped ranged from bags of domestic waste, furniture, household items, tyres and other vehicle parts, rubble and bricks, wooden pallets and fencing material etc.

The issue in dealing with reported fly tips is two fold: –

- Are the items fly tipped dangerous and therefore require immediate removal? This happens with such items as caravans packed with waste, lorry trailers packed with waste, fuels and oils, gas cylinders, asbestos, highly flammable material and any other items that present a danger or risk to both vehicle and air traffic and the public. Rapid removal often damages or causes the loss of any evidence within the waste to suggest where it came from;
- Is there any evidence within the waste to identify ownership or where the waste came from? Details such as this are rarely, if ever, found within certain types of waste. Sometimes it can be located in domestic waste and other such waste that contains any paperwork. However, people are wise to this and often remove any trace of names and addresses now due to well publicised identity theft. Finding such evidence can also be a long, dirty process and often requires dealing with contaminated articles covered in food waste, excrement, water, oil etc.

5.2. In speaking with a neighbouring authority, who has been cited as being more responsive in investigating and tackling fly tipping, the following information was obtained. That local authority has four officers who specifically work to investigate fly tipping and nothing else with the use of 30 wildlife CCTV cameras, which are deployed in the rural sites that are routinely fly tipped.

5.3 This is very much in contrast to the investigations into predominantly urban fly tipping in Slough and the use of 4 wildlife CCTV cameras. In addition Slough has 15 enforcement officers covering the whole borough who not only investigate fly tipping but also deal with the whole aspect of statutory nuisance, anti-social behaviour, other environmental crime, public health and other related issues.

6. Opportunities to enhance our investigations and actions going forward

There are a number of options to be looked at:

6.1.1 That SBC approach “The Waste Partnership” to become a member of the existing group made up of Aylesbury Vale, Chiltern South Bucks and Wycombe Councils. Similarly SBC approach Hillingdon, RBWM and Runnymede councils to

set up joint working and intelligence sharing similar to that of “The Waste Partnership”.

- 6.1.2 SBC has already worked closely with South Bucks and Runnymede to share Intelligence and prosecute offenders of cross boarder fly tipping both domestic and commercial. This would also help to deal with issues of displacement and assist with sharing good practise and joint operations.
- 6.2 That SBC join the “National Fly Tipping Prevention Group” to ensure that Slough gains insight, uses and is part of strategies successfully trialled nationally and shares intelligence.
- 6.3 Use of publicity to raise awareness of the issue and the cost to the tax payer. Use the showing of pictures of perpetrators dumping waste to see if people who know the offenders will give SBC details to investigate thereby creating a risk of embarrassment at the very least. There has been resistance in doing this in the past, however, other authorities use this approach to create a risk register and this is an important tool for engaging communities and changing behaviours.
- 6.4 Investment in easily and quickly deployable CCTV with cameras and systems, which are easily deployed and mobile including the use of a vehicle with cameras fitted that can be parked at hotspots. Such a potential vehicle has been identified already. Deployment to be in line with the guiding principles and advice at <http://www.slough.gov.uk/crime-prevention-and-emergencies/cctv.aspx>
- 6.4 Review of existing resources and training to enable staff to be proactive in out of hours work, time to investigate and patrol and understand the likely costs with implications upon other delivery areas.
- 6.6 Environmental Services and other Care Taking services to provide information re: location, weight and waste type to allow mapping of collection of fly tips across Slough to identify hotspots, trends and analysis over time of events so that resources can be targeted.
- 6.7 The use of test purchases of services by advertising waste collection service providers from a house and monitor legal compliance and the disposal pathway. It must be noted that this would be a covert approach and as such would require directed surveillance authorisation under the Regulation of Investigative Powers Act
- 6.8 Wider use of joint operations with the police and other partnership agencies to tackle fly tipping when situations in Slough clearly indicate a flurry of activity as experienced in the summer of 2018.

7. Comments of other Committees

This report has not been considered by other committees.

8. Recommendations and Conclusion

- 8.1 This report provides details of actions taken and options available to deliver a key part of the 5 Year Plan: Outcome 3 - Slough will be an attractive place where

people choose to live, work and stay. By tackling fly tipping in the borough and demonstrating the Council's commitment to improving the environment.

It is recommended that: -

- options 6.1 to 6.6 are costed in terms of funds and officer time and that if assessed as viable that these steps are put in place as soon as possible;
- that preparedness for joint working with partner agencies as detailed in option 6.8 during significant peaks is strengthened and
- that option 6.7 is only considered once the impact of the previous options have been fully assessed and in consultation with the Service Lead and RIPA Coordinating Officer.

8.2 Officers would welcome Members' support for the recommendations, comments, suggestions to improve the process and our approach to achieving better outcomes in successfully tackling fly tipping in Slough.

9. Appendices Attached

Appendix A – Lets S.C.R.A.P. Fly tipping

10. Background Papers

None