

## **Fly-tipping and Fly-posting Enforcement Operating Procedure and Complaints Process**

The officers of this company will be acting as agents of BCP council and are required to adhere to this operating procedure. Part of their role will be to raise awareness of the environmental and amenity impact of unlawful waste disposal in the community and to encourage a change in approach by those who may not acknowledge the adverse consequences of fly-tipping. They will approach each case in a fair and balanced way, engaging with the parties concerned, before formal enforcement action is taken.

A standard investigation would progress as follows:

1. Investigating Officer will receive dumped waste complaint.
2. Investigating officer will complete a waste inspection in an attempt to establish evidence of the person who either deposited the waste, knowingly caused the waste to be deposited or transferred the waste.
3. Complete door to door enquiries if further evidence is needed.
4. Complete a doorstep interview with witnesses or alleged offender.
5. If a significant statement is made during a doorstep interview, the investigating officer will caution the alleged offender and clarify the points to prove.
6. If the investigating officer has enough evidence to prosecute the alleged offender for an offence then an "on the spot" Fixed Penalty Notice will be issued as an alternative to being prosecuted. The full process is explained to the alleged offender and details on how to make a representation or appeal regarding the issued FPN.
7. If the FPN has not been paid within 14 days, we will send a reminder letter to the alleged offender seeking payment or the case may be referred to the legal team to instigate prosecution proceedings.
8. If the FPN has not been paid within 28 days, we will send a final reminder letter to the alleged offender seeking payment or the case may be referred to the legal team to instigate prosecution proceedings.
9. If the FPN has not been paid within 40 days, we will compile a prosecution file and follow the prosecution process agreed with BCP Council.

The provider's relationship with any members of the public shall be conducted in a professional, courteous, and helpful manner with due care and consideration given to different situations and circumstances. The provider will ensure its staff employed on the contract wear their agreed ID at all times. In the event of a complaint or dispute arising as to the officer's conduct, it will be investigated by the provider and a report produced to the council in accordance with the following procedure.

1. On receipt of a complaint to the Council relating to an officer's behaviour or conduct, the Council will:
  - Acknowledge receipt in writing to the complainant

- Inform the complainant that the provider will formally investigate their complaint
- Inform the complainant that they can expect a written response within 10 working days from the date it was recorded
- Forward details of the complaint, relevant Fixed Penalty Notice, acknowledgement correspondence to the complainant and any other relevant information directly to the provider.

2. On receipt of a complaint to the provider relating to an officer's behaviour or conduct, they will:

- Immediately acknowledge receipt of complaint and confirm deadline to both the complainant and Council.
- The Managing Director will fully investigate the complaint which may include interviewing the complainant and the relevant officer.
- Respond directly to the complainant within 10 working days of receipt of complaint.
- Provide the Council with a written copy of the response and outcome of the investigation. This is to include any disciplinary action against the officer and organisational learning for the contractor and/or the council.
- The council and the provider will meet and discuss complaints to improve Service Delivery every quarter.