

Appendix 1 – Summary, Performance and Data – Fly Tipping and Fly Posting Pilot (August 21 – September 22)

Communications

1. In July 2022, the Council's Communications Team launched a publicity campaign called 'Your Waste, Your Duty' working closely with officers from the Regulation and Environment Teams. The communication strategy highlighted the work of Waste Enforcement Officers from WISE and provided information to householders and businesses on their own duties around managing waste responsibly.
2. Along with a press release, which was featured in local media, information relating to the Enforcement Pilot was issued to nearly 35,000 subscribers signed up to the BCP News and Alerts and Business E-Newsletters. The targeted messaging outlined waste management duties for commercial and residential premises and explained the robust response that they would face if offences were evidenced. Further messaging will be going out to a further 34,000 subscribers signed up to the Parks and Open Spaces and the Waste and Recycling E-Newsletters in Autumn 2022.
3. At the end of September, a social media campaign commenced and focused on providing simple, clear messaging on what constitutes fly-tipping, with examples of unacceptable behaviour, information about the number of fly tipping reports and FPNs (fixed penalty notices) issued, and Council facilities for disposal (Appendix 2). This will continue throughout Autumn and reach 54,000 Facebook and 39,000 Twitter followers.
4. The BCP fly-tipping webpage has been updated, bringing together information previously split over multiple subject areas. The page now includes expanded information on reporting, investigation, and enforcement of fly tip alongside legal methods of waste disposal for householders and businesses, including links to the Council's Tip Check app and information about recycling and donation.
5. The impact of the communication campaign on people's understanding of the enforcement pilot is difficult to judge in the short timescale. Anecdotal evidence suggests that some of the messaging has been effective, as there have been fewer concerns raised in the past 2 months about the identity of WISE and the reasons for issuing FPNs.
6. Key departments, agencies and stakeholders, including registered social landlords, universities and letting agencies, have been engaged with and encouraged to help educate their service users on waste management and the possible consequences of non-compliance.

Enhanced Joint Working with Waste Compliance Officers

7. The Council's Waste Compliance Officers have a good knowledge of the areas where challenges are greatest, and WISE has worked closely with them to ensure a co-ordinated approach. This approach has enabled bin capacity and locations to be considered for businesses or residential blocks where management of waste has been challenging, with follow-up enforcement action should engagement fail to produce the desired outcomes.
8. Businesses previously issued with a fine for failing to produce evidence of meeting their duty of care, will be revisited to ensure compliance continues and to offer additional information or support.

Learning from Best Practice in other Councils

9. In June 2022 officers met with colleagues from a nearby Council that has established an in-house enviro-crime service. Other Local Authorities with a mix of services with private contracts and in-house provision have also been engaged, and it was evident that operating models differ widely.
10. An advantage to having an enforcement function in a separate service area to that of waste & environment (as is the case with BCP Council) is that advice can be given by officers separated from enforcement functions. Engagement Officers can struggle with enforcement and this approach gives clear lines of responsibility and expectation that also enables officers to concentrate on their specific functions rather than being distracted by competing demands. The disadvantage is that there is often a delay between the investigation of dumped waste and subsequent clearance, as separate teams are responsible for each function.
11. Although the co-ordination of service provision appears more straightforward for in-house service provision, this option is expensive given the number of directly employed officers required, the desire to educate rather than fine in many cases, and the back-office management of such a service. Collaborative working across Council departments and closer relationships with operational decision-makers, including the involvement of Environment Officers and Comms Teams deliver benefits.
12. CCTV has been utilised by some local authorities and the Environment Agency, and during the pilot has been a regular subject of discussion. There are strict legal codes for deployment and invariably permission must be sought through the courts under the Regulation of Investigatory Powers Act (RIPA); this is usually reserved for targeting regular fly-tip incidents, often in rural areas and of significant size, where evidence suggests that there are one or two entities responsible. RIPA authorisations are usually confined to a limited period of time and would be unlikely for CCTV focused on a car park, alleyway, or other locations regularly used by members of the public.
13. Existing Council CCTV, as well as cameras of businesses and residents, have been utilised within BCP during this pilot and has led to 25 referrals to the Police for registered vehicle keepers. 21 fines have been subsequently issued with supplementary evidence provided by the witness. However, the benefits of CCTV should not be over-emphasised, as this is just one of several investigative options and is costly due to the time required to examine lengthy film footage and capital funding.

Pilot Data (All data is from 31 August 2021 to 23 September 2022)

Table A: Fly-tipping		
Investigations	FPNs served/paid	Breakdown
2,271	365 / 241	106 x Business fly-tipping 189 x Domestic fly-tipping 8 x Household duty of care (failure to ensure household waste has been transferred through an authorised person/company) 62 x littering (small fly-tips, such as a bag of waste)

Table B: Business Duty of Care		

Inspections	FPNs served / paid	Education
578	384 / 260	86 (including engagement work through Christmas and New Year)

Table C: Fly-posting	
Investigations	FPNs served/paid
30	22/17

Representations and Complaints

To WISE	Escalated to Council	Findings
536	12	10 not upheld 1 partially upheld 1 upheld

NB. Representations are not complaints and include cases where evidence has been sent to WISE to prove that an offence has not taken place, such as presentation of proper waste transfer notes