

From: Susan Carey, Cabinet Member for Environment
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To: Environment & Transport Cabinet Committee – 29 November 2019

Subject: Fly Tipping Enforcement Plan – Update

Classification: Unrestricted

Past Pathway of Paper: Environment and Transport Cabinet Committee – 16 July 2019

Future Pathway of Paper: N/A

Electoral Division: All

Summary: KCC has committed £250,000 to reduce the level of fly tipping in Kent, building on the close work already undertaken with district and borough councils, Kent Police and other partners through the Kent Resource Partnership (KRP) to tackle this crime.

The collection and enforcement of flytipping is the primary responsibility of the district and borough councils, with KCC playing a supporting role via the KRP. The funding will assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.

This report provides an update to Cabinet Committee on the actions that have been undertaken since July 2019 and planned actions in the coming months.

Recommendation: The Cabinet Committee is asked to note and comment on the actions undertaken as part of the flytipping enforcement plan since July 2019 and the planned actions for the coming months.

1. Background

- 1.1 Fly tipping is anti-social and a crime often carried out by local criminal gangs. Kent residents bear the cost of fly tipping through the added disposal costs and the disruption caused by the blocking of highways.
- 1.2 To tackle this issue the County Council works closely with the District and Borough Councils and Kent Police and we have a long history of joint working through the well-established Kent Resource Partnership (KRP).
- 1.3 In May 2019, KCC committed £250,000 to develop a fly tipping enforcement plan to reduce the level of fly tipping in Kent. The funding is being used to assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.
- 1.4 A paper detailing the planned actions utilising the funding was presented to Environment and Transport Cabinet Committee in July 2019 (Appendix A). This paper provides an update to those actions.

2. Update on actions

Days of action

- 2.1 In the last year, officers from Local Authorities across Kent together with Kent Police have been working together in a joint operation “Op Assist”, which involves days of action with other partners to crack down on fly tipping and unlicensed waste collectors across Kent. Flytipping is now a “top-3” priority for the Police Rural Task Force. Police resource recently doubled in numbers to 12 PCs, 1 Sgt, 1 Coordinator and 1 inspector. The KCC investment is allowing the number of “Op Assist” action days to double each month.
- 2.2 Building on successful days undertaken earlier in the year, a further 7 Op Assist days of action have been undertaken during July – October 19. The results achieved during these days are shown below.

Local Authority	Date and time of Op	Targets (profiles produced by analyst)	LA Enforcement Officers	Vehicles Stopped	Fixed Penalty Notices Issued	Vehicle Seizures	LA Producer Notices Issued
Maidstone BC	24/07/19 PM	2	2	2	1	2	-
Sevenoaks DC	28/08/19 AM	1	1	5	1*	-	2
Dover DC	30/08/19 PM	11	1	4	-	-	-
Maidstone BC	11/09/19 AM	7	2	1	1	1	-
Swale BC	30/09/19 PM	7	2	3	-	0**	1
Maidstone BC	07/10/19	5	2	9	-	2	
Thanet DC	10/10/19	8	6	10	1	2 (for Police offences)	7 (Environmental Notices)

*Sevenoaks DC issued a £300 FPN to a business however, the business produced all the relevant waste paperwork they require so the FPN was withdrawn.

** 2 vehicles were seized by Kent Police during the Op for other criminal offences.

- 2.3 The KRP has created a template press release to be utilised by all district and borough councils to publicise the successes of the days of action. In a similar vein, all councils are being urged to share any successes, including any prosecutions or other enforcement actions across Kent, on social media using the #KeepKentClean. This will show flytippers that Kent councils and partners are working together to crack down on flytipping across Kent. We also know that flytippers do not just flytip in one district but countywide and beyond, so it is important that successes are shared by all partners.
- 2.4 Due to the success and impact of these ‘days of action’, we will work with district and borough councils, Kent Police and other partners to deliver more days of action in the coming months, ensuring high visibility to the public.

Duty of Care Communications Campaigns

- 2.5 A communications campaign was launched across Kent in October targeting residents and small businesses to explain their duty of care in relation to waste disposal. The aim of the campaign is to:
- Reduce the incidents of flytipping in Kent
 - Ensure businesses understand their responsibilities when disposing of waste
 - Ensure householders understand their liabilities
 - Starve illegitimate disposal businesses of custom
- 2.6 The campaign is using short information videos and animations online and via social media, newspaper adverts, bus advertising, posters and leaflets. This campaign will be actively promoted for the next 6 months.
- 2.7 The main message of the campaign for residents is to alert them to rogue traders operating in Kent, advertising as waste disposal services, rubbish collection or household clearances and then flytipping the waste. These rogue traders often advertise on social media or in newspaper adverts, with too good to be true prices and are undercutting legitimate businesses. The campaign encourages residents to undertake simple checks to ensure they are hiring legitimate businesses and to avoid receiving a £400 fine themselves. The checks are:
- to ask for a waste carrier's licence
 - where they will dispose of the waste
 - a receipt or invoice
- 2.8 Videos and animations have also been produced targeted at businesses, to ensure they are complying with their duty of care and to ensure they provide the relevant information to residents before collecting their waste. Finally, an animation to explain how to report flytipping either via local district and borough councils or via the Country Eye App has also been released.
- 2.9 In the coming months, a video will also be produced showing the impact of flytipping, using the stories of real victims, via Kent Police and the NFU.

Duty of Care Small Business Course

- 2.10 Using LOCASE¹ funding we are starting to roll out Kent wide small business waste courses originally piloted by KCC Waste Management and Dover District Council (DDC). The course explains to small businesses and waste carriers how to deal with their waste legally and is being delivered by the DDC enforcement officer and KCC's Waste Enforcement Advisor. Unfortunately, take-up of the courses so far has been lower than hoped for. As a result, we may look to deliver fewer courses but spanning multiple districts (rather than 1 course per district as originally planned) and considering different tactics to increase engagement.
- 2.11 In the new year, we also plan to develop an engaging and visual e-learning package targeted at businesses looking to obtain a waste carriers license. The Environment Agency and Defra have shown interest in this initiative.

¹ Low Carbon Across the South East (LoCASE) is an EU funded project set up to help businesses tackle and adapt to climate change.

Enforcement technology

- 2.12 The funding has also been used to purchase some additional technical equipment to tackle environmental crime. This consists of some cameras, trackers and SmartWater. The equipment can be used to monitor flytipping 'Hot Spots' or used to target known offenders. District and borough councils have been working with KCC's Waste Enforcement Advisor to identify hotspots, with some equipment already having been deployed.

Enforcement signage

- 2.13 New signage utilising the #KeepKentClean branding is being deployed across Kent at flytipping hotspots by the district and borough councils. The signage explains that 'we are watching', that CCTV is active locally, explains the consequences of flytipping and how to report flytipping. The signage is also 'glow in the dark', acting as a deterrent, useful when people may consider flytipping at night. Authority Aware tape has also been provided to all districts across Kent to place around flytips before it is collected, similar to police tape. 'Take Your Litter Home' signage has also been deployed at key locations across Kent.

Magistrates' Training

- 2.14 In the coming months, KCC Waste Management with support from Kent Police, the NFU and the KRP will be contacting the Magistrates Association to raise awareness of environmental crime within Kent. If there is interest, we will arrange a presentation and training which will be delivered by district enforcement staff, KCC, Kent Police and the NFU. The aim is to encourage larger fines or sentences to be given.
- 2.15 The maximum fine available for flytipping is:
- £50,000, or 12 months imprisonment (Magistrates)
 - Unlimited fine and up to 5 years imprisonment (Crown Court)

In Kent, the average fine provided is £596 with very few cases resulting in a custodial sentence, which highlights the reasons for awareness raising. Victim impact statements will be presented to highlight real cases of the impact of flytipping on communities and businesses in Kent.

Consistency of reporting

- 2.16 One of the key areas to tackle working across the KRP is consistency of reporting flytipping data. District/ borough councils are required to report flytipping statistics to Defra via a system called Waste Data Flow. There is a national issue with the consistency of reporting, where for example, different local authorities interpret what constitutes flytipping and 'types' of flytipping differently. To ensure we are consistent in Kent, we are going to work with all district/ borough councils to develop a consistent reporting standard, culminating in a training session in February 2020, with the consistent reporting commencing in April 2020.

3. Success Measures

- 3.1 The success measures for the various actions, remain as below:

- **Days of action** – vehicle stops, vehicle seizures, Fixed Penalty Notices, arrests, prosecutions. Effectiveness of the documentary – number of people reached, social media posts
- **Duty of Care Communications Campaign** – number of people reached, shares on social media, more people know what to do
- **Duty of care small business course** – number of attendees, feedback, Defra considering completion of course prior to waste carrier's licence being given, number of times e-learning undertaken
- **Enforcement technology** – enforcement action taken, Fixed Penalty Notices given, increase in fines and prosecutions as a result of evidence obtained by technology
- **Enforcement signage** - fly tipping reduced at hotspots, reduction in litter, fewer multiple reports of the same incident of fly tipping as a result of the 'authority aware' type
- **Magistrates training** – increase knowledge and awareness, greater fines and sentences given for fly tipping offences
- **Consistency of reporting** – all district report in a consistent manner, resulting in data being more reliable and comparable

3.2 Ultimately the aim is for a reduction in instances of fly tipping and an increased number of prosecutions.

3.3 Through a strong communication campaign with householders and businesses alike, it is hoped that those illegitimate businesses, undercutting legitimate businesses, will eventually be starved of waste to collect and therefore reduce instances of flytipping.

4. Conclusions

4.1 Fly tipping is an anti-social crime often carried out by local criminal gangs and Organised Crime Groups and has a devastating impact on local communities and the environment.

4.2 Work is on track to help reduce the level of fly tipping in Kent through better enforcement and better communication between Local Authorities, Kent Police, private landowners and other parties.

4.3 KCC's investment is allowing more of what is already working to be undertaken across Kent. With many of the actions already in progress and with more to come, we will continue to work with all partners to monitor the success of the actions.

5. Recommendation

Recommendation: The Cabinet Committee is asked to note and comment on the actions undertaken as part of the flytipping enforcement plan since July 2019 and the planned actions for the coming months.

6. Appendices

Appendix A - Fly Tipping Enforcement Plan Report - Environment & Transport
Cabinet Committee 16 July 2019

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