

From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 16 July 2019

Subject: Fly Tipping Enforcement Plan

Classification: Unrestricted

Past Pathway of Paper: N/A

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 to tackle this crime. 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 updates Cabinet Committee on the current and future actions plan to address this anti-social behaviour.

Recommendation: The Cabinet Committee is asked to note and comment on planned actions and success measures in the fly tipping enforcement plan.

6. Background

- a. 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.
- b. 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.
- c. 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 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.

7. Current Action

- a. The Cabinet Member for Planning, Highways, Transport and Waste has held one-to-one meetings with all district and borough leaders to understand how KCC can help to support them further. The Cabinet Member has also met with the Police and Crime Commissioner (PCC) who has agreed to assist the actions being taken and has made an offer of financial support through the Crime Support Units. A letter has also been sent from the Cabinet Member to the Chief Constable requesting his personal support and to seek views of how the additional funding can help Kent Police to increase levels of enforcement action and successful prosecutions.
- 2.3 Chief Inspector Rachel McNeil has been appointed to lead for Kent Police.
- 2.4 Meetings have also been held with the Kent Environment Crime Practitioners' Group, Kent Resource Partnership, Environment Agency, National Farmers Union and the Vehicle and Operations Service Agency (VOSA).
- 2.5 Planned action will include more electronic surveillance including mobile CCTV and covert cameras to enable better targeting of criminal activity and use of Apps such as Country Eye, which is already supported by the PCC. There will be even greater sharing of intelligence between agencies to enable better collation of statistics and communications to identify trends for targeted action and to alert householders and businesses and inform magistrates.
- 2.6 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.
- 2.7 Building on successful work in North Kent which led to a number of prosecutions in May, on 12 June, Op Assist was carried out in five districts; Ashford, Canterbury, Folkestone & Hythe, Dover and Thanet. 107 vehicles commercial vehicles were stopped and checked to ensure drivers had the correct documentation and licences. During the operation,
- 27 local authority producer notices were issued¹
 - 5 local authority fixed penalty notices were issued
 - 5 vehicles were seized
 - 1 person was arrested for drink driving
 - 2 persons were reported for driving whilst disqualified
 - 4 prohibition notices were issued by VOSA
 - 1 defecation rectification notice was issued and
 - 1 stolen woodchipper was recovered and an arrest is pending
- 2.8 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 frequent events, ensuring high visibility to the public.

¹ A Local Authority Producer notice is a notice provide by the relevant LA to the individual transporting the waste, which asks them to produce their waste carrier's details and waste transfer notices within a set period of time at the relevant local council office.

8. Future Actions

- a. The following actions are being pursued which will form the basis of a fly tipping enforcement action plan.

i. Duty of Care Communications Campaigns

- b. There will be targeted campaigns to engage residents and small businesses. A PR consultant will be engaged to help draft a Kent-based campaign using videos, social media, paid advertising, billboards and point of sale advertising.

(ii) Duty of Care Small Business Course

- c. Using LOCASE funding we will look to roll out Kent wide small business waste courses piloted by KCC Waste management and Dover District Council (DDC). The course will explain to small businesses and waste carriers how to deal with their waste legally. The course will be delivered by the DDC enforcement officer *and* KCC's Waste Enforcement Advisor.
- d. We will also develop an engaging and visual e-learning package targeted at businesses looking to obtain a waste carriers license. The Environment Agency, Federation of Small Businesses, Kent Invicta Chamber of Commerce and trading standards contacts are already engaging in this initiative. Defra has also shown an interest.

(iii) Days/ nights of action

- e. This will have a documentary focus covering each stage of enforcement activity from evidence gathering, identifying the target and filming vehicle seizures/ stops. The documentary will be supported by press releases and social media messaging. There will be a sharing agreement in place across all parties to ensure maximum public accessibility and visibility.

(iv) Building on #keepkentclean

- f. Fly tipping hotspot signage will be produced; '#keepkentclean' and rolled out countywide at hotspots. We will also install 'Take your litter home' signs at district litter hotspots and 'Authority aware' tape for use at fly tips (similar to police tape).

(v) Magistrates Training

- g. We are 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. The aim is to encourage larger fines or sentences to be given.

(vi) Trackers/ covert equipment/ mobile CCTV cameras/ other related technology

- h. Central resource covert cameras will be placed in appropriate hotspots countywide and we will use trackers and Smartwater as part of sting operations and mobile CCTV cameras to identify any vehicles of interest.

(vii) Automated phone system for intelligence reports

- i. Completion of intelligence reports and the sharing of this information between relevant partners is vital to the success of the enforcement plan. Many enforcement officers state they do not have the time to complete intelligence reports. KCC's Intelligence Manager has suggested that an automated phone system, where enforcement officers could leave a message, to then be downloaded each morning by the intel team, could be beneficial and encourage intel to be submitted.

9. Success Measures

- a. A number of success measures are being developed around each action including:
 - **Duty of Care Communications Campaign** – number of people reached, shares on social media, more people know what to do
 - **Duty of care course** – number of attendees, feedback, Environment Agency considering completion of course prior to waste carrier's licence being given, number of times e-learning undertaken
 - **Days / nights of action** – vehicle stops, vehicle seizures, Fixed Penalty Notices, arrests, prosecutions. Effectiveness of the documentary – number of people reached, social media posts
 - **#keepkentclean** – 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
 - **Trackers/ covert equipment/ mobile CCTV cameras/ other related technology** – enforcement action taken, Fixed Penalty Notices given, increase in fines and prosecutions as a result of evidence obtained by technology
 - **Automated phone system for intel reports** – increase in intel reports received via system and how intel is then used to support investigations (and resultant outcomes)
- b. Ultimately the aim is for a reduction in instances of fly tipping and an increased number of prosecutions.
- c. 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.
- d. In addition, it is proposed that a Cross Party Member Group be established to consider all aspects of this enforcement action plan, and other related waste matters.

10. Conclusions

- a. 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.

- b. 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. We are in a strong position to continue to work together to tackle flytipping and will utilise the Kent Resource Partnership as the means in which communication and education will be made with the public, businesses and partners.

11. Recommendation

Recommendation: The Cabinet Committee is asked to note and comment on planned actions and success measures in the developing fly tipping enforcement plan.

12. Report Author

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