

## **Waste Crime Update**

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|---|---|
| <b>Final Decision-Maker</b>               | Communities, Housing and Environment                    |
| <b>Lead Head of Service/Lead Director</b> | William Cornall, Director of Regeneration and Place     |
| <b>Lead Officer and Report Author</b>     | Jennifer Shepherd, Head of Environment and Public Realm |
| <b>Classification</b>                     | Public  |
| <b>Wards affected</b>                     | All Wards   |

### **Executive Summary**

In July 2018, the new Waste Crime Team was established to target littering and fly tipping. Since then they have had a number of successful initiatives including vehicle seizures, joint operations with the Police and enforcement action against fly tippers. This report outlines the results achieved.

### **This report makes the following recommendations to the Communities, Housing and Environment Committee**

That the Waste Crime Update be noted.

### **Timetable**

| <b>Meeting</b>                                 | <b>Date</b>              |
|--|--------------------------|
| Communities, Housing and Environment Committee | Tuesday 12 February 2019 |

# Waste Crime Update

## 1. INTRODUCTION AND BACKGROUND

- 1.1 In 2018, a new Waste Crime Team was established to tackle waste related crimes across the Borough. The team comprises of a manager, waste crime officer and two street scene enforcement officers and targets littering, fly tipping, duty of care offences and abandoned vehicles.
- 1.2 The Street Scene Enforcement Officer posts were created following the end of the litter enforcement contract in order to provide a visible presence and patrols in littering hotspots to issue Fixed Penalty Notices (FPNs) to offenders.
- 1.3 As well as investigating evidence relating to fly tippers, the team have also taken a proactive approach carrying out joint operations with other agencies including the Police and HMRC.
- 1.4 A Waste Crime Response Team has also been created within Street Cleansing and works more closely with the waste crime team on fly tipping removal. This enable evidence to be captured in a single visit and for the waste to be removed more swiftly.
- 1.5 The penalties issued by the team vary according to the level of the offence:
  - Fly tipping – for a first offence, where the waste dumped is relatively small, a £400 Fixed Penalty Notice is usually issued. However for larger or repeated offences, or if an FPN is not paid, a prosecution will be pursued through the Courts. This can result in an unlimited fine and up to 5 years imprisonment. However the Council only retains the value of any FPNs paid as court fines are retained by the Treasury, although the Council the Council can seek repayment for both the Client and Legal costs of prosecuting offenders and can request compensation for clean-up costs incurred.  
In addition to the fine, the Council also has the ability to seize the offenders vehicle, and if not claimed may sell or crush the vehicle.
  - Littering – littering can include a single item e.g. cigarette end, up to a couple of black sacks. Generally for littering a £120 FPN is issued, however this reduces to £90 if paid within 14 days. Unpaid FPNs are pursued through the Courts.
  - Duty of Care – the collection and transport of all waste, whether from a household or business, requires Duty of Care paperwork to show who owns the waste, who is transporting it and where it is going. Where a business or householder is unable to produce a Duty of Care either for their waste or if they are the waste carrier, a £300 FPN can be issued.
- 1.6 Since the start of the team we have invested over £3,000 on new covert cameras and have deployed these continuously with some positive results. We are about to invest a further £10,000 on additional cameras by the end

of the financial year including ANPR and covert cameras as well as purchasing new fly tipping and littering signage.

## RESULTS

1.7 Since July 2018, the team have achieved the following results:

| Offence          | Number | Value   |
|------------------|--------|---------|
| Fly tipping      | 9      | £3,600  |
| Littering        | 450    | £40,500 |
| Dog Fouling      | 3      | £240    |
| Duty of Care     | 22     | £6,600  |
| Other Waste FPNs | 34     | £10,200 |

1.8 Following the team's launch of the Vehicle Seizure Policy, four vehicles have been seized in relation to waste carrier offences and three vehicles have been crushed or sold due to fly tipping offences.

1.9 So far 16 joint operations have been carried out with the Police resulting in over 60 vehicles being stopped and checked, 6 vehicle seizures and a number of the Duty of Care FPNs issued. The success of this initiative has also resulted in a "Day of Action" being carried out across Kent with a number of arrests and FPNs issued. It is planned to continue these joint operations throughout 2019 as both agencies have seen the combined benefits.

1.10 In addition, the team have investigated 279 reports of abandoned vehicles which has resulted in 43 vehicles being removed.

1.11 The Street Scene Enforcement Officers have issued the highest amount of FPNs, however have only received 6 complaints. Following these complaints the body-worn camera footage was reviewed and the conduct of the officers was found to be appropriate. In all instances the FPNs were paid.

1.12 Since July 2018, over £60,000 worth of FPNs have been issued by the team which contributes to their funding. The payment rate is currently around 70% with unpaid FPNs being pursued through the Courts. There are a number of investigations currently underway which are likely to result in prosecutions being sought.

1.13 The team have also supported the Waste Team with the enforcement of household waste issues including the issuing of Section 46 Notices, Community Protection Warnings and Notices where waste in communal bin stores is not being managed appropriately. This enforcement action is taken against managing agents and housing trusts and has a high level of success in ensuring waste does not accumulate. This is demonstrated by over 79 Section 46 Notices being issued but only 31 Community Protection Warnings and 4 of these leading to Community Protection Warnings.

## NEXT STEPS

1.14 The team have been working on the new legislation for Littering from Vehicles which came into force last year. Unlike other waste crime offences this is a civil offence rather than criminal and therefore the processes are very different. The offence is dealt with by a Penalty Charge Notice (PCN) in a similar way as parking offences. This has required significant work to get processes in place and the arrangements for a secure connection to the DVLA are currently being set up.

1.15 The 18 month trial of the in-house Street Scene Enforcement Officers is due to continue until December 2019 and will be reviewed again in September 2019.

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## **2. AVAILABLE OPTIONS**

2.1 This report is for noting only.

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## **3. RISK**

3.1 This report is presented for information only and has no risk management implications.

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## **4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

4.1 The contents of this report outline the results of the decision made by the Communities, Housing and Environment Committee in October 2017 to invest in the waste crime team. The Committee agreed that litter enforcement should be carried out in-house on an 18-month trial.

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## **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

5.1 The successes identified in this report targeting waste crime will continue to be promoted through social media to deter these illegal activities.

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## **6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

| <b>Issue</b>                          | <b>Implications</b>   | <b>Sign-off</b>                      |
|---------------------------------------|---|--------------------------------------|
| <b>Impact on Corporate Priorities</b> | The success and continued delivery of the Waste Crime Team supports the Council priority for a "Clean, Green and Safe Borough." | Head of Environment and Public Realm |
| <b>Risk Management</b>                | The report is for information only.   | Head of Environment and Public       |

|                                    |  | Realm                                |
|------------------------------------|--|--------------------------------------|
| <b>Financial</b>                   | The activity set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. | Paul Holland, Senior Finance Manager |
| <b>Staffing</b>                    | N/A  | Head of Environment and Public Realm |
| <b>Legal</b>                       | N/A  | Head of Environment and Public Realm |
| <b>Privacy and Data Protection</b> | N/A  | Head of Environment and Public Realm |
| <b>Equalities</b>                  | N/A  | Head of Environment and Public Realm |
| <b>Public Health</b>               | N/A  | Head of Environment and Public Realm |
| <b>Crime and Disorder</b>          | The work of the team, in particular the joint operations with the Police, support the reduction of crime in the Borough.                     | Head of Environment and Public Realm |
| <b>Procurement</b>                 | N/A  | Head of Environment and Public Realm |

## **7. REPORT APPENDICES**

None

## **8. BACKGROUND PAPERS**

None