

Environmental Health/Land Services – Fly Tipping

**Joint working agreement between
Environmental Health Officers/Assistants and Litter Control Officers –
February 2006**

1. Background

- 1.1 Fly tipping is a significant problem within West Dunbartonshire and is of concern to councillors, residents, community groups and employees of the Council.
- 1.2 The Environmental Health Section of Development and Environmental Services receive regular complaints of fly tipping and littering throughout the council area, both on public and private land. Officers investigate every complaint received and endeavour to secure clean up of fly tipped material, by the person responsible when they can be traced. All Environmental Health Officers are authorised to enforce the provisions of the Environmental Protection Act 1990, the Civic Government (Scotland) Act 1982 and the Refuse Disposal Amenity Act 1978.
- 1.3 The Grounds Maintenance Section also receives complaints of fly tipping, reported via their hotline and the Dumb Dumpers Hotline. All incidents of Fly Tipping in public areas, where there is no evidence as to its origin, the Cleansing Rapid Response Unit will aim to respond within 2 hours.
- 1.4 Grounds Maintenance Section employs two Litter Control Officers who are authorised to enforce the provisions of the Environmental Protection Act 1990, in relation to littering and fly tipping issues. They investigate complaints regarding littering, fly tipping, graffiti and dog fouling where there may be evidence of who is responsible for the offence.
- 1.5 A fly tipping database 'Fly Capture' has been launched. The system is already operating successfully in England and Wales, with only 6 local authorities still to sign up. Local Authorities will be able to input details of instances of fly tipping, investigations carried out, vehicle registration details, etc.
- 1.6 The database can be interrogated by local authorities and will produce details not only of the numbers of instances of fly tipping, but an estimate of the cost of fly tipping to each authority.
- 1.7 To be successful, **interdepartmental working is essential**. The system relies on Grounds Maintenance and regulatory services (i.e. Environmental Health) liaising to not only clean up fly tipping but take action to prevent recurrence.

- 1.8 Falkirk Council has achieved this by creating an interdepartmental Environmental Enforcement Team, comprising waste operatives and Environmental Health enforcement officers.
- 1.9 Both Environmental Health and Grounds Maintenance have agreed that joint working is required to ensure the most effective use of available resources in eliminating fly tipping within West Dunbartonshire and therefore working to achieve Priority 4 of West Dunbartonshire Council's Corporate Plan for 2005 – 2009 'Create a Better Environment'.

2. Enforcement options

- 2.1 Table 1 shows the range of enforcement options available for cases of fly tipping and littering, enforcement either by Environmental Health or Grounds Maintenance Section.

Table 1: Fly tipping enforcement options

Putrescible waste outside domestic premises	Environmental Protection Act 1990, Section 80	EH
Non-putrescible waste outside domestic properties	Civic Government (Scotland) Act 1982 Section 95	EH
Putrescible waste outside commercial premises	Environmental Protection Act 1990 Section 87/88 fixed penalty notice	EH / GM
Non-putrescible waste outside commercial premises	Environmental Protection Act 1990 Section 87/88 fixed penalty notice	EH / GM
Putrescible and non-putrescible waste on open land	Refuse Disposal Amenity Act 1978 Section 6 or Environmental Protection Act 1990 Section 87/88 fixed penalty notice (where person responsible for depositing waste can be traced)	EH / GM

3. Joint working procedures

- 3.1 All complaints/reports of fly tipping dealt with by Environmental Health are currently being recorded on the Environmental Health database "Flare". All complaints / reports of fly tipping dealt with by Litter Control Officers and Grounds Maintenance operatives are currently being recorded on the Grounds Maintenance database system, this information is reported to 'Fly Capture' on a monthly basis. Statistical reports of fly tipping dealt with by Environmental Health will require to be forwarded to Grounds Maintenance Administration Section to ensure an accurate picture is reported.

- 3.2 The target response time for clearance of fly tipping is 2 hours. In certain cases up to 48 hours is required to allow sufficient time for officers to investigate and determine where possible the source of the accumulation. This is in order that the appropriate enforcement action can be taken against any individual responsible for fly tipping. The current response time for clearing of fly tipping on open ground will be amended to allow time to investigate and determine the source of the accumulation.
- 3.3 All fly tipping on **public** (council owned) land will be investigated by Grounds Maintenance in the first instance.
- 3.4 All fly tipping on **private** open ground will be investigated by Environmental Health in the first instance.
- 3.5 If sufficient evidence is found to identify the person responsible for the fly tipping, the first option considered will be to serve a fixed penalty notice in terms of section 88 of the Environmental Protection Act 1990. Once all officers are authorised, any investigating officer may serve a fixed penalty notice.
- 3.6 If insufficient evidence is found to identify the person responsible, the tipped material will be removed from council owned land by the litter rapid response unit. For privately owned land, further investigation will be carried out by Environmental Health to determine the owner of the land and secure removal of the tipped material, using one of the enforcement options detailed in table 1 above if necessary.

4. National Fly tipping database

- 4.1 West Dunbartonshire Council is registered with the national fly tipping database, Flycapture. Grounds Maintenance Section input details onto their database and records of fly tipping are then transferred to 'Fly Capture' on a monthly basis. This system also allows the Authority to compare with other Local Authorities. Both Grounds Maintenance and Environmental Health can view the details recorded there, only one user can input information.
- 4.2 To allow all incidents of fly tipping to be accurately recorded on Fly Capture Environmental Health will continue to record reports on Flare and Grounds Maintenance section on their new recording system. Figures from both departments to be combined monthly and transferred to Fly Capture.

5. Procedure for Joint Reporting to 'Fly Capture'

- 5.1 Complaints received by Grounds Maintenance regarding '**private open ground**' to be passed to Environmental Health on 01389 738621 / 8652 by Grounds maintenance – Complaint **NOT** to be recorded on Flycapture System.

- 5.2 Complaints received by Environmental Health regarding '**public (council owned) land**' to be passed to Grounds Maintenance on 01389 772059 by Environmental Health staff - Complaint **NOT** to be recorded on Flycapture System.
- 5.3 Spreadsheet from Environmental Health containing all fly tipping incidents dealt with to be forwarded to Grounds Maintenance via email for recording on Fly Capture System.
- 5.4 Email forwarded monthly on or before the 17th day of each month.
- 5.5 Reply email to Environmental Health to confirm receipt and recording on 'Fly Capture' database of information.
- 5.6 Fly Capture can be checked by either section.