

## Hertfordshire Fly Tipping Group – Work Programme Sept 2016 – March 2018

## 1) Promotion of the Duty of Care

**Rationale:**

In Hertfordshire approximately 60% of reported fly tipping incidents are domestic in nature (compared to 67% nationally) ranging from single black bags left next to household waste bins to domestic waste that the householder believes they have contracted to be disposed of but which in reality gets fly tipped. A common denominator is a failure to consider responsibilities under the Duty of Care (Sec.34 EPA 1990).

Investigations typically reveal either no understanding of, or confusion around ‘duty of care responsibilities’ on the part of householders who maybe acting in good faith but are in essence unwittingly committing offences. Therefore as part of a refreshed approach the FTG, supported by the countywide communications group, intends to run a PR initiative promoting duty of care responsibilities using a range of techniques.

**Principle Activities:**

- Development of a Duty of Care Campaign – to include basic message and annual costs to Hertfordshire - considering using equivalent spends
- Identification of ‘peak’ fly tipping months in order to define optimum time for roll out
- Roll out county wide – co-ordinated by relevant FTG stakeholders and countywide communications group
- Promotion of current guidance to private landowner groups – *Tackling Fly-Tipping: A guide for landowners and land managers*
- Consider producing a Hertfordshire Fly Tipping Video – supported by web seeding

**Relevant Stakeholders:**

- All districts plus and county council (including FTG reps and Countywide Comms Group)
- Herts Constabulary including OPCC
- National Farmers Union
- Other stakeholders as identified and / or volunteer to participate.

**Activity Lead:**

*To be confirmed*

**Monitoring / Success measures:**

- On-going comparison of monthly numbers to previous year and previous 3 year average – looking for reductions and changes in the ‘mix’
- Use analytics to determine reach of anti-fly tipping social media messages
- Reductions in reported fly tips – consider thresholds / targets
- Feedback from private landowners

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### 2) Creation of a Herts Fly Tipping Brand

#### Rationale:

Responses to fly tipping are seen by the general public and elected Members as disjointed and uncoordinated partly; as result of the multiple agencies involved as well as the different procedures and responses seen from Hertfordshire's local authorities, the Police and the Environment Agency.

From a fly tippers perspective, especially those that earn a regular income from such illegal activity, this disjointed approach is likely to create an impression of weak enforcement with little likelihood of being caught or fines that are significant thereby encouraging such activity to continue.

The FTG intends to address this by creating a 'unifying brand' under which the different agencies and other stakeholders can come together to tackle the problem going forward. Whilst a new brand will do nothing pragmatic to reduce numbers in the short term it should start to underline that Hertfordshire's agencies are coming together in a renewed effort to go after those involved in / responsible for fly tipping.

#### Principle Activities:

- Development of a Hertfordshire Fly Tipping Brand
- Identification of a political lead to 'front' the brand and be the official voice of the FTG (*the PCC / HWP Chairman / joint lead ?*)
- Use of the brand by all FTG Members
- Consider development of a Hertfordshire Fly Tipping Conference / launch event to highlight the 'new approach'

#### Relevant Stakeholders:

- All current Members of the FTG

#### Activity Lead:

*To be confirmed*

#### Monitoring / Success measures:

- Use of the brand by FTG Members
- Reference to the FTG by local media

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### 3) Herts Fly Tipping Group – public face and promotions

**Rationale:**

There is a common perception that there is minimal enforcement activity going on in Hertfordshire when it comes to fly tipping. However, recent analysis demonstrates a significant amount of enforcement activity including pro-active and reactive limited only by the resources available.

Therefore ‘perception’ needs to be challenged by clearly communicating the efforts of FTG members to tackle fly tipping by publicising everything from pro-active information campaigns designed to deter residents and businesses from contracting with illegal operators to publicising successful prosecutions throughout the county as a deterrent to others.

**Principle Activities:**

- Inaugural article launching the FTG, its Membership and its mission – publication in Council Magazines supported by press releases and social media
- Develop a ‘rolling’ 12 month calendar of intended promotional / educational / awareness raising events linked to tackling fly tipping
- Identification of gaps in coverage – both calendar based and geographically
- Cross referencing of planned coverage with fly tipping hotspots and ‘hot times’
- Universal coverage of all and any successful prosecutions by all Partners to create critical mass coverage...i.e. “...another successful prosecution by the Herts FTG this time lead by officers from the XXXXXX and XXXXXX working together...”
- Inclusion of a ‘fly tipping chapter’ in the HWP Annual Report to underline the importance of the FTG.
- Map and develop the use / availability of ‘free’ / best value communications available via any of the FTG members, e.g. borough / district council magazines, bin hangers and leaflets, poster boxes at HWRCs etc.

**Relevant Stakeholders:**

- All districts
- Herts Constabulary including OPCC
- National Farmers Union

**Activity Lead:**

*To be confirmed*

**Monitoring / Success measures:**

- Number of promotional / educational / awareness raising events held
- Promotional gaps identified and plugged
- FTG quoted by all FTG stakeholders in any press release to do with fly tipping in Hertfordshire
- Reductions in reported fly tips – consider thresholds / targets

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### 4) Working with local JPs and magistrates

#### Rationale:

A common concern raised by local authorities, who are the primary agencies involved when it comes to investigating and seeking prosecutions for fly tipping, is that fines levied by the courts are inconsistent and often do not match either the income made or the costs avoided as a result of illegal activity, thus reinforcing the ‘fly tipping business case’.

In order to address this the FTG intends to work with representatives from Hertfordshire’s magistrates to understand current sentencing guidelines and how this may influence aspects such as evidence thresholds with a view to moving towards a more consistent response from the courts that fully reflects the seriousness of fly tipping as an offence.

#### Principle Activities:

- Review of sentencing guidelines for environmental crime to understand issues such as evidence thresholds – lobby for change if necessary
- Participation in relevant JP / magistrate training events with Herts case studies that highlight the costs and key issues involved
- Seek local agreement on updated Hertfordshire guidance when it comes to prosecuting fly tippers – publicise any local agreement (i.e. toughened stances)
- Investigate the possibility of linking ‘community payback’ schemes to the clearance of fly tipping.

#### Relevant Stakeholders:

- All districts plus the county council.
- Herts Constabulary including OPCC
- National Farmers Union
- Environment Agency
- Herts JP / Magistrates Association (Sue Gadd, Justice Clerk for Hertfordshire / Bedfordshire)
- Keep Britain Tidy

#### Activity Lead:

*To be confirmed*

#### Monitoring / Success measures:

- Compare previous fines levels and supporting rationale with new prosecutions post ‘agreement’
- Tougher sentences being handed down
- Establishment of the ‘deterrent factor’
- Reductions in reported fly tips – consider thresholds / targets

## Hertfordshire Fly Tipping Group – Work Programme Sept 2016 – March 2018

### 5) Hotspot Identification / County wide mapping

#### Rationale:

Whilst fly tipping impacts on the whole of the County, anecdotally there are a number of well know hotspots. A number of the boroughs and districts are currently assessing recent trends to identify hotspots in their particular area.

However, when looking county wide, especially from the perspective of organised fly tipping there are likely to be hotspots on private land that the FTG needs to consider with respect to the work programme going forward especially where landowners have expressed a desire to work with the FTG to tackle fly tipping.

#### Principle Activities:

- All districts to identify their top 5 fly tipping hotspots – either by number of fly tips or tonnage ?
- Liaison with NFU and other private land owner organisations to identify hotspots on private land
- Consideration of principle fly tipping types in relation to identified hotspots
- Action plans drawn up to tackle hotspots – if possible including different approaches in a number of areas to see what works best.
- Dialogue with the County Council’s Community Safety Unit to assess the feasibility of mapping fly tipping incidents recorded in 2015/16
- Hotspots publicised to act both as a deterrent as well as incentivise increased vigilance
- Establish links with surrounding County’s and London Boroughs to discuss and exchange ‘cross border’ intelligence with respect to fly tipping as well as disseminate the ‘Hertfordshire Fly Tipping message’ into areas outside the County where fly tipping may originate from.

#### Relevant Stakeholders:

- All districts plus the county council
- Herts Constabulary including OPCC
- County Community Safety Unit
- National Farmers Union

#### Activity Lead:

*To be confirmed*

#### Monitoring / Success measures:

- Provision of relevant data by each district
- Provision of relevant data by NFU and other private landowner organisations if available
- Hotspots identified and publicised

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<b>6) Reporting</b>	
<b>Rationale:</b>	
<p><b>Key to understanding whether the efforts of the FTG are having the desired impact will be the timely provision of data as reported via the Government’s Wastedataflow system. Whilst Wastedataflow is setup for quarterly reporting the fly tipping module introduced last year to replace the Environment Agency’s FlyCapture system can accept monthly reports.</b></p> <p><b>Currently the FTG Chairman has access to data submissions on Wastedataflow from each of the 10 boroughs and districts. However, by the time quarterly submission have been uploaded, verified and confirmed it can be 6 months before data relevant to a period of enforcement activity is available for analysis.</b></p> <p><b>In addition to this there are a number of other ‘reporting’ issues to be considered if the true nature of fly tipping in Hertfordshire is to be determined.</b></p>	
<b>Principle Activities:</b>	
<ul style="list-style-type: none"> <li>• All districts to re-instate monthly reporting in line with previous Fly Capture practice</li> <li>• Relevant districts to consider how to incorporate fly tipping stats from private land into monthly submissions where this is not already happening</li> <li>• FTG to liaise with private landowner associations / groups to encourage reporting of fly tipping on private land</li> <li>• Systems implemented to keep a separate record of fly tipping on private land for future analysis and trend spotting</li> <li>• Review of arrangements for the general public when reporting fly tipping, i.e. smartphone Apps, web interfaces, SPOCs.</li> </ul>	
<b>Relevant Stakeholders:</b>	<b>Activity Lead:</b>
<ul style="list-style-type: none"> <li>• All districts plus the county council.</li> <li>• National Farmers Union.</li> <li>• Other private landowner groups as identified</li> </ul>	<i>To be confirmed</i>
<b>Monitoring / Success measures:</b>	
<ul style="list-style-type: none"> <li>• Monthly reports being submitted to Wastedataflow by all partner districts</li> <li>• Monthly reporting includes fly tipping incidents on private land where data is provided</li> <li>• Separate totals for fly tipping on private land kept in order to spot trends etc</li> </ul>	

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### 7) The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016

#### Rationale:

Recent Government consultations have highlighted inherent difficulties and costs involved in achieving successful prosecutions for fly tipping. At the same time there is wide spread recognition of support for the introduction of new fixed penalty notices (FPNs) with higher levels of fine attached.

In response on the 9<sup>th</sup> May 2016 the Government introduced the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016. The new regulations are intended to address small scale fly tips, which historically make up the bulk of the incidents reported by local authorities. Under the Regulations FPNs can be issued for fly tipping offences served as criminal penalties in lieu of prosecution for a criminal offence. Fines can range from £150 - £400 with a default level of £200 if no formal agreement has been taken locally.

Whilst the Regulations are relatively new there is already concern with respect to possible implications that may arise from the 10 districts developing individual approaches to the regulations resulting in differing levels of fines and therefore inconsistency across the County as already appears to be happening in at least 2 districts.

#### Principle Activities:

- FTG puts together a generic report to inform Members in each of the Partner Authorities about the new regulations whilst seeking agreement, as far as possible, on a common approach to fines and discounts.
- Same report used to gain formal sign off with respect to adhering to the Defra definition of fly tipping.
- HWP Directors' Group be tasked with presenting generic report to the relevant Member Groups within each Partner Authority

#### Relevant Stakeholders:

- All districts

#### Activity Lead:

*To be confirmed*

#### Monitoring / Success measures:

- FTG members to provide monthly updates with respect to the use of FPNs issued under the new Regulations
- Standard fines and discounts applied across the County
- Reductions in reported fly tips – consider thresholds / targets
- Feedback from private landowners

## Hertfordshire Fly Tipping Group – Work Programme Sept 2016 – March 2018

### 8) Research and Innovation

#### Rationale:

In Hertfordshire and across the UK the ubiquitous dumping of black bags makes up the majority of the number of fly tipping incidents recorded each year. As such UK local authorities are continually looking for effective, low cost solutions to tackle the problem.

To this end the FTG proposes to work with Keep Britain Tidy (KBT) to investigate the behavioural reasoning behind this sort of behaviour with a view to testing potential solutions to reduce this aspect of fly-tipping. The approach would build on previous work of Keep Britain Tidy's Centre for Social Innovation, taking a behavioural science and evidence-based approach to tackling the issue.

This will see KBT work with two partners in areas which have a significant problem with fly-tipping to define and test the interventions. The project will take a phased approach beginning with in-depth consultation with local residents in each of the target areas, in the form of focus groups. The aim of this is to provide essential insights to better understand the triggers and barriers to fly-tipping and to inform and define the interventions that will be tested, including the messages used and the delivery mechanisms.

#### Principle Activities:

- Identify and seek 'in principle' agreement with 2 boroughs / districts (*completed*).
- Agreement on research methodology including local support requirements
- Establishment of focus groups
- Identification of key behavioural aspects linked to fly tipping
- Design and testing of different 'interventions' to reduce / prevent 'black bag' fly tipping
- Final report and dissemination of best practice.

#### Relevant Stakeholders:

- Keep Britain Tidy
- Stevenage Borough Council
- Welwyn Hatfield Borough Council
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#### Activity Lead:

*To be confirmed*

#### Monitoring / Success measures:

The robust monitoring and evaluation of the interventions is crucial to the success of the project. In order to be able to identify the success and impact of the interventions on the ground, incidents of fly-tipping (such as the number of incidents, items tipped, numbers of complaints/reports from residents and the number of bulky waste collections booked) will be monitored before and during the interventions by the partner organisations. Partners will be interviewed at the end of the project to identify what worked well, what could be improved and their observations of impact in order to inform any future iterations of the interventions. If deemed successful, the interventions will be fine-tuned and scaled for wider delivery across the Keep Britain Tidy Network.