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South & East Lincolnshire Councils Partnership

Litter and Fly-Tipping Enforcement and Engagement Strategy (Draft)

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Foreword

This strategy sets out the ambition of the South and East Lincolnshire Councils Partnership to tackle littering and fly-tipping.

Our ground-breaking Partnership which was formed in 2021 by Boston Borough Council, East Lindsey District Council and South Holland District Council, is committed to reducing the incidents of environmental crime which blight our landscape and have a negative impact on our local environment.

We recognise that a clean, litter-free environment has an important role to play in our overall wellbeing, local economy and tourism, as well as our natural environment and wildlife.

We will work hard to build on existing achievements and drive forward improvements that will enable us to tackle these illegal activities.

*To be signed by Leader of each Council

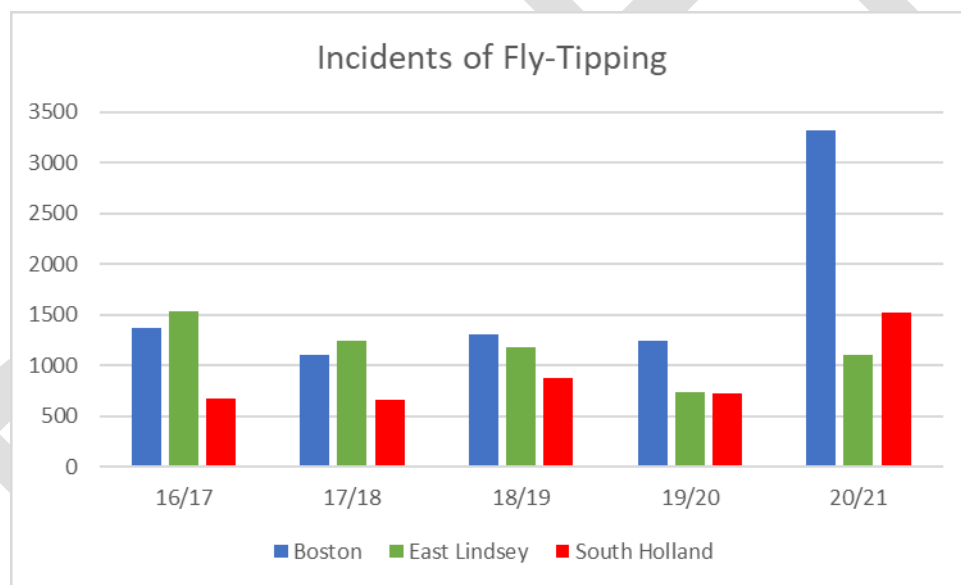
1.0 Introduction

The three Councils within the Partnership are committed to delivering a strategy that will enable communities to take pride in and show respect for their local area. The Councils will promote responsibility among residents, businesses and visitors, whilst also recognising that infrastructure, education and enforcement are critical tools to support this.

The strategy aims to build on previous achievements of the three Councils and their partners, including successful education campaigns, enforcement activity and high-profile prosecutions, targeted cleaning in hot spot areas, and working with partners.

1.1 Data and Intelligence

The chart below shows nationally recorded data for the numbers of recorded fly-tipping incidents by year for each Council. Boston and South Holland have seen an increase in incidents from 2016 to 2021, although the data should be considered in the context of the pandemic, and increases seen nationally throughout this time. In 2022 there has been some fluctuation, with Boston seeing a reduction of 19% from November 2021 to October 2022, likely due to an increase in targeted investigations and enforcement activity.



2.0 Objectives

The South and East Lincolnshire Councils Partnership made a commitment in their annual Partnership Delivery Plan to develop a joined-up approach to environmental crime enforcement, including the procurement of an enforcement service. This strategy focusses on the prevalent issues of littering and fly-tipping and recognises that enforcement is just one of many interventions that can be used to tackle the problem.

The overarching objective of the Partnership is to reduce fly-tipping and littering. We will achieve this by:

- Educating and engaging with the public and businesses to ensure it is seen as socially unacceptable

- Ensuring enforcement is used effectively and appropriately

In order to do this, we will:

- Collect data and intelligence to understand problem areas
- Work in partnership with others including other agencies and community groups
- Use effective communications to ensure the public and businesses understand the legal requirements

This Strategy recognises and supports the [Litter Strategy for England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/618212/Litter-Strategy-for-England-2017.pdf) (2017) which aims to: send a clear and consistent anti-litter message; improve enforcement against offenders; and clean up the country.

Recognition is also given to the Lincolnshire Waste Partnership “Waste Strategy for Lincolnshire”. Boston, East Lindsey and South Holland Councils are all members of the Lincolnshire Waste Partnership and each Council adopted the strategy in 2019. This sets out objectives for waste management in the County, including the collection and disposal.

This Litter and Fly-Tipping Strategy recognises that the waste management infrastructure is an essential part of the landscape for dealing with environmental crime, by ensuring that the public and businesses have adequate facilities. This Strategy therefore complements the “Waste Strategy for Lincolnshire” but focusses on engagement and enforcement.

3.0 Littering

All litter is unsightly and makes our local areas look untidy and uncared for. Litter can be as small as a sweet wrapper, or as large as a bag of rubbish. It can be one item or lots of items scattered about. The legislation also clarifies that discarded gum products, cigarette ends and matches are types of litter.

Litter does not clean itself away. It can take years to degrade, causing harm to wildlife and habitats. Dropping food waste is also unacceptable as it can attract vermin.

Research shows litter contributes to further crime and that people feel less safe in areas that are littered.

The Environmental Protection Act 1990 makes certain bodies legally responsible for keeping land which is under their control, and to which the public has access, clear of litter and refuse and their highways must be kept clean, as far as is practicable. Such bodies include crown authorities, principal litter authorities (local councils), governing bodies of educational institutions and statutory undertakers such as transport companies and operators.

If litter is dropped on privately-owned land, it is either the owner or the occupier who is responsible for clearing this litter away.

4.0 Fly-Tipping

Fly-tipping is defined as the ‘illegal deposit of any waste onto land that does not have a licence to accept it’.

Tipping a mattress, electrical items or a bin bag full of rubbish in the street causes a local nuisance, attracts vermin and can make an area look ugly and run down. At the larger end of the scale fly-tipping can involve several truckloads of waste, such as building and construction waste, being tipped on land.

Uncontrolled illegal waste disposal can be hazardous to the public, especially if it contains toxic material or asbestos. There could be a risk of damage to watercourses and soil quality from the dumped waste.

Clearing up fly-tips is a significant burden in terms of resources and a costly exercise for Councils to undertake at the cost of the tax payer.

Fly-tipping is a serious criminal offence for which you can be prosecuted.

5.0 Enforcement

5.1 Approach to Enforcement

Environmental crimes are illegal acts which harm the environment and are liable for prosecution. They can also have serious impacts on our health and wellbeing. There are no acceptable excuses for committing enviro-crimes and no community should have to put up with such behaviour.

Officers have a range of powers to tackle offenders. We can issue Fixed Penalty Notices (FPNs) however the courts can impose more serious sanctions such as imprisonment, fines up to £50,000, orders to pay costs and orders to deprive rights to a vehicle used to commit the offence.

Enforcement action may arise as a result of an Officer witnessing an offence taking place, evidence found at the scene, a third party witness statement, CCTV or from evidence captured from specialist cameras which have been deployed for this purpose. The cameras are often overt which means that you will be able to see that they are there and they should deter offenders. Signage will also be used to warn people. Where covert hidden cameras are used, we will respect the public's right to privacy and have due consideration to the relevant legislation and guidance.

Each Council will have regard to their published Enforcement Policy when making decisions about enforcement action.

5.2 Littering

The offence of leaving litter, under the Environmental Protection Act, generally applies where a person throws down, drops or otherwise deposits any litter in any place in the open air in an area to which the public has access with or without payment, and leaves it.

In order to tackle littering, we will:

- Promote campaigns to encourage behaviour change
- Carry out high profile patrols and utilise technology such as cameras to support enforcement
- Take enforcement action through issuing Fixed Penalty Notices or pursuing cases through the courts as necessary
- Publicise successful prosecutions through the courts, potentially releasing details of the offender and the sentence through the local media to deter others from offending

Roadside litter is an increasing problem. Not only does it look unsightly, it is harmful to wildlife and the environment and dangerous and expensive to clean up. The registered keeper of a vehicle is responsible for any littering offences which take place from their vehicle. The Council will pursue enforcement action against those who throw litter from their vehicles. As part of the enforcement process Officers will gather information from external agencies including the DVLA.

5.3 Fly-Tipping of Waste on Land

Fly-tipping is the illegal dumping of waste that can have a detrimental impact on the appearance of the area. Each Council takes the offence of fly-tipping very seriously and will pursue enforcement action against those responsible.

In order to tackle fly-tipping, we will:

- Encourage people to take responsibility for their own actions and behaviour
- Deploy CCTV and signage in key areas
- Remove fly-tipping as soon as possible after investigation to deter others adding to it
- Take enforcement action through issuing fixed penalty notices
- Pursue cases through the courts where necessary and publish outcomes as a deterrent

Each Council is responsible for clearing fly-tipping on public land within their boundary where it is safe and practical to do so, but is not responsible for clearing fly-tipping from private land. Private landowners are responsible for the safe and legal disposal of fly-tipped waste on their land and to meet any costs associated. Where cases are reported to the Council, officers may be able to investigate and use all relevant powers to ensure that those dumping waste on private land are prosecuted and any clear up costs recovered from the offender.

The Environment Agency is responsible for investigating larger scale incidents, where it's linked to criminal business activities, or for significant hazardous waste where there is potential to harm the local environment.

Whilst all incidents of fly-tipping are recorded, unfortunately in many cases it can be very difficult to pursue enforcement action due to the lack of evidence or robust witness statements identifying those responsible. To maintain standards of street cleanliness, officers are empowered to quickly remove fly-tipped items where it is clear there is no evidence to support an investigation. Where there is potential evidence, officers will collate this for further investigation.

Officers have power to issue a fixed penalty notice for fly-tipping offences as an alternative to prosecution. This is sometimes a more efficient and appropriate sanction to deal with incidents of 'low level' fly-tipping

For larger fly-tipping incidents, prosecution may be the preferred option. The fly-tipping of waste is a serious criminal offence with the potential for an unlimited fine or up to five years imprisonment. It is also an offence for owner or occupiers to allow or permit fly-tipping on land or premises that they own or rent. Illegally dumping items from vehicles is also classed as fly-tipping. The person controlling the use of the vehicle can be prosecuted. It is possible for a prosecution to occur when only the vehicle, not the driver, is identifiable. The police also have the power to seize vehicles used for fly-tipping

Household Waste Recycling Centres are facilities provided by Lincolnshire County Council. Details of the locations, and what is accepted at each site are available here: [Find a recycling centre – Lincolnshire County Council](#). Other recycling facilities are available within the community, for example in some car parks, supermarket sites, community centres and schools. It is important that these facilities are used correctly. Action may be taken against people who leave items on the ground, on top of or next to bins or leave litter anywhere other than in the designated bins or skips, irrespective as to whether the skip is full or not at the time.

CCTV and signage may be used at these sites to inform the public, gather evidence and act as a deterrent.

5.4 Household waste

Residents are responsible for their own waste and recycling until it is collected and are asked to present their waste in line with published Council service standards. Household waste must NOT be presented early as this can be unsightly, may cause unnecessary obstructions and can encourage pests. Early presentation of waste for collection may be an offence and action could be taken, particularly where this is causing a nuisance, causing an obstruction or restricting access, attracting vermin, or is unsightly.

Householders have a duty of care to ensure that only a registered waste carrier removes household, garden or construction waste from their household/ property. Officers investigating incidents of fly-tipping that can be traced back to an individual property may ask residents to provide evidence in the form of a waste transfer note to confirm that the waste was handed over to a registered waste carrier.

The Councils also provide a comprehensive waste collection service for household refuse, recycling and garden waste and offer a chargeable collection service for household bulky waste items and white goods. Before booking bulky deliveries, residents are asked to consider whether the items they are disposing would be suitable for re-use by a local charity.

5.5 Commercial Waste

Businesses have a legal duty of care to make sure their waste is disposed of safely, appropriately, and legally. This includes businesses operating from home and applies to any waste produced from their business.

Businesses must be sure that their waste is transferred to a company licensed by the Environment Agency to collect, transport, recycle or dispose of it safely. This transfer of waste must be officially recorded on a Waste Transfer Note (WTN). Businesses will receive a WTN from their authorised waste company and this record must be kept and stored by the business for two years.

It is an offence to place business waste in a household or street litter bin or at a household waste recycling site.

5.6 Public Space Protection Order

The Anti-Social Behaviour, Crime and Policing Act 2014 provides a legal framework for tackling nuisance behaviour by introducing a Public Space Protection Order (PSPO). Each of the three Councils use PSPOs as a legitimate means to tackle anti-social behaviour locally, and in partnership with the police. Breaking an Order is a criminal offence which can result in a fixed penalty notice or prosecution. PSPOs can also be used as a means of tackling littering, spitting, urinating, defecating and other anti-social behaviour.

6.0 Engagement

Awareness raising and education are fundamental to the operation of any enforcement work. It is important that the community are listened to and provided with clear information regarding their responsibilities, to enable them to comply with the law.

We aim to achieve this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities, via face-to-face operations, leaflets, Council website, press releases, social media, specific campaigning and joint work alongside our partners and stakeholders.

We will also support broader educational initiatives delivered through our partners to ensure young people are supported to act as champions to promote a clean and safe environment.

Targeted campaigns will be used to address challenging hot spot locations as well as focussing on specific aspects of enviro-crime prevention or supporting other Council and partnership wide initiatives. We recognise the need to work in partnership and commit to liaising with key partners including community groups, to ensure the public are effectively engaged.

As well as working hard to educate the public and businesses, we will sometimes use our communication channels to highlight where criminal action has been taken against offenders. The aim of this is to reinforce messages about enviro-crime, deter others from committing the same crimes, and to reassure residents that we take our responsibilities in this regard very seriously.

7.0 Strategy Delivery

7.1 Action Plan

We recognise the need to deliver this Strategy through tangible actions, which we must be accountable for. We therefore commit to producing an Action Plan to highlight the specific steps in more detail that we are taking to deliver the strategy. This will be available alongside the Strategy on our websites.

7.2 Reporting

We recognise that in order to tackle enviro-crime we need support from the public and businesses to help us identify hot spot areas, offenders and wider environmental issues. We will continue to encourage the public to report illegal activity through our Council communication channels and will act upon information swiftly.

7.3 Complaints

We take our environmental crime enforcement responsibilities very seriously and aim to deliver a high-quality service that helps to prevent and tackle environmental crime. Each Council has an established process for investigating and responding to complaints which is published on their respective website, should it be considered that we have fallen short of this.

If we are investigating or taking enforcement action, we will advise on any opportunity for representations to be made, or a statutory appeal process if applicable. We will always do so in writing and will ensure that these are properly considered in line with any statutory or policy requirements.

7.4 Review

In developing this strategy we are consulting with a wide range of partners who have an important part to play in tackling enviro-crime. We commit to continuing to engage with them to ensure that the strategy remains meaningful.

We will monitor the success of this strategy through monitoring performance. This may include assessing the numbers of reported incidents, time taken to remove fly tips, numbers of Fixed Penalty Notices issued and number that have been paid or are outstanding. We may also use qualitative measures including customer feedback, to assess how we are performing and shape future delivery.

We undertake to review this strategy periodically to ensure it remains up to date and fit for purpose.

Current information about environmental crime enforcement is published on each partner Council website.

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