

Appendix 3: Guidelines for local agreements

Introduction

The Protocol envisages that where there is a fly-tipping/illegal waste crime problem a local agreement should be developed between the Agency and the relevant local authority/ies to reflect local circumstances. This annex sets out areas that could be considered when developing your local agreement.

Key Partners

To successfully tackle the problem of environmental crime it is important that all of the key partners are engaged in developing these agreements. The key partners should consider setting up or linking in with an existing local forum which can consider the problem of fly-tipping/illegal dumping and agree how to best tackle it.

key partners could include:

Local authority:

- Waste collection authorities
- Waste Disposal Authorities
- Environmental Health Officers
- Trading standards Officers
- Planning officers
- Gypsy/traveller liaison officer(s)

Other:

- Local police
- Large landowners (this can include representatives of landowners such as NFU, CLA or any landowner who is suffering excessive fly-tipping problems e.g. The National Trust, Network Rail, British Waterways)
- Local press/media
- Local waste contractors

Context

The agreement should set out the latest national and local “pictures” to provide the necessary background to enable the key partners to understand the extent of fly-tipping/illegal waste crime and to understand their role in tackling the problem. It should include facts and figures setting out the problem, using information from *Flycapture* for example.

Aims

The aims of a local agreement are to:

- set out the detailed arrangements between the local authorities involved and the Agency Area to ensure that the Protocol is followed;
- explain how local issues will be tackled;
- establish an effective working partnership between the enforcement authorities who have signed up to the agreement to ensure that the Protocol is adhered to;
- identify local issues (e.g. local “hot-spots”) that need to be tackled and set out effective working arrangements;
- establish effective intelligence and best practice sharing between the key players;

- identify baseline training needs and options for how these can be provided for key personnel involved in combating fly-tipping/illegal dumping; and,
- agree effective and targeted publicity campaigns to discourage offenders and ensure that convicted offenders are named and shamed as appropriate.

Standard arrangements

This section should set out the agreed resources and working arrangements which enable the relevant Agency Area and local authorities to meet the aims of the Protocol. This could include response times to investigate incidents and carry out any necessary clean up.

In addition the agreement could set out the responsibilities, resources and standard of response to other waste crimes such as unlicensed waste sites, waste burning, unregistered waste carriers etc

Local arrangements

This section should set out additional scenarios which do not have clear national responsibilities but which are of concern in the local area and set out the arrangements for tackling these crimes. The list below suggests some areas that may need to be considered but is not exhaustive:

- Investigation and enforcement action where one or more van loads up to a single tipper load of waste are found fly-tipped up until April 2005^[L1]
- Investigation and enforcement action where there is fly-tipping of multiple small loads of waste which in aggregate exceed the volume of a single tipper load (i.e. greater than 20m³)
- Investigation and enforcement action where there are sequences of smaller-scale illegal dumping or fly-tipping where evidence suggests repeat offences by an individual or group of individuals that might indicate an “organised” crime element
- Surveillance ^[L2]of local fly-tipping “hot-spots” and the subsequent investigation and enforcement
- Frequency, timing of Operation Mermaids (Road stop events run by the police). Follow up enforcement activity following these operations
- Identification of watercourses at risk and responsibilities of each party
- Arrangements for removal of wastes from watercourses including utilisation of Agency resources and expertise
- Arrangements for removal of fly-tipped wastes including hazardous wastes and any agreed sharing of contracts for removal
- Arrangements for storage of seized vehicles
- Strategy to deal with fly-tipping on private land. This could include identifying hotspots, setting out roles and responsibilities and targets
- Duty of Care checks
- Training exercises

Identification of local hotspots

The agreement should use local data to identify and target local hotspots. The agreement should define how an area is classified as a hotspot and set out responsibilities (in accordance with the context of the national agreement) for tackling the defined hot-spots.

Sharing of intelligence

Effective sharing of information between enforcing authorities is essential. The agreement should set out the working arrangement for how intelligence relating to illegal activity should be shared. This section should ideally be agreed in liaison with the local police. *Flycapture* should be used for linking up the Agency and local authorities of any vehicles suspected of being involved in fly-tipping in the area. Confidentiality issues will need to be addressed.

Surveillance

This section should set out the equipment available in the area, location and lead contacts for each key player. Agreement on sharing of equipment, ensuring that the other party is informed when and where any surveillance work will be carried out and commitment to follow up enforcement work for both parties.

Health & Safety

Both partners will share appropriate health and safety information and specifically risk assessment information wherever necessary. Where a joint exercise is mounted, the lead authority will be responsible for ensuring adequate risk assessment and risk control measures are in place. Each partner will have a named individual who will be responsible for ensuring that the respective authorities risk management and health and safety procedures are followed. Any known areas of high risk will be flagged up by these individuals at an early stage.

Designing out Fly-tipping

Opportunities exist to enshrine appropriate planning and design features into projects, so as to reduce the opportunity for the fly-tipper and to maximise the detection of offenders. Local authorities should consider how fly-tipping can be designed out in any refurbishment or development. Both parties could produce a list of areas where design features could help to reduce the problem. Opportunities to increase signage, improve lighting or install cameras should be considered.

Enforcement and Prosecution Policy functional guidelines (EPP)

The Agency has set out its national EPP for waste offences and detailed guidelines on its application. Please see the Agency's web-site for our [enforcement and prosecution policy](#).

Local authorities should consider drafting an Enforcement and Prosecution Policy for waste offences to ensure a consistent transparent approach is used by all key regulators and the sanction for the same crime is the same whichever party undertakes the enforcement action.

Publicity Campaigns

It is important for the key players to consider how they can work to prevent illegal waste activity occurring. The agreement should consider how the key partners use publicity to assist in preventing this crime.

Part of any successful campaign is ensuring that effective publicity is used to report successful enforcement action – so acting as a deterrent to others. The agreement should set out how successful enforcement activity can be publicised and offenders can be named and shamed.

Equally important is promoting the legitimate management of waste. This can be achieved through promoting the waste management Duty of Care and also through clearly promoting local arrangements for waste management such as opening times of civic amenity sites, arrangements for bulky waste collections and any trade waste services that are offered.

It may be useful for the agreement to set out a documented media plan. The partners could consider the waste types, typical offenders, and hotspots that are a problem and set out if any resource is available to run targeted campaigns.

Review and Evaluation

It is important that fly-tipping incidents are tackled and reduced, the agreement is successful and the key players continue to participate and remain enthusiastic and effective. Partners should agree a number of key outcomes with associated success criteria upfront. It may be useful to ensure that the key players receive regular, standard reports.

It is important to set out that this is working document and will need to be reviewed regularly to ensure that the agreement keeps up to date with any legislative, resources, hotspot changes etc.

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[L1] Why up until this date?

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[L2] May want number of campaigns the EA will do with the LA in a certain area, eg we agreed to 2 joint ops a year with one of our LA