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Date: 13/12/2023

Net Zero, Energy and Transport
Committee
c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP



**POLICE
SCOTLAND**

Keeping people safe

David Duncan
Assistant Chief Constable
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Dear Sir Edward,

Re: Enforcement of Fly tipping Offences

The Chief Constable has asked me to write in response to your letter dated 21 November 2023 to Police Scotland in relation to the enforcement of fly tipping offences.

As requested, please see the following information for consideration of the committee.

1. What role does Police Scotland play in investigating alleged fly-tipping offences?

There are three main agencies (SEPA, Local Authority & Police Scotland) who deal with Fly-Tipping in Scotland with the majority of the incidents progressed by Local Authorities in their respective areas.

Police Scotland's area control rooms adopt the following procedure when dealing with calls from members of the public in relation to fly tipping on small or large scale whether in rural or urban locations:

- If a call is received regarding rubbish being dumped in a public place or private land consider the following circumstances; not believed to be hazardous
- If the incident is not ongoing and the rubbish is or near a brook, stream or water channel, an incident will be created after being assessed for urgency and risk, and then direct caller to contact their Local Council online. Alternatively if the caller is unable to access the internet, create an incident and send to the resolution team for progression
- If the incident is ongoing or the rubbish is considered to be hazardous, near a brook, stream or water channel, an incident should be created using a Public Nuisance code, carrying out an assessment again for urgency and risk. Full details should be noted

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including descriptions of locus, suspects, vehicles and waste. At this time the incident will be resourced and Police assets will attend the location of the illegal disposal and thereafter undertake proportionate enquiry to identify the offending party

- Any water contamination incidents are directed to the Scottish Environment Protection Agency (SEPA)

1a. In these cases what engagement would take place between other enforcement agencies such as local authorities and SEPA to coordinate a response?

As per the above, if littering occurs near a waterway and Police receive a report of same, liaison with SEPA will take place. That being the agency with primacy over such matters. In the case of incidents not ongoing Police will refer to the local authority who have the remit to clear the offending rubbish and who are competent to report the offence to COPFS.

Throughout the 32 separate local authorities procedures to deal with fly tipping vary. There are dedicated officers within local authority Environmental Teams that deal with such incidents and local police would liaise directly with them but this is not standard across the country

2. Does Police Scotland have a dedicated resource for investigating waste crime or does this fall under a wider operation of Police Scotland?

Police Scotland does not have a dedicated resource to deal with fly tipping incidents and as explained above it would be dealt with by local Police resources if the incident met the criteria set combined with resources that were not otherwise engaged and available to deal with the matter.

3. What evidence thresholds need to be met before cases are referred to the Crown Office and Procurator Fiscal Service and what are the challenges in meeting these thresholds?

Under Scots Law, there must be evidence from at least two separate sources (corroboration) to establish that:-

- A crime known to the law of Scotland was committed; and
- The accused was the perpetrator

In instances of fly-tipping, evidence is most likely to come from:-

- Eye-witnesses
- CCTV

Given that such offences often occur at night in secluded locations, they can be challenging to detect, however; CCTV has proved to be a vital tool in progressing enquiries.

Operationally the same thresholds apply to all crime recording within Scotland. There must be corroboration of a crime before it can be submitted for consideration by COPFS. Officers also have direct measures, which include issuing Fixed Penalty Notices for offences such as littering and fly tipping.

4. What data is collected by Police Scotland with regards to incidents of fly-tipping and how do you share data between enforcement authorities and with SEPA? Do

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these data reveal increasing or decreasing trends in the occurrence of waste crime such as fly-tipping?

Instances of fly-tipping which are reported to Police result in the generation of a STORM log. A code of AB-15 or AB-24 will be attached to such incidents and the Police Scotland Analysis and Performance Unit (APU) would collate data from the STORM system utilising these codes if requested.

If the incident involves a waterway or is not ongoing it will be referred to SEPA or the local authority to deal with for enforcement. SEPA representatives are also imbedded within the Scottish Crime Campus at Gartcosh where there is ongoing data sharing between SEPA and Police Scotland. There is also a financial investigation team and intelligence team at that location with members of SEPA staff operating across both teams.

The National Rural and Acquisitive Crime Unit now sit on the National Fly tipping Forum and the Strategic Development Group which has been created as part of the new Litter and Fly tipping Strategy. Police Scotland/SEPA/Zero Waste Scotland and Keep Scotland Beautiful sit on these groups and at meetings, matters around both fly tipping and littering are discussed between these agencies.

5. What proactive operations does Police Scotland undertake to tackle waste crime?

Operation Mitriform refers to the large scale theft of cooking oil that is taking place throughout Scotland and the UK. It is believed that the stolen oil may be used in the illegal production of Bio Diesel, with information to suggest the oil is being re-used in food production. The person/s involved in these crimes will fly tip the waste oil on occasions where they think they have been captured on CCTV systems. This crime type impacts on multiple law enforcement agencies: SEPA are interested in the transport of waste cooking oil without a Waste Carriers License and/or without a Waste Transfer Note and the production of illegal biodiesel. HMRC are interested in the fraud aspect and potential tax avoidance in relation to Bio fuel production. Individual incidents are being managed locally with oversight by Police Scotland's National Rural and Acquisitive Crime Unit (NRACU) in collaboration with other Forces south of the Border with HMRC being the lead agency.

Police Scotland has previously conducted Operation Monarda which was a Police Scotland operation to identify and target bogus crime and criminals, including those engaging in fly tipping. This operation achieved significant results in both detecting crime and gathering intelligence. It had been driven by effective partnership working which resulted in a greater awareness of the issue within the service and amongst the wider public.

6. To what extent is Police Scotland aware that fly-tipping is carried out as part of organised crime, or is linked to other forms of organised crime? a. Do you have any information on what proportion of fly-tipping is estimated to be organised crime.

Police Scotland is cognizant of the potential for Serious Organised Crime (SOG) involvement in unlawful waste disposal and it is considered to be more likely where potentially hazardous, and therefore controlled, waste is being illicitly dumped. At this stage however PSoS are not seeing a specific trend in fly tipping as part of organised crime. SEPA are the lead agency on illegal waste disposal.

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7. How does Police Scotland work with other police forces in the UK to investigate and share intelligence on organised waste crime?

Police Scotland works in partnership with all relevant partners, especially SEPA, with regards to organised waste crime. Police Scotland come together under the Multi Agency Tasking and Delivery Board (MATDB), chaired by ACC Freeburn, and both shares trends and discusses what enforcement has taken place in the previous reporting period and what is planned going forward. Under the Serious and Organised Crime Taskforce, Police Scotland is a member of the Environmental Waste Crime Group, attended by all relevant partners and members from the haulage sector.

Police Scotland's National Rural and Acquisitive Crime Unit under the Crime prevention remit of policing liaise directly with Police forces in England and Wales under a national police lead operation named Operation Hawkeye. Police Scotland are joined by Northumbria, Durham, Cumbria, Cleveland and North Yorkshire Police forces where they meet fortnightly to discuss cross border rural criminality which also involves some incidents of fly tipping and the nominals' relating to these incidents who operate in Scotland and cross border. Daily intelligence sharing/communications occurs between the NRACU and officers from Operation Hawkeye.

The UK National Rural Crime Unit came into being in January 2023 and the NRACU liaise with them daily on all matters related to rural crime, including fly tipping when it occurs.

I hope this response is beneficial to the committee.

Yours sincerely,

Davie Duncan
Assistant Chief Constable
Policing Together

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