

	<h2>Environment Committee</h2> <h3>28 November 2018</h3>
<p><b>Title</b></p>	<p>Responding to fly tipping and littering in Barnet</p>
<p><b>Report of</b></p>	<p>Chairman of the Environment Committee</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Urgent</b></p>	<p>No</p>
<p><b>Key</b></p>	<p>Non-key</p>
<p><b>Enclosures</b></p>	<p>Appendix 1: Members item submitted by Cllr Cooke at the Environment Committee held on 13 September 2018</p> <p>Appendix 2: Examples of positive outcomes achieved in areas targeted for interventions and enforcement (Burnt Oak)</p> <p>Appendix 3: Recent communication for the recycling and the collection changes</p> <p>Appendix 4: Introducing side waste collection of card board</p> <p>Appendix 5: Example of what constitutes fly tipping</p> <p>Appendix 6: Map of waste collection round changes</p>
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## Summary

At the Environment Committee on the 13<sup>th</sup> of September 2018, Cllr Cooke submitted a member's item (Appendix 1) in relation to the council's approach to enforcing fly tipping:

The committee resolved:

1. To instruct officers to urgently examine the option to provide a lower rate for a 1<sup>st</sup> offence by residents who have been issued with an FPN for littering/fly tipping in the vicinity of their home.
2. Maintain the process for members to raise complaints about the issuing of FPNs through members enquiries

This report sets out the findings of the review by officers requested by members as per above.

## Officers Recommendations

The Environment Committee:

1. Note the commercial and contractual issues highlighted in section 1.12 of this report in relation to the introduction of a lower rate of FPN for first time offences and agree to the officer recommendations set out in 1.13 of this report that this option be reviewed as part of the annual contract review with the provider and the other two boroughs who have jointly commissioned this contract (Ealing and Harrow).
2. Note the changes to the recycling and waste collection rounds set out in section 1.21 of this report and the new approach to the tasking of enforcement.
3. Note that the member complaints process for FPNs will continue and agree that members can raise complaints of FPNs through member enquiries for FPNs that have been issued in the preceding 30 working days.

## 1. WHY THIS BRIEFING IS NEEDED

- 1.1 At the Environment Committee on the 13<sup>th</sup> of September 2018, Cllr Cooke submitted a member's item (Appendix 1). The key points raised in the members item were:
- That an urgent review is conducted of the NSL contract and the issuing of £400 fines for alleged fly tipping. As part of the review consider incorporating an appeals process and a policy to protect residents who are legitimately trying to recycle by placing their cardboard at the side of their bins.
  - That NSL have an incentive to focus their patrols on the streets where a waste collection is due the same day and to do so before the collection staff arrive.
  - That there is no FPN appeal process short of going to court and therefore risking a criminal record.
- 1.2 Officers have examined the options available to the council to adjust the level of fines issued, maintaining the review process and considering alternative solutions, policy and service changes that can address the issues raised.
- 1.3 It is estimated that Barnet Council spends over £500,000 annually on fly tipping removal and disposal by the Council's Street Scene Services. This sum is the costs estimated following recent Freedom of Information requests on the subject of fly tipping and the response of the Council to the issue.
- 1.4 To respond to the ongoing concerns of residents and members about the level of fly-tipping and littering on Barnet Streets, officers proposed a trial Street Scene Enforcement, delivered through a third-party specialist supplier (NSL). This trial was supported and approved by Barnet Environment Committee on 8 March 2016. The partnership arrangement with NSL ensured that the trial would be delivered at zero cost to the council and commenced in July 2016.
- 1.5 At the Environment committee held on 15 March 2017 officers presented a further report updating members on the progress of the trial which included, costs, impact, the positive feedback and the communications campaign (Keep Barnet Clean Campaign) that was delivered to ensure compliance with the Enforcement Concordat.
- 1.6 In terms of the level of FPN and Penalty Charge Notices (PCN's), the report highlighted that (following discussions with other local authorities to ascertain payment rates which they achieve for similar penalties) Barnet was comparable with other boroughs, however many other authorities did not have an early payment discount rate. The Committee approved the procurement of a Street Scene Enforcement Contract and the recommendation for officers to conduct a review of the Street scene FPN's and PCN's levels (£).
- 1.7 At the Environment Committee held on 5 June 2018, officers presented a report which included the approach to reducing the demand on street scene services

through enforcement. To support the changes both in the Commercial Waste Service and the Street Cleansing service, the council were progressing procurement of a new Environment Enforcement Contract with the West London Alliance Partners (Ealing and Harrow). The new contract would ensure a more consistent approach. The report highlighted legislative changes aimed at discouraging littering through higher FPN fine levels and were set out in the Environmental Offences (Fixed Penalties) (England) regulations 2017. The report proposed an increase in litter FPN fines to £100 and removal of the early payment discount to act as a greater deterrent to such environmental crime.

- 1.8 The proposal was to better align Barnet with the policies of other London boroughs. Members approved the levels of fines proposed, which were then subsequently the levels modelled in the tendering of the new contract. These revised sums were also applied by NSL, following the Committee decision and became effective from the 1<sup>st</sup> September 2018.
- 1.9 The contract notice was published in the Official Journal of the European Union (OJEU) on 16<sup>th</sup> February 2018 (reference 2018/S 035-076395). The contract period advertised was an initial term of three years with three individual one year subsequent extension periods available to the Councils. Following a tender review, the Councils are proceeded to award the contract. The new contract will start on 1 February 2019.
- 1.10 Members had asked officers to consider shared income between the provider and the council. Officers ensured this approach was implemented and have agreed a contract where an amount for each FPN Environment Enforcement paid is passed back to Barnet Council. This will be re-invested to fund on going community communications on environment enforcement and reducing the impact of environmental crime. Any surplus will fund community safety/anti-social behaviour reduction, street cleansing and similar area based approaches to those delivered recently in Burnt Oak in October 2018. Appendix 2 of this report provides members of the positive outcomes achieved in Burnt Oak – which will be subject to a further six-month plan of targeted multi-agency interventions co-ordinated by Barnet Community Safety Team.
- 1.11 The Council has invested a significant amount of time ensuring that the communications with residents and businesses has been thorough when introducing the pilot, using the Council's website, bus stop advertising, promotion in the Barnet First Magazine and hand delivered letter drop into areas about to be subjected to enforcement activity. This has served to educate and warn those locally of the potential consequences of committing waste offences and served to offer help and support if they have any queries to ensure that they can be compliant in their duty of care.
- 1.12 Officers have considered the request from the Environment Committee (Resolution 1 set out in the summary of this report) to introduce a lower rate for first offences. The rate can be reduced in accordance with the legal framework set out at 5.4.5 however the committee must be aware that this would not specifically apply to first offences. Those that have committed the offence before or are prolific offenders are likely to be prosecuted rather than

issued with an FPN. If the rate is reduced there could be an increased risk of littering and fly tipping as the FPN will no longer be viewed as a deterrent.

- 1.13 Therefore, officers are recommending that this option be explored at the first annual review of the contract – February 2020. As part of this review management information on the fines issued, paid, subject to reviews, levels of fly tipping and littering in Barnet will be considered. It is also recommended that an update on the annual review of this contract and outcomes of the service be presented to the Environment Committee following the February 2020 contract review.
- 1.14 Recognising the issues raised at the environment committee on 13 September 2018, officers have considered alternative solutions in two parts:
- A policy change as (set out in section 1.15 to 1.17 of this report). The new Recycling and Waste Policy introduces 'Extra or Side Recycling' for low rise properties. Cardboard boxes, flattened and no larger than a metre squared will be collected for free.
  - The introduction of new recycling and waste rounds across the borough so that all collections are now area based (attached as appendix 3 of this report). The tasking of enforcement will be closely aligned to the new rounds in that enforcement will not take place after noon on the day before the collection and on the collection day itself.

### **Policy change**

- 1.15 On 13 September 2018 members of the Environment Committee agreed to a new recycling and waste policy this includes a new provision for 'extra or side recycling' (policy 13). Different properties have a different selection of bins or sacks provided by the council. Flats above shops maybe provided with either a recycling bin or a clear sack for recycling and a purple sack for residual waste.
- 1.16 The details of which containers are provided for what properties and Barnet's Household Recycling and Waste Policy can be found online at [www.barnet.gov.uk](http://www.barnet.gov.uk).
- 1.17 The policy on 'Extra or Side Recycling' (policy 13) sets out the following provisions:
- Card board boxes that are flattened and no larger than a metre squared can be left next to either the wheeled recycling bin or the clear recycling sack (whichever the household uses to dispose of their recycling). This will be collected for free.
  - No extra side recycling will be collected from Communal Collections, as set out in Policy 2 of Household and Recycling Waste Policy.
  - Special arrangements for extra or side recycling may apply at other times such as Christmas/New Year and Passover. The special arrangements will be published on [www.barnet.gov.uk](http://www.barnet.gov.uk) .

- 1.18 This change of policy means that FPNs will no longer be issued for recycling which is placed by the recycling bin as set out above. It should be noted, however, that if general waste and refuse is placed out in cardboard boxes or clear bags this will not be classed as recycling. **Cardboard boxes must be flattened and no larger than a metre squared.**
- 1.19 In the recent communication for the recycling and waste rounds changes, both leaflets delivered to residents have contained the “Did you know you can now put out flattened cardboard neatly alongside your blue bin for collection? Please ensure this is no larger than one metre squared”. This can be seen in the attached leaflets. (Appendix 4)
- 1.20 The leaflets provide clear information on this policy change. Appendix 5 of this report is a recent photograph (November 2018) of an area in Lambert Way, Barnet, where waste left as shown would constitute fly tipping and not recycling as per the policy and would be subject to enforcement action.

#### **New recycling and waste rounds and targeted enforcement approach**

- 1.21 The recycling and waste rounds across the borough have now been reviewed and changed. The round changes will mean that all collections are now area based (see attached map – Appendix 6). As such the enforcement officers will be made aware of this so that they do not enforce after noon on the day before the collection or on the day of the collection.

#### **Delivering a targeted approach to enforcement to deter individuals from fly tipping and littering**

- 1.22 Barnet Community Safety Team lead on the multi-agency tasking of council and partnership activity in areas subjected to persistent environmental crime with the aim of achieving the following outcomes:
- A reduction in fly tipping and littering in the area.
  - Balancing the needs of the community and protecting their quality of life against the need to seek enforcement action against those who fly tip and litter in the area, impacting the quality of life and the cleanliness of our streets.
  - Identifying the root cause and driver for the fly tipping/waste or littering and addressing it through multi-agency actions (for example street drinking, failure of local business to dispose of waste appropriately) to achieve a more long-term impact and solution.
  - Increase awareness in the locality on compliance and the consequences of fly tipping and littering therefore increasing compliance.
  - Where evidence permits, seeking legal action and sending out a clear message to deter individuals from fly tipping and littering, this can include the confiscation of vehicles caught fly tipping.

- Keeping residents and members informed of action taken to improve community confidence in reporting and working with us to keep their neighbourhoods clean.
- 1.23 In late 2016 forty (40) locations in Barnet were identified as areas where there was persistent fly tipping, littering and anti-social behaviour. Reports were received from members and residents alongside a high number of issues being escalated to senior management in the council. Of the 40 locations 27 have been targeted for multi-agency action, including enforcement resulting in improved cleanliness of the areas. 9 locations continue to be managed through the weekly enforcement tasking meetings held by the Community Safety Team with NSL.
- 1.24 The aim of issuing FPNs is to secure compliance and hold offenders to account for littering and fly tipping. Over 8500 FPN's have been issued since the pilot waste enforcement contract commenced in July 2016.
- 1.25 Unpaid FPNs are referred to the Community Safety Team by NSL for investigation and consideration of a court based prosecution.
- 1.26 In accordance with the Council's Corporate Enforcement and Prosecution Policy cases are withdrawn or not progressed to court usually for the following reasons:
- case review in the interests of justice
  - ineffective service
  - late payment of the FPN

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Street Scene Enforcement Contract has been awarded and tendered in line with the previous agreements and directions of the Environment Committee, in that it enables the council to receive a share of the income generated and the levels of fines agreed at the Environment Committee meeting held on 5 June 2018. To alter changes in the level or structure of fines would impact on the benefits gained through the market testing and joint procurement that has taken place over the last year. It is therefore recommended that this will be considered as part of the one year contract review. Any adjustments would be subject to contract and commercial negotiations with the provider and the other 2 boroughs who have jointly commissioned this service (Ealing and Harrow).
- 2.2 Subsequently the Environment Committee at its meeting held on 13 September agreed the new Waste and Recycling Policy which addressed the recycling issue raised in the members item on 13 September 2018 – the collection of folded cardboard at the side of the bins. Officers have also ensured that this has been added to the leaflets and communicated to Barnet residents. This reduces the risk of residents being issued by an FPN as a result of legitimately attempting to recycle their waste.

- 2.3 Officers have also reviewed recycling and waste collection rounds and re-aligned how enforcement will take place in these areas by ensuring that enforcement is not deployed in the area after noon on the day before the collection is scheduled. Again, reducing the risk and addressing the allegation of enforcement officers inappropriately targeting areas. Areas targeted are those where there have been incidents of persistent fly tipping, littering and anti-social behaviour.
- 2.4 All localities targeted for enforcement have had or will be having increased community engagement (as in Burnt Oak) to raise community awareness of how to dispose of their waste appropriately and the consequences should it not be disposed of as per council policy. It's important for our residents and businesses to take some ownership and pride of their local neighbourhoods, working with us to ensure environmental crime is not tolerated.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

#### **Amending the first-time offence of residential fly-tipping to one of littering.**

- 3.1 The statute for fly tipping is set out under Sections 33 and 34 of the Environmental Protection Act 1990, littering is covered under a separate section of the same act, section 87 and 88. First offenders are given an FPN and those who have offended before or prolific offenders are likely to be prosecuted. Section 1.13 of this report sets out the proposed approach i.e. that this option is considered as part of the annual contract review.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 Ensure the targeting of enforcement action is implemented – in that enforcement will not take place after noon the day before and on the day the waste collection round is due.
- 4.2 Upon the annual review of the contract, after taking into consideration the evidence and management data collected for the new Street Scene Enforcement Contract, to explore the option of a reduced fine for first offences of fly tipping.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 The implication of the decision will ensure that the Environment Committee contributes towards the commitments set out in the Council's Corporate Plan specifically to ensure Barnet's local environment is clean and attractive, it is therefore imperative that appropriate steps are taking to achieve this.
- 5.1.2 The 2015-20 Corporate Plan is underpinned by the principles of Fairness, Responsibility and Opportunity.

5.1.3 The principle of fairness refers to getting the basics right where people can get on with their lives – disposing of waste, keeping our streets clean, resolving issues quickly, managing the demand on services through early intervention and prevention and working with residents to prevent problems rather than treating the symptoms. Where street scene services are concerned this requires an approach which is not dependent on street scene having to repeatedly clear dumped waste (treating the symptoms) placing additional unnecessary budget and demand pressure on the service.

5.1.4 Responsibility – the plan is clear on the commitment to ensure all public service systems play their part in helping achieve priority outcomes with reduced resources and changing the relationship with residents, with residents taking on more personal and community responsibility for making Barnet a great place. In some cases, this will require the council to take steps to ensure compliance and enforce non-compliance where necessary.

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 There are no resource implications as a result of the recommendations of this report. However, if the level of FPNs are reduced there would be financial and contractual implications relating to the current and future contract.

## **5.3 Social Value**

5.3.1 Not relevant for this report

## **5.4 Legal and Constitutional References**

5.4.1 Litter offences are criminal offences and are classified under Sections 87 and 88 of the Environmental Protection Act 1990. Litter is everything from food packaging to cigarette butts and chewing gum.

5.4.2 Fly tipping is the illegal dumping of waste (liquid or solid) and is a criminal offence as classified under Sections 33 and 34 of the Environmental Protection Act 1990. It can vary in scale significantly, from a bin bag of rubbish, to larger bulky waste items being dumped, such as mattresses or white goods.

5.4.3 The Environmental Protection Act 1990 introduced the use of FPNs for Local Authorities. There are no grounds of appeal against a FPN. It is an invitation for an individual to discharge their liability to prosecution. The enforcement policy equally applies to FPN's as it does to prosecutions.

5.4.4 Table 1 below illustrated the fines that Barnet impose and the court fines. This clearly demonstrates that the statute relating to littering and fly tipping imposes strict sanctions to deter individuals from carrying out acts that impact on the quality of life and public realm of their local neighbourhood.

Table 1: Comparison of the Barnet FPN Fine compare the potential court outcome

Offence Type	Min	Max	Default	Barnet Rate	Potential court outcome
Littering (S87/8 offences)	£100	£150	£100	£100	Littering is a criminal offence punishable by a fine of up to £2500 if convicted in a Magistrates' Court.
Fly Tipping (S33/34 offences)	£150	£400	£200	£400	Fly-tipping is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited Fine and up to 5 years imprisonment if convicted in a Crown Court.
Failure to provide Licensed waste carrier of waste proof – commercial waste duty of care (S34 offence)	£300	£300	£300	£300	A failure to be able to provide the proof of lawful disposal of commercial waste is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years' imprisonment if convicted in a Crown Court.

5.4.5 There is no statutory basis for issuing a refund and offenders have chosen to discharge their liability by paying the FPN's in relation to fines issued before 13 September 2018 (the date the new policy was agreed on the collection of side recycling as set out in section 1.15 of this report). In these circumstances, it would be unusual to refund and apply the policy retrospectively. However, if the FPN's were issued outside of the Council's policy at the time then a refund could be issued.

5.4.6 Officers have confirmed they are able to review the new contract in February 2020 and any amendment or modification to the contract will be made in accordance with Regulation 72 of the Public Contracts Regulations 2015.

5.4.7 The Council's Constitution (Article 7 – Committees, Forums and Partnerships) sets out the terms of reference for the Environment Committee:

- 1) Responsibility for all borough-wide or cross-constituency matters relating to the street-scene including parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health;
- 2) To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable;

- 3) To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by the Policy and Resources Committee;
- 4) To receive reports on relevant performance information and risk on the services under the remit of the Committee.”

## **5.5 Risk Management**

5.5.1 A risk highlighted within the Committee Meeting of 13<sup>th</sup> September 2018 is the potential for the Council’s corporate reputation being brought into disrepute in dealing with such offences using a third-party provider. This risk is partially mitigated by the contract monitoring and tasking processes currently in place with the pilot contractor.

## **5.6 Equalities and Diversity**

5.6.1 Being fair and giving equal chances to all our residents is central to Barnet’s Corporate Plan 2016 -2020 and the council’s strategic equalities objective, (SEO), that “Citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the taxpayer”.

5.6.2 Barnet and organisations acting on its behalf are committed to fair treatment for all our citizens balancing their different needs and rights as we support our more vulnerable residents and incorporate the principles of equality into everything we do as a Council.

5.6.3 The public-sector equality duty is set out in Section 149 of the Equality Act 2010. A public authority must, in the exercise of its functions, have *due regard* to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.4 The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity

- race / ethnicity
- religion or belief
- gender / sex
- sexual orientation
- marital status (including civil partnership) to a limited extent

5.6.5 Barnet's Household Recycling and Waste Policy 19 sets out the service of assisted collections for residents with a disability or mobility problem where no one else in the household is able to take the containers to the normal collection point. The collection crews will collect the containers from the agreed collection point, empty the containers and return them back to the agreed collection point. Requests for an assisted collection can be made online at [www.barnet.gov.uk](http://www.barnet.gov.uk) or by contacting Street Based Services on 020 8359 4600. A request for an Assisted Collection will be considered where:

- There is nobody else at the property who could put the containers out for collection e.g. the individual lives alone, and
- The individual can provide evidence of their need, such as receipt of Personal Independence Payment, receipt of Disability Allowance, or letter from their GP.

Once a request is made the service provider visits the individual to discuss their needs, assess their ability to meet the criteria and if appropriate, agree the collection point for the containers. This visit will take place within 10 working days of the service request.

## **5.7 Corporate Parenting**

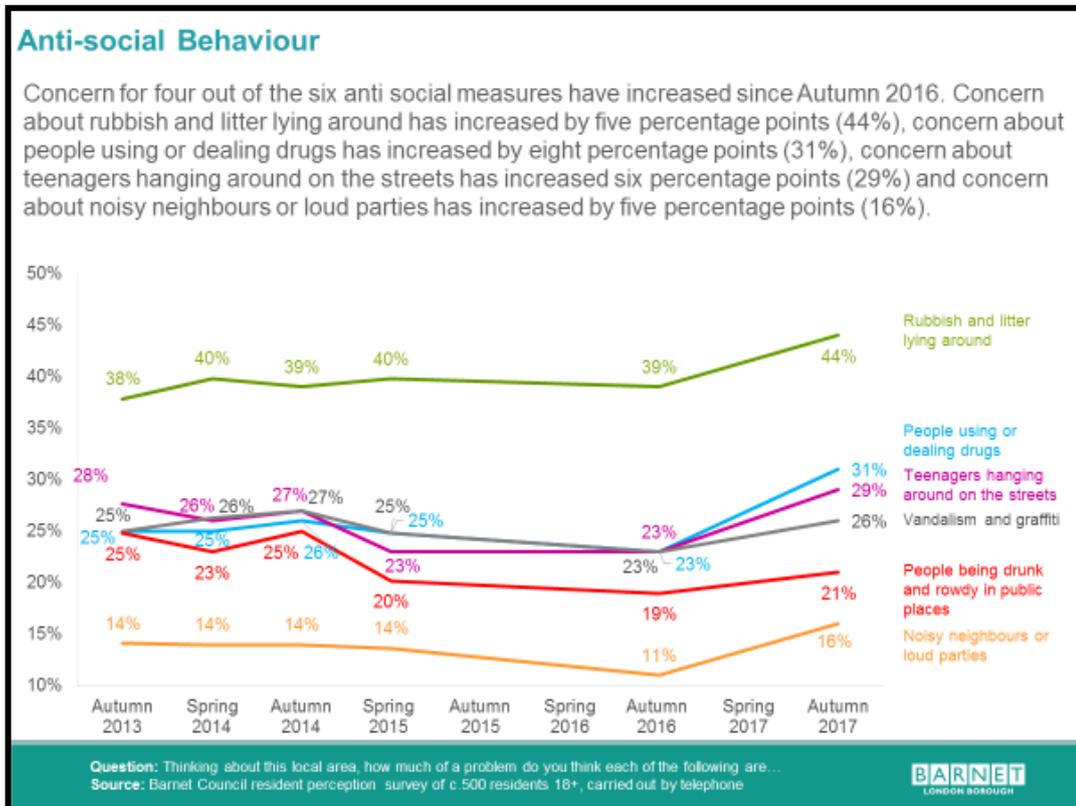
5.7.1 The decisions are not considered to have a direct or indirect impact on children in care.

## **5.8 Consultation and Engagement**

Resident concerns about rubbish and littering

5.8.2 The Autumn 2017 resident perception data highlighted rubbish and litter as a top anti-social behaviour (ASB) concern. Rubbish and littering was also a strong concern/theme in the recent Corporate Plan Consultation (Barnet 2024 Consultation, 16 July 2018 – 23 September 2018), with 70 % of respondents strongly agreeing and an overall 93% agreeing that tackling anti-social behaviour including crime that affects our environment, for example fly-tipping, graffiti, littering and dog fouling is a priority.

Table 2: Autumn 2017 resident perception survey



## 5.9 Insight data

5.9.1 Not relevant for this report

## 6. BACKGROUND PAPERS

Environment committee Meeting Minutes: 8 March 2016

<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=8336&Ver=4>

Environment committee Meeting Minutes: 15 March 2017

<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=8593&Ver=4>

Environment Committee Meeting Minutes: 5 June 2018

<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=9476&Ver=4>

Environment Committee Meeting Minutes: 13 September 2018

<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=9477&Ver=4>

Environmental Protection Act 1990 (and amendments).

<http://www.legislation.gov.uk/ukpga/1990/43/contents>

Barnet Council Corporate Enforcement and Prosecution Policy approved at the Policy and Resources Committee on 21<sup>st</sup> March 2017.

<https://barnet.moderngov.co.uk/documents/s38749/Appendix%203%20-%20Barnet%20Enforcement%20and%20Prosecution%20Policy.pdf>

Environmental Crime – Fixed Penalty Notices.

<https://www.barnet.gov.uk/citizen-home/parking-roads-and-pavements/Street-cleaning/litter-enforcement/fixed-penalty-notice.html>

Street Scene Enforcement Policy and Procedure.

<https://barnet.moderngov.co.uk/documents/s30193/Streetscene%20Enforcement.pdf>

Environmental Protection Act 1990 (and amendments).

<http://www.legislation.gov.uk/ukpga/1990/43/contents>

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Environmental Crime – Fixed Penalty Notices.

<https://www.barnet.gov.uk/citizen-home/parking-roads-and-pavements/Street-cleaning/litter-enforcement/fixed-penalty-notice.html>

Street Scene Enforcement Policy and Procedure.

<https://barnet.moderngov.co.uk/documents/s30193/Streetscene%20Enforcement.pdf>

## **Appendix 1:**

### **Members item submitted by Cllr Cooke at the Environment Committee held on 13 September 2018 on the Fixed Penalty Notice process for fly tipping**

*'I propose that there be an urgent review, and report back to the next meeting of the Environment committee, of the terms of the contract with NSL to issue £400 fixed penalty notices for alleged fly tipping. All the money received for such "offences" is retained by NSL and there is no legal definition of fly tipping or any requirement for the penalty to be commensurate with the "offence".*

*Therefore, the contract gives NSL no commercial incentive to invest resources in dealing with serious offences that are commonly regarded as fly tipping but instead to go after easy targets such as residents putting out cardboard packaging from deliveries to their home address next to but not within their blue recycling bins intending that it be collected by the Council.*

*NSL even has an incentive to focus their patrols on streets where a blue bin collection is due that day and to do so before the collection staff arrive. There is no appeal short of going to court and risking a criminal record. Those who have paid the fixed penalty under that pressure just for trying to be good citizens and participate in the Council's recycling scheme should have their money refunded. I ask that this review looks at incorporating an appeal process and a policy to protect residents who are legitimately trying to recycle.'*