

Seeking Solutions for Waste Tyres:

Informing the Environment Agency's Waste Tyres Programme

Setting Up An Effective, Collaborative Enforcement Campaign – Waste Tyres

January 2004

This document is offered as reference material for the Environment Agency, Local Authorities, The Police and Tyre Retailers. Anyone seeking to use it should bear in mind that every situation is different and look carefully at the aims and assumptions below.



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Please note: This report is a reference paper which is now being made available for wider circulation and use.

It has been developed by a working group – the Enforcement Working Group - and agreed by the stakeholders involved in the Waste Tyres Dialogue (about 150 in total).

Context

The Waste Tyres dialogue, of which the Enforcement Working Group is part, was initiated by the Environment Agency (EA) in 2001 to try and develop solutions to waste tyres in England and Wales. A key driver behind this is the EC Directive 1999/31/EC on the Landfill of Waste that will prohibit the disposal of whole tyres to landfill from 2003 and shredded tyres from 2006. It is estimated 30% of waste tyres in England and Wales are currently disposed of to landfill.

The objective of the dialogue is to support a sustainable disposal and recovery system for tyres by seeking agreement amongst stakeholders of how the change in legislation can be complied with. The outcome of this process is to identify actions to prevent environmental damage caused by illegal dumping and disposal.

The dialogue has a Main Group of some 150 stakeholders, around 50 of whom have met about once every six months since July 2001. The Main Group established three working groups to look at aspects of waste tyres in detail and put forward proposed ways forward to the Main Group. The three working groups are:

- The definition of waste as applied to tyres, and the revision of exemptions from waste management licensing;
- Guidance for the clearance of tyre stockpiles;
- Guidance for setting up an effective enforcement campaign.

The working groups have been tasked to develop detailed proposals for consideration by the Main Group. It is the Main Group that has been set up with the decision-making authority.

Members of the Enforcement Working Group

Richard	Bolton	Wakefield Metropolitan District Council
Ralph	Crouch	Environment Agency
Tony	DiGravio	Pirelli Tyres
Craig	Fellowes	Warwickshire Police
Debbie	Gilbertson	Waste Tyre Solutions
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1. INTRODUCTION

Fly-tipped tyres have become a common sight on roadside verges, vacant industrial land and private car parks. Not only are they an eyesore and potential fire hazard, but also represent a significant cost to local authorities and private companies in clearing them and arranging authorised recovery or disposal. The public is no longer prepared to accept the loss of amenity created by this type of tipping and elected representatives are keen to address it. Enforcement action against flytipping has increased in priority for enforcement agencies.

The Landfill Directive ban on the landfill disposal of whole tyres in July 2003 and shredded tyres in July 2006 will remove some locally accessible disposal options and

reduce overall UK disposal/recovery capacity. As such the cost of dealing with used tyres is set to rise, creating investment opportunities to improve and increase tyre recovery capacity. However this may provide more impetus for illegal activity, including disposal.

It is a criminal activity to deposit waste tyres on land which does not have a waste management licence or which is not registered as a relevant exemption. Enforcement and prosecution powers are available to deal with fly tipping where the necessary evidence is available.

There are ways to improve Duty of Care awareness and compliance and so reduce the potential for used tyres falling into the hands of illegal operators. The collaborative enforcement campaign described in this document has been developed from a campaign, which took place in West and South Yorkshire during 2002/03. This campaign focused on enforcing Duty of Care on waste tyre producers as a means of preventing illegal disposal.

The Duty of Care for waste requires, among other matters, that any holder of waste take all reasonable steps to only pass it to an authorised person and ensure that it is handled correctly by others. The holder of waste has a responsibility to know where their tyres are being taken to for disposal/ recycling.

This document sets out a generic guide for local enforcement bodies, namely the EA and Local Authorities (LAs), to devise and implement an effective collaborative enforcement campaign within the context of resources available to them.

2. AIMS

- Reduce unauthorised disposal or treatment of waste tyres.
- Support legitimate tyre businesses.
- Identify and punish offenders.
- Inform the public and tyre industry of the legislation and their responsibilities.

3. ASSUMPTIONS

- There is a problem with fly tipping of tyres in the area.
- LAs and the EA in the target area have an interest in contributing to the project (other stakeholders, namely the Fire Service may also have an interest).
- Interested organisations are willing to maximise their resources by working together.
- Improving Duty of Care practice will lead to reductions in tyres passed to illegal collectors and hence reduce illegal disposal.

4. OUTLINE PROJECT PLAN

The outline project plan is drafted as a result of a perceived problem having been identified. It is then necessary to establish the scale of the problem through collation of existing data and/or gathering of new data.

After the initial phase there will be a period of identifying and approaching partners, obtaining resources and planning the steps of the project. Parameters by which success can be measured should be decided at this stage. Project implementation can then be followed by a review of the project aims against the measured outcomes.

Purpose: educate and enforce Duty of Care for waste at tyre dealers, tyre collectors and garage services

Explorations	<ul style="list-style-type: none"> ▪ Identify leadership ▪ Develop understanding of the scale of the problem ▪ Identify current cost for disposal of flytipped tyres ▪ Identify key partners ▪ Identify other interested stakeholders / partners e.g. police, ENCAMS¹, trading standards, community groups, media and tyre industry including dealers and collectors ▪ Identify desired outcomes ▪ Identify people and financial resources ▪ Identify availability of campaign materials ▪ Identify other recent or current campaigns taking place locally and nationally ▪ Identify information needs, including legislation
Project planning	<ul style="list-style-type: none"> ▪ Confirm role of project partners ▪ Confirm resources and materials available ▪ Establish mechanism for partnership work – meetings & communication ▪ Establish any necessary links with other campaigns ▪ Scope media opportunities to send campaign messages to wider audience ▪ Ensure relevant information is made available to all project partners ▪ Develop understanding of relevant legislation and powers ▪ Succession plans if people move on ▪ Risk assessment of campaign activities to be carried out, e.g. potential aggressive behaviour on site visits ▪ Establish project programme – who, what, when, how ▪ Informing the relevant tyre trade associations²
Implementation	<ul style="list-style-type: none"> ▪ Implement programme ▪ Review progress and adapt as necessary ▪ Ensure communication with project partners ▪ Consider media opportunities
Project Closure	<ul style="list-style-type: none"> ▪ Review effectiveness ▪ Identify successes ▪ Publicise within project partners ▪ Consider media opportunities locally and nationally

5. INFORMATION MANAGEMENT

There is potentially a lot of useful intelligence held in the partner organisations.

The exchange and handling of this information must comply with the relevant legislation. This includes the Data Protection Act 1998, the Human Rights Act 1998

¹ ENCAMS operate from regional offices based on RDA regions - www.encams.org

² National Tyre Distributors Association (info@ntda.co.uk) and Vehicle Dismantlers Association (mail@mvda.org.uk)

and the relevant environmental legislation relating to the offence(s). The latter provides the necessary legislative 'gateways' for information exchange. Where doubt exists over the legality of exchanging information legal advice should be sought. The National Criminal Intelligence Service (NCIS) have drawn up a very useful Code of Practice for The Recording and Dissemination of Intelligence Material which can be downloaded from their website <http://www.ncis.gov.uk/publications>.

NCIS have also developed the National Intelligence Model. The model is essentially a business process for the use of intelligence and includes standard methodologies for intelligence analysis. The model has been adopted by NCIS, the Police Forces, and HMCE. A number of other enforcement agencies, including the Environment Agency are also looking to adopt the model.

5.1. Information Gathering – Preparation prior to the commencement of the campaign

If compliance visits are to be effectively targeted you need to collect as much of the following information as possible before such visits commence.

5.1.1. Identify:

- Legitimate carriers and disposers (refer to Used Tyre Working Group – <http://www.tyredisposal.co.uk/> - and Responsible Recyclers Scheme – <http://www.tyresafety.co.uk/>).
- Unauthorised carriers and disposers. Look at previous prosecutions and warnings.
- Retailers and other businesses who are known to be compliant with Duty of Care.
- Retailers and other businesses who are not compliant with Duty of Care. Look at previous prosecutions and warnings.
- Scrap yards both licensed and exempt, and also those that are unauthorised.
- Marginal players e.g. back garden mechanics, travellers, etc.

5.1.2. Where are the fly tipping hotspots:

- There may be instances where tyres are cleared away by different council departments and by private business without the knowledge of the enforcing authorities. There may be a need to improve data collection within LAs and encourage reporting from the public and business, in particular large chain fitters. The flytipping hotspots scoring matrix and assessment sheet can be used for creating a prioritised list of hotspots. See appendix 1.
- Helpful to record the size and nature of the tipping e.g. small or large amounts, on rims, commercial or passenger car.

5.2. Sources of information

- The EA Environmental Crime Service provides information to support EA Enforcement Staff (e.g. vehicle registration, telephone subscriber information). It is also developing its ability to conduct Crime Analysis

and intends to roll out tools and training so EA Areas can conduct their own analysis from 04/05.

- Phone calls from the public – There is a need to check whether organisations outside the EA record such incoming information, there is also a need to advertise and promote the EA's 0800 807060 number for reporting fly tipping.
- The EA has procedures for recording and responding to all reports of flytipping (if you want to know more about this, see the EA's customer charter available on the EA website at <http://www.environment-agency.gov.uk/commondata/105385/customercharter.pdf>).
- Good working relationships maybe built with legitimate business through regular contact.
- Organised surveillance – this could be done jointly with other enforcing bodies. Must be compliant with Regulation of Investigatory Powers Act (RIPA).
- Producer visits using trained staff and set proforma.
- Remember to utilise LA and EA staff outside the project.
- The use of the tyre industry who maybe able to assist in identifying forecourt dumpers, providing specific information on carriers offering cheap disposal, and promoting EA/LA hot line numbers.
- Approach the Police to establish a reliable interested contact within the local force. (This should be encouraged).
- Identify business or voluntary groups who could make a real contribution.
- Try to reconcile sales figures with disposal figures from tyre retailers. NB; The EA have the power to ask for sales figures as well as disposal figures (Using EPA '90 - Section 71). The EA can seize documents/anything relevant to the investigation under Env. Act '95 - Section 108.
- Other relevant knowledge – e.g. vehicles involved in fly tipping where there is no record of the registered keeper. (Exchange of information, e.g. between EA, Police and LA may lead to the keeper of the vehicle being located where vehicle registration checks have failed to identify current keeper. This may lead to patterns being established so that surveillance can be targeted.)

5.3. Exchange of information

Certain methods of exchanging information may fall foul of data protection/human rights legislation. All parties should make themselves aware of the 'National Intelligence Model'.

5.3.1. Suggested options for information exchange

- The EA NIRS (National Incident Recording System) – is a database of all recorded incidents. LAs and other enforcement bodies can request this information.
- Information from Police Intelligence Systems can also be made available subject to agreement with campaign partners.
- Set up own local database managed at a single point, likely to be EA.
- Set up Formal Local Enforcement Group.
- Informal regular meeting to exchange information.

- Set up e-mail group or notice board

5.4 Managing collected data

- Review and quality assure collected data.
- Do not collect superfluous information.

6. PARTNERSHIPS

6.1. Purpose

To exploit the synergistic effect of partnership activity in respect of enforcement activity.

As with many other enforcement activities, a campaign to address the problem of fly tipped tyres cannot be undertaken in isolation. The disparate agencies, groups and individuals that are involved in the regulation of the tyre supply and disposal chain, if they work together, can maximise the impact of their efforts and make for efficient use of resources.

6.2. Establishing the Partnership

- Partnerships are usually established as a result of an invitation to contribute. Initiatives need to be driven, serviced and resourced. Invariably one or two organisations will need to take the lead.
- Not all partners will be in a position to contribute equally. However each partner's contribution is potentially valuable and should be recognised.
- Partnerships will only survive where partners feel that they are contributing to and benefiting from the arrangement. It is necessary to establish a clear outcome vision to which partners can sign up.

6.3. Developing and Maintaining the Partnership

- It is vital to explore areas where partnership working is easier and to look for initial quick wins.
- Although LAs are key partners, it is unlikely that all LAs will be able to contribute to the campaign. The initial success of a campaign will hopefully provide encouragement for more authorities to contribute to similar future initiatives.
- Communications routes are vital, in particular feedback mechanisms to partner organisations.

Partnerships – Examples of Good Practice

- Sheffield City Council and the local EA enforcement team informally share CCTV equipment and assist each other in investigations.
- In Wakefield, joint investigations of fly tipping incidents with the police has lead to the seizure and impounding of unroadworthy and unlicensed vehicles used in fly tipping incidents.
- A major campaign was carried out in 2002 in the Agency's NE Thames area, mailing Duty of Care information to 4,000 tyre and garage businesses. This was followed up with around 150 site visits in collaboration with several participating London Boroughs including Newham, Enfield and Barking & Dagenham. As a result, Duty of Care awareness and the quality of transfer notes has improved, operations by some illegal carriers have reduced and local council staff have become fully conversant with Duty of Care responsibilities, enabling them to carry out future unannounced checks. Two prosecutions have been made and more are under consideration. In South and West Yorkshire – the EA formed partnerships with 8 LAs. This led to 160 Duty of Care site visits by the partnership, subsequent enforcement activity and provided a communication link for other joint initiatives.
- A tyre campaign run jointly between the Environment Agency and Hull City Council was launched in November 2003. Around 600 tyre and garage businesses in the Hull area were targeted with a questionnaire and mouse mat to confirm their Duty of Care responsibilities. The public was also invited to report fly tipping incidents to assist enforcement action by the Council and Agency. Follow-up visits will reinforce the messages and get better understanding on level of awareness on responsible disposal.

7. LEGISLATION AND POWERS

There are various legislative powers that enable different regulatory bodies to search and enter premises, gather information, seize documentation, gather evidence and remove waste.

A summary description of these powers can be found in Appendix 2.

8. TRAINING AND LIAISON

Staff involved in the campaign may be EA officers, LA staff, the Police and other regulatory bodies.

All staff must be aware of relevant legislation and the correct enforcing body with regard to that legislation - see appendix 2.

Training sessions and refresher sessions can be held for LA, EA and Police officers, preferably together so that they can benefit from each other's experience, and develop informal links. It is useful to produce a list of all involved staff, their geographical areas of work and expertise.

Knowledge of enforcement, PACE (Police And Criminal Evidence Act 1984), etc. varies widely and should not be taken for granted; some staff may need additional training.

Representatives from the tyre industry can be called upon to provide up to date information on the tyre industry, tyre recovery and disposal infrastructure and indicative costs. The purpose of this is to ensure that staff who are visiting premises are able to estimate the scale of the legitimate operation.

All staff must be aware of the possibility of walking in to a hostile situation and follow their organisation's risk assessment procedure.

Staff will be provided with standard proforma for the recording of information gathered at compliance visits. Experience shows that the more detailed information collected is, the better. Inexperienced staff may just catalogue number of tyres moved and get little information on destinations and carriers.

It is also useful to try and establish a depots weekly arisings to establish if the collected volumes are sensible.

- **The use of the proforma may be helpful– see appendix 6**

Try and establish a contact with the local magistrate to raise their awareness of the enforcement campaign and the potential penalties for repeat offenders. This could take the form of an awareness day for the magistrates to include facts and figures about the amount of flytipping occurring and the costs for clearing it up. 'Costing the Earth: Guidance for Sentencers' is a useful document to refer to, see http://www.magistrates-association.org.uk/documents/cote/cote_toolkit_summary.doc

Training Elements of South & West Yorkshire Campaign

- Duty of Care and definition of waste. See presentation appendix 5 (plus refer to definition of waste tyres paper).
- Tyre industry and what to expect at garages – preferably given by a representative from industry.
- Responsible recycler scheme – preferably given by a representative from industry.
- Compliance monitoring visits – see monitoring form appendix 6.
- Enforcement options.
- Special Waste and Oil Storage Regulations.
- Health and safety.

9. THE CAMPAIGN

9.1. Potential activities

1. Targeted tyre producer visits e.g. tyre retailers, vehicle dismantlers, registered waste carriers, and small garage services.
2. Targeted surveillance.
3. Education.
4. Publicity.
5. Enforcement action.
6. Performance assessment.

9.1.1. Targeted tyre producer visits

A model for targeted visits to waste tyre producers can be taken from the West /South Yorkshire campaign, although obviously, details will vary according to circumstances.

Targeting

Types of business to target were identified using the local knowledge of the officers involved, records of previous enforcement, information gathered during a pilot campaign, and by looking at the nature of the flytipping. It was found that LA neighbourhood wardens had very useful local knowledge about the businesses in their area.

In the South & West Yorkshire area a large prosecution case had taken a major illegal operator out of the picture 18 months before. As a result fly tipping was for the most part in small loads of 10 to 20 tyres. A decision to target small back street garages was therefore taken.

Compliance Visits

Visits carried out by suitably trained EA or LA officers using the standard proforma appendix 7 with the aim of establishing the following:

- Compliance with Duty of Care
- Keeping of adequate records
- Use of Registered Waste Carriers

- Use of authorised disposal sites
- Are the numbers of tyres disposed of in line with the size of the business?
- Are waste storage and containment adequate?
- Are other wastes such as oil, batteries and scrap stored and disposed of in line with relevant legislation.
- The Inspectors perception of the legitimacy of the operation

The first visit may then lead to further action as detailed in the enforcement flow chart in section 9.6.1.

Compliance visits may be preceded by a mailshot letter warning of the intention to carry out the visits. See letter appendix 7. This has been found to be useful in raising awareness but could result in fabricated transfer notes being produced.

9.2. Targeted surveillance

Targeted surveillance should be considered at sites where sufficient intelligence warrants enforcement action with regard to the operating of unauthorised activity. The scoring matrices and assessment sheets illustrated in Appendix 1 of this paper are tools that can be used to aid the prioritising of sites to be targeted. Such surveillance operations should be risk assessed. It is essential that such surveillance operations be carried out by staff who are trained in surveillance techniques and competent with PACE and RIPA requirements. For example, the Agency Area-wide Special Enforcement Teams, the Police and LAs.

9.2.1. Tyre Flytipping Hotspots

The reporting of flytipping by the general public and businesses should be encouraged by the Agency. Repeated flytipping of tyres on retail premises should be classed as flytipping hotspots. Once the Agency is aware of a flytipping hotspot enforcement action can then be prioritised using the Flytipping Hotspots Scoring Matrix and Assessment Sheet as used in the Ridings Area of the North East Region (see appendix 1). Retail premises and other businesses should be encouraged to install CCTV on their premises, which would act as a deterrent for further flytipping of tyres and also provide evidence to aid a prosecution.

9.2.2. Tyre Stockpiles

Tyre stockpiles should be targeted for enforcement action by the EA Area Specialist Enforcement team. In the Ridings area of the North East Region tyre stockpile sites are 'scored up' using a system similar to the flytipping hotspots matrix scoring system. This method creates a 'priority listing' of illegal sites and therefore provides a system for targeting enforcement action where resources are limited. An investigation, usually involving targeted surveillance (following Regulation of Investigatory Powers Act 2000) can then commence with a view to prosecution. Repeat offenders or stockpile sites that reappear score higher and therefore move up the priority listing. See appendix 1 for the Illegal Sites Scoring Matrix and Assessment Sheet. Note that the Illegal Sites Priority Listing and Scoring Matrix are used for all sites operating without a waste management licence not just tyre stockpile sites.

If continued criminal activity is occurring you can contact your local police station to request a police officer to accompany you to the site.

9.2.3. Tracking devices

There are a number of devices on the market that aid the tracking of waste tyres. These involve the placing of a device amongst waste tyres that the Agency expects to be illegally deposited. The device uses Global Positioning Satellite Technology (GPS) to relay a signal via a modem or mobile phone to enable the waste tyres to be tracked on its journey. Computer software would be required. Such devices vary in cost.

9.2.4. Electronic tagging of tyres

Proprietary electronic chips are available which can be implanted into tyres. Some authorities have used these as a means of gathering evidence against those engaged in tyre fly-tipping by covertly chipping used tyres stored outside a premises, which they have reason to believe may be later dumped. This then enables a pile of fly-tipped tyres to be scanned, and a direct link to their source to be established where chips are present.

There is interest from some quarters in chipping all tyres at manufacture. While this may be technically possible, and the chip capable of surviving both the manufacturing process and the subsequent arduous life of a tyre, there are questions of whether the administrative records needed to identify those engaged in fly-tipping activity would be sufficiently accurate and useful to be effectively applied. Changes in ownership of the tyre would have to be meticulously maintained to track the tyre from point of sale through to point of disposal (a tyre is unlikely to be removed at the same place it was originally fitted).

9.3. Education

Key messages should aim to reduce the potential for fly-tipping used tyres and in particular to prevent tyres getting into the control of people who might fly-tip tyres:

- Inform Duty of Care requirements
- Complete a Waste Transfer Note
- Pass used tyres only to a registered waste carrier – check registration
- Check where your tyres are going to
- It's your responsibility
- Illegal dumping attracts fines and prison sentences

The EA has a stock of 'Tread Carefully, waste tyres – your legal Duty of Care' booklets³ to use as a campaign tool. A Defra Duty of Care leaflet is also available⁴, as is 'Your Rubbish and the Law - a guide for businesses' Encams leaflet.

The public and tyre trade should be encouraged to phone the Agency's Hotline 0800 80 70 60 to report any flytipping. Incidents are recorded and notified to relevant officers. Even if no action can be taken against unknown traders, the record provides evidence of criminal activity and can help justify wider actions such as further tyre campaigns.

³ **Tread Carefully** booklet was revised in October 2002

⁴ **Waste-Duty of Care** available from Defra free publications 08459 556 000, product code PB 75 01

The tyre trade should be made aware that used tyres are ‘controlled waste’⁵. Therefore anyone handling, transporting, storing, processing and recovering/disposing of used tyres needs to understand the relevant controls, such as registration of waste carriers or exemptions from licensing, that might apply.

Campaign materials can make reference to prosecutions taken against illegal tyre operators. During 2002 & 2003 the courts have given some sizeable fines and prison sentences. Details can be found by searching the news releases from the EA’s website <http://www.environment-agency.gov.uk/news/?lang=e>.

9.4. Publicity

9.4.1 The Approach

Publicity can add value to the campaign, reinforce key messages and make wider audiences aware that regulatory bodies are active in this sector. Participating organisations may also consider any opportunities of promoting their corporate objectives.

Several approaches are mentioned in this section, but it is recommended that advice be sought, for example from in-house communications colleagues of all partners, at an early stage in the campaign development. Partners should be aware of any wider current or proposed campaigns, which they could link into.

It is unlikely that paid adverts in any media will prove cost-effective – it is difficult to guarantee you will reach the target audience.

Programmes such as “The Life of Grime”, have helped to raise awareness of the work being achieved by LAs and other regulatory bodies within the environmental field. Tyre campaigns and any consequent prosecutions can be put into a similar context of improving the local environment.

As there are a number of “campaign/story” types, each one should be offered to the correct section of the press or broadcast media. It must be decided whether the item is news, e.g., an event that is linked to a specific date, possibly a one off event, whether it is a feature, e.g. possibly a “human interest” story or whether the item is an event, e.g., a promotional stand at a local trade show, which is to be included in a listings section.

9.4.2 The Use of the Local Media

Use of the local media can be a successful method of reaching a particular target audience. Such media may include the local press, the free press - which is distributed to all residential properties, community press - which is distributed to all council tenants, local radio and television. Other media might include local web sites, e.g., LA sites.

A wider approach to raise awareness of tyre flytipping can be made by involving local community groups, schools and colleges or by targeting a particular area/beauty

⁵ See *The Definition of Waste as applied to Tyres, Report 1* available from The Environment Council

spot, which is heavily fly tipped. Many of the target audience e.g. tyre dealers & garage services, will also live and work within the community to be targeted.

The important thing is to be creative. On occasions the campaign may only receive a small amount of media exposure, as such it is important to get an interesting story - one, which will capture the reader/listeners imagination.

Never underestimate the power of photography, particularly when dealing with fly tipping cases. Before and after shots of a local beauty spot, which is heavily targeted by the fly tippers, can have a great impact on the reader, particularly if such photographs are teamed with a fly tipping hot-line number.

Most local press and radio also have a forthcoming events diary. If the campaign is to include a promotional event, this event should be mentioned in this section in order to raise awareness.

If following a campaign, a number of successful prosecutions are achieved it is important that this information be publicised. News releases can be issued relating to each successful prosecution. Not only will this raise awareness of the results of enforcement action, which can be taken against offenders, it should also act as a deterrent to others.

9.4.3 The Use of the National Media / Tyre Trade

National media may also be utilised, particularly if the campaign has novel features or implications beyond the local level.

Such media could include the national press, radio, and web sites, e.g. TyreWatch pages on the EA site.

There is widespread interest across the tyre trade in tyre-related events, including campaigns and prosecutions. It is important to 1) inform the main tyre trade associations prior to any work likely to affect members, in particular the National Tyre Distributors Association if the tyre industry is to be targeted for example, via a mail shot, and 2) publicise any campaign in the trade press, use of the trade press will reinforce key messages and raise awareness of continuing work by regulatory bodies.

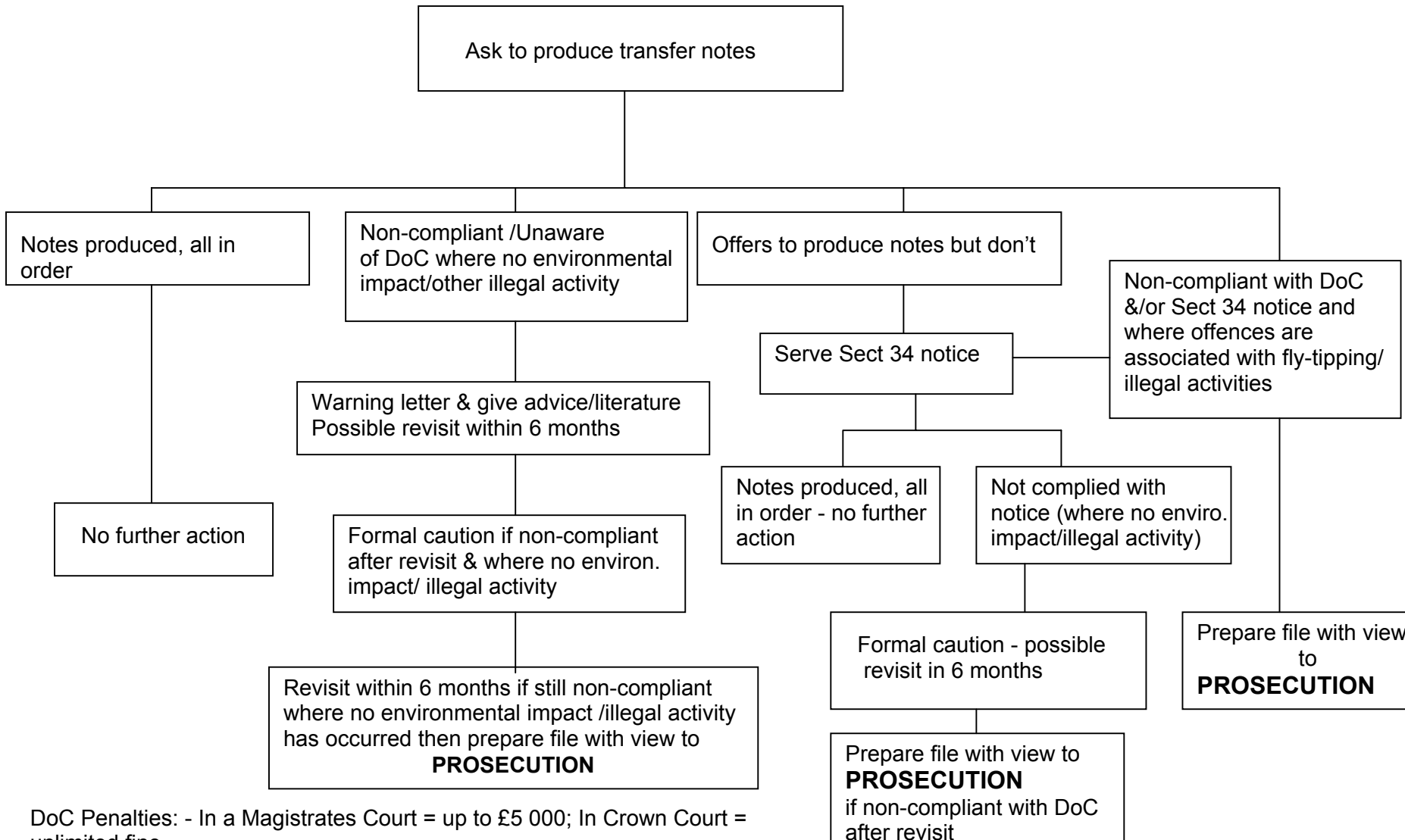
Prosecutions should also be publicised in the trade press, as again this raises awareness as to what enforcement action can be taken and should act as a deterrent to others. Significant prosecutions should be reported to the Used Tyre Working Group.

Details of tyre media are set out in Appendix 4

9.5 Enforcement Action

9.5.1 Duty of care – see flowchart below

Tyre Duty of Care Campaign: Enforcement Action Flow Chart.



DoC Penalties: - In a Magistrates Court = up to £5 000; In Crown Court = unlimited fine.

Note: File must be submitted to solicitors within local guidelines

9.6 Campaign Evaluation

9.6.1 Evaluation Criteria

The following criteria, which should be determined at the outset of the campaign, can be used to measure success following a campaign.

Quantifying tyre flytipping:

- The amount of money spent removing fly tipped tyres is reduced.
- The total no. of waste tyres which are illegally disposed of is reduced in comparison to total no. created.
 - Waste tyres fly tipped in a council district
 - Waste tyre flytipping incidents reported to EA and recorded on NIRS
 - Waste tyres removed by LA or private companies

Attitude and Influencing:

- Targeted visits achieved.
- In order to measure awareness and compliance with Duty of Care within the industry a telephone survey of businesses producing waste tyres was carried out before and after the campaign. These results can be used to justify similar direct mail campaigns. See appendix 3.
- An increased awareness of the problem in the general population.
- Directly attributable media coverage / interest.
- Approval from legitimate industry, where this is recorded on monitoring form (see appendix 6).

Compliance and enforcement:

- The proportion of visits which demonstrate compliance with Duty of Care.
- Number of advisory letters sent to waste handlers having transfer note paperwork omissions/ errors.
- Number of warning letters sent to waste handlers without proper records.
- Number of formal cautions accepted by offenders.
- Number of successful prosecutions where unlawful disposal can be proven.

Partnership working:

- Number of LA districts within campaign area supportive of the campaign.
- Number of LA districts within campaign area able to commit resources.
- Number of LA districts within campaign area continuing to work with the EA on wider flytipping enforcement issues.
- Inclusion of other partners e.g. ENCAMS, Police.

9.6.2 Barriers to evaluation

Data may not always be readily available. For example, collecting accurate baseline data: fragmented baseline data on LA removal costs can be overcome if data is collected on a short term basis to give a snapshot prior to the campaign starting. Continual monitoring will then be required to measure these success criteria. In addition, different ways of calculating cost of dealing with flytipped tyres can make comparisons difficult.

Reporting of flytipping incidents is patchy and where recorded tyre type / quantity are not always accurately described and recorded. From April 2004, the system (an internet based reporting tool) will enable LA's and the EA to provide monthly reports on the types of waste involved, size of fly-tip, type of land affected, ownership of land, enforcement action taken and costs of clearance. The EA will update the system with information from it's own National Incident Reporting system (NIRS) to avoid duplication of data entry.

Evaluation of West and South Yorks Campaign

8 out of 9 local authorities in the area were supportive.
5 were able to commit resources.
All 5 have continued to work with the EA on flytipping issues and another 2 have since entered in to joint ventures.

Number of incidents reported to EA Jan 24th to 10 November 2002. 60
Number of incidents reported to EA Jan 24th to 10 November 2003. 84

No obvious pattern – although there were reductions in 2 of the districts which had been most active.

Number of visits 160 – experience has shown that visits are best targeted at smaller/back-street fitters and carriers as most large high street chains were compliant.

Little poor practice found however officers reported a favourable response from many companies who supported the action.

4 warning letters sent.

Information on successful prosecutions carried out by the EA can be found on the EA website (www.environment-agency.gov.uk). Type 'Tyre Prosecutions' in the search engine on the 'Home Page' to access information on successful enforcement action and related issues.

APPENDIX 1 – Scoring Matrices & Assessment Sheets

ENVIRONMENT AGENCY – RIDINGS AREA

Ridings - Enforcement

Flytipping Hotspots Scoring Matrix

Criteria	Options (points)					
Type of flytipped waste	Inerts [1]	Green [2]	Builders incl wood packaging [5]	Commercial, industrial (e.g. tyres) [10]	Health hazard e.g. foods, nappies [15]	Special, hazardous [20]
Amenity Value	Waste land [1]		Industrial, business parks [3]		Parks, fishing locations [6]	Houses [10]
Complaints	None [1]		One [5]		More than one [10]	
Previous enforcement action history	Site unknown to Agency [0]		Known to Agency [5]		Had enforcement action in last 12 months [10]	
Frequency of flytipping.	Occasional load [0]		Daily loads [5]		Several loads daily [10]	
Proximity to sensitive receptors (houses, business, w/c, SSSI etc)	>200m away [0]		<200m away [2]		<50m away [5]	
Sealed surface i.e. no escape of contam. run-off	Yes [0]		No [10]			
Odour / smoke	Yes [5]		No [0]			

ENVIRONMENT AGENCY – RIDINGS AREA
Ridings Enforcement

FLYTIPPING HOTSPOTS Priority Matrix Assessment Sheet

Operator
 (if known):

Location:

Grid Ref:

NIRS ref:

CRITERIA	SCORE	COMMENTS
Type of flytipped waste		
Amenity Value		
No. of Complaints		
Previous history of location		
Frequency of flytipping		
Proximity of sensitive receptors		
Sealed surface		
Odour / smoke		
TOTAL SCORE		

Assessment carried out by:

Date of assessment:

Illegal Site Enforcement Priority Matrix

Criteria	Options (points)		
Complaints	None [1]	One [5]	More than one [10]
Previous history	No contact with Agency [0]	Agency warnings given [5]	Previous WML holder / prosecuted for no licence [10]
Scale of operation	Occasional load [0]	Daily loads [5]	Several loads daily [10]
Type of waste	Inert not asbestos [1]	Putrescible [10]	Special [20]
Nature of operation	Keeping / Treating [5]	Burning [10]	Landfilling [20]
Proximity to houses etc.	>200m away [0]	<200m away [2]	<50m away [5]
Site security	Secure [0]	Inadequate [1]	None [5]
Escape of pollutants from site	Yes [10]	No [0]	
Sealed operational surface	Yes [0]	No [10]	
Odour / smoke	Yes [5]	No [0]	
Authorised occupation of land	Yes [0]	No [10]	
In breach of section 59 notice	Yes [10]	No [0]	

ENVIRONMENT AGENCY – RIDINGS AREA
Ridings Enforcement

Priority Matrix Assessment Sheet

Operator:

Address:

Grid Ref:.....

NIRS ref:.....

Criteria	Score	Notes
No. complaints received		
Previous history		
Scale of operation		
Type of waste		
Nature of operation		
Proximity to houses		
Site security		
Escape of pollutants		
Sealed surface (if applicable)		
Odour / smoke		
Authorised occupier		
Breach of S. 59 notice		
Total Score		

Assessment carried out by:

.....

Date of assessment:

.....

APPENDIX 2 – The Legislative Powers

Some Useful Powers in Respect of Waste on Land

The brief explanations below are not exhaustive or to be regarded as a definitive statement or interpretation of the law; you should read the actual statute. A full text of the legislation enacted since 1988 and in its original form can be found on the HMSO website at <http://www.legislation.hmso.gov.uk/>

These notes are to be regarded only as a pointer to the salient issues.

Environmental Protection Act 1990 - Part II- Waste on Land

Section 33 and 34

These sections establish the offences of unauthorised disposing, treating and keeping of controlled wastes and also impose a general duty of care on all those who handle waste by virtue of trade or business. This includes producers, carriers, disposers and brokers. All parties are placed under a Duty of Care to make sure that their dealings with the waste do not cause pollution to the environment or harm to human health. The detail of the Duty is contained within an Approved Code of Practice.

Failure to comply with the Duty of Care is a prosecutable offence, but there are no notice provisions or default powers, other than the ability to require by notice the provision of Duty of Care Transfer notes (a section 34 notice). Failure to provide this information is in itself an offence.

Failure to comply with Section 33 is a prosecutable offence with associated notices (Section 59 notices for unauthorised sites). Please note that section 33(5) establishes that if a vehicle is used in the commission of the offence then the person in control of the vehicle committed an offence whether or not they gave instructions for the deposit and whether or not another person has been charged.

Enforcement of this part of the act is available to the Environment Agency and Local Authority. There is in existence a Memorandum of Understanding between the Environment Agency and the Local Government Association that seeks to establish responsibility in different circumstances. Very simply put, the Environment Agency takes responsibility for large quantities of dumped material, or dumping which involves hazardous materials, for example leaking drums of chemicals or fibrous asbestos and the Local Authority takes responsibility for smaller quantities and less intractable wastes. This Memorandum of Understanding is to be redrafted as one of the 8 Working Better Together Protocol series once the implications of the legislative changes resulting from the Anti Social Behaviour Bill and the Respect and Responsibility White Paper are known.

Section 59

This section deals with removal of controlled wastes deposited, disposed treated or kept on land without either a Waste Management Licence or Permit authorising the activity and includes fly-tipping on private land. This gives the Environment Agency and the Local Authority the power to either remove the deposit or require the occupier to remove the deposit. However it is only possible to require removal of, or remove the material and

recharge costs if we can show that the occupier either made the deposit, or knowingly caused or knowingly permitted the deposit. It is also possible to require removal, or remove the material and recover costs off of any other person who made the deposit or knowingly caused or knowingly permitted the deposit.

The significant issue here is the concept of occupier. There is no legal definition in the Act of this term. Initial legal advice on the matter is as follows:

The following list could be considered when an officer is attempting to decide whether someone is an occupier for the purposes of the Act. The list runs in descending order, i.e. number 1 is the situation where the person would be most likely to be considered an occupier and number 5 is the situation where the person would be least likely to be considered an occupier.

1. A person in physical occupation of a secured piece of land, whether or not they are the owner.
2. An owner of the land where the land is being used on a regular basis, e.g. for industrial purposes.
3. An owner of land that is clearly secured and to which the owner can control access.
4. An owner of the land where access would be relatively easy to control.
5. An owner of land who lives a considerable distance away and could not be reasonably expected to control access to the land.

Section 71

This Section allows the Environment Agency to require, by service of a notice that a person must furnish such information as specified in the notice that the Agency reasonably believes it needs for the purpose of discharge of its functions. The notice should not include questions, which, if answered, prove the persons guilt. Failure to respond to such a notice is an offence.

Environmental Protection Act 1990 - Part IIA - Contaminated land

Section 78A onwards Contaminated Land

This part of the 1990 act relates to a new (April 2000) regime for dealing with contaminated land which is defined as *“any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that significant harm is being caused or there is significant possibility of such harm being caused or pollution of controlled waters is being, or is likely to be caused”*.

For land to be classed as contaminated there must be a health effect to humans and a method of transmitting the contaminant to the susceptible population. Land to which the definition of *contaminated* can be applied is consequently dealt with under these provisions and not the statutory nuisance provisions relating to a deposit prejudicial to

health or a nuisance. Contamination that only “offends the senses” does not make the land contaminated.

The Environment Agency and Local Authorities have enforcement powers that include the service of remediation notices, prosecution for failure to comply and the carrying out of works in default.

Environmental Protection Act 1990 - Part III - Statutory Nuisance

Section 79 onwards- Statutory Nuisance

Subject to the exclusions of the contaminated land matters referred to above, any accumulation on premises (premises does not include the highway but does include land) can be a statutory nuisance if it can be shown that it is a nuisance. This would include offensive to human senses, i.e. stench, but does not include visual amenity.

Case law (Coventry City v Cartwright and R v Bristol City Council ex parte Everett) holds that the prejudicial (injurious) to health arm of statutory nuisance does not include accidental physical injury.

There is also a statutory nuisance in respect of premises (including land) that are prejudicial to health or a nuisance. This allows action under these provisions to deal with, for instance defective eaves gutters on one building causing penetrating dampness on an adjacent building. However, as with the accumulation provision, poor visual amenity would not constitute statutory nuisance. Additionally, in all cases of alleged nuisance, a nuisance must be more than inconvenience; it must be material and significant.

If nuisance exists, or is likely to exist or recur, then the service of notice is mandatory. Failure to comply with the notice is an offence, and works can be done in default of the notice and /or a prosecution instigated.

Environmental Protection Act 1990 - Part IV- Litter etc

Section 87- Littering Offence

The Act establishes the littering offence that was originally to be found in the Litter Act. The offence can be prosecuted, or a local authority has the power to adopt fixed penalty fines (currently set at £50) and to appoint litter wardens; Police Community Support officers can also issue Fixed Penalty Notices on behalf of the Local Authority. Fines must be paid over to central government; the local authority currently retains no element of the fine even though it carries the responsibility for enforcement and administration. There is no power to deal with obstruction (if culprit refuses to give their name.), and this is not an arrestable offence unless a police constable is on hand to arrest under PACE for failure to provide adequate information in respect of identity.

The littering offence is established by section 87 of the Environmental Protection Act 1990 as occurring “*if any person throws, drops or otherwise deposits in, into or from any place... and leaves anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place...* ”. The big issue here is whether any particular place is a place to which the section applies.

An offence under the Environmental Protection Act 1990 will most probably have been committed if the answers to all the following questions are **YES**:

- Has the person, thrown, dropped or deposited litter or anything that could lead to defacement by litter?
- Is the land onto or from which the matter was dropped etc either: -
 - A place, open to the air on at least one side to which the public are entitled or permitted to have access without payment, or
 - A public highway, or
 - Land in the open air that is directly controlled by the City Council and to which the public are permitted or entitled to access with or without payment, or
 - Land in the open air that is part of an educational institution and is directly controlled by the governing body of that establishment or the education authority, and to which the public are permitted or entitled to access with or without payment, or
 - Land that is directly controlled by a Statutory Undertaker and to which the public are permitted or entitled to access with or without payment? (This part of the legislation is very complex and also applies in some circumstances to land that the public are not entitled to access)

And the answer to either of the following is NO

- Is the deposit authorised by law? (e.g. the land in question is a licensed waste disposal site.)
- Has the owner, occupier or other person or authority having control of the place into which the deposit was made, consented (generally or specifically) to the deposit?

The penalty for the offence is a fixed penalty notice of £50, or on conviction a maximum fine of level 4 (currently £2500).

Fixed penalty notices have been successfully used to deal with low volume dumping.

Section 89 – General Duty

The Act places strict duties and responsibilities on local authorities, education establishments, railway undertakers, crown premises etc. to ensure Relevant Land and highways are kept clear of litter and refuse and highways are kept clean. Relevant Land is, effectively, public owned, public access land.

Details of the duty are set out in an Approved Code of Practice. Aggrieved persons have the power to make a complaint in the Magistrates' court for failure on the part of the Duty Holder to comply with the duty.

It is this statute, plus the Approved Code of Practice that sets standards for street cleaning and the removal of refuse from Relevant Land.

Section 92 Proceedings by the LA

This section requires the local authority to serve a litter abatement notice if they are satisfied that relevant land of the Crown, a Statutory undertaker, a designated educational institution or land in a Litter Control Area is defaced by litter or refuse, or that defacement is likely to occur. There are appeal provisions and an ability to prosecute for non-compliance and /or to carry out works in default.

Section 157 and 158

Gives the power to prosecute individual directors and managers in respect of offences by corporate bodies, if the offence is due to their negligence, connivance etc. Also gives the power in respect of waste and litter offences to prosecute either or both persons where the offence is due to the act or default of another.

Sect 108 Environment Act 1995

This gives an officer the power to enter land, premises, vessels and vehicles. These powers relate to the pollution control enactments. The pollution control enactments are those enactments and instruments relating to the pollution control functions of the Agency. These functions are listed in Sect. 108 of the Environment Act 1995.

The powers of entry under Sect 108 EA can only be exercised for three reasons. These are: -

- determining whether any provision of a relevant pollution enactment is being or has been complied with
- exercising or performing one or more of the pollution control functions of the Agency
- determining whether and, if so, how such a function should be exercised or performed

The Powers available are found under paragraph 4 and are as follows: -

- (a) To enter at any reasonable time (or in an emergency at any time and if need be by force) any premises he has reason to believe it is necessary.
- (b) To take with him any other person duly authorised or a constable and any equipment
- (c) To make such examination and investigation as may be necessary
- (d) Require things to be left undisturbed
- (e) To take measurements / photographs
- (f) To take or cause samples to be taken
- (g) To cause / require pollution causing equipment to be dismantled / subject to test
- (h) To cause anything in
- (i) To be examined, not tampered with and ensure that it is available for evidence
- (j) Requirement to answer questions - Important conditions apply
- (k) To require production of records and take copies
- (l) To require any person to afford such facilities and assistance

It must be noted that answers given in 108(4)(J) cannot be used against the person giving them. If you use your powers under 108(4)(a) or (b) or (5) the Agency must make full compensation to any person who has suffered loss if damage occurs due to the exercise of the power and the failure to secure unoccupied premises from trespassers.

Section 110 of the Environment Act 1995 makes it an offence to obstruct an authorised officer. You'll probably have to show and prove that the course of your investigation was altered.

Except in an emergency you should not attempt to enter premises where: -

- entry has been refused and you consider reasonable force may be necessary to effect entry, or
- entry is likely to be refused and the use of force may be necessary to affect entry.

In such cases, entry shall only be made under the authority of a Warrant by virtue of Schedule 18 of the Environment Act.

Note that the above is a **summary** of the Powers of Entry set out in Section 108 of the Environment Act 1995. Any entry with regard to an investigation or enforcement action should be done so after prior knowledge of Section 108 as an entirety. Further guidance on these powers can be found in Section 5 of the EA's National Investigation Manual. These Powers of Entry may be extended to LA officers in the future with regard to unlawful deposits of waste under the Antisocial Behaviour Bill.

Refuse Disposal Amenity Act 1978

Section 2 and 6 Abandonment in the Open Air

This Act establishes the offence of abandoning anything, including vehicles and parts of motor vehicles on land in the open air. The big difficulty with this abandonment offence is that the offence relates to the person who actually abandoned the material, not to the previous owner of it, and not to the owner of the land.

There is a subtle difference between abandonment and storage. Though it would be technically possible for the occupiers of land to abandon material on their own land, we would need to be careful that they were not storing the material as this provision relates abandonment, not to storage. The act addresses this by saying that if something is left on land in such circumstances and for such a time that it could reasonably be assumed that it had been abandoned, then it was abandoned, unless the contrary can be shown.

This Act also gives the power to the local authority to remove anything that appears to them to have been abandoned in the open air without lawful authority. However if the land appears to be occupied, the local authority must serve notice of its intentions on the occupier of the land. There is no provision for the recovery of costs incurred in removing the material, other than from the person who was known to have abandoned the material, or a person who has been successfully prosecuted for the abandonment of the material. Evidence, to the criminal standard, which will prove that a named individual physically abandoned the material, is notoriously difficult to acquire, however the cost recover provision relates to civil law and there may be sufficient evidence around to prove "beyond reasonable doubt" that a person abandoned the material.

Public Health Act 1936

Section 78 – Cleaning of Yards and Passages etc

This section gives the power to sweep and clean yards, courts, passages etc. that are not kept clean and free from rubbish to the satisfaction of the local authority and provided that they are used in common by the occupants of two or more buildings provided that it is not a public highway. There is no notice as such but natural justice would require that the users of the area are notified and given the opportunity to attend to it within a reasonable timescale. There are powers to recover the costs of any works done.

Public Health Act 1961

Section 34 – Accumulations Detrimental to the Amenity of the Neighbourhood

This provision gives the local authority the power to remove from land an accumulation that is detrimental to the amenities of neighbourhood. There is a protracted procedure of

notice and counter notice involved, and the procedure cannot be used for an accumulation held in the course of a trade or business. Critically, there is no power to recover costs for the removal of any accumulation under this provision.

Town and Country Planning Act 1990

Section 215 – Derelict Land

This Act gives the power to the Planning Authority to address the condition of land that is considered to adversely affect the amenity of the area or part of the area. A notice can be served on the owner and occupier of the land requiring them to remedy the condition of the land. Subject to a right of appeal to the local magistrates, failure to comply with such a notice is a punishable offence. Planning Authority may also enter upon the land and carry out the works at the defaulter's expense. This power can only be used where the condition of the land is not that which would be expected as a result of the lawful use of the land in respect of Planning Legislation.

APPENDIX 3 – Direct Mail Campaign

**TYRE WATCH
DUTY OF CARE - PILOT DIRECT MAIL CAMPAIGN
BRIEFING NOTE**

1.0 Background

A pilot direct mail campaign targeting 2,000 small tyre dealers, garage businesses and vehicle dismantlers (less than 10 employees) in the Agency's North East Region was undertaken during February 2003.

The key objectives of the campaign were to:

- Improve awareness and recall of six key elements of the Duty of Care.
- Ensure anyone responsible for the disposal of tyres is aware they can be held personally responsible if tyres are handed to an illegal operator.
- Businesses are fully informed as to the likely consequences of not following the legal requirements contained within the Duty of Care.

Funding for the initiative came from the RMC Environment Fund, which is managed by The Environment Council, with an initial contribution from key players in the tyres industry. The total campaign cost, including preparatory design work, was £46,000.

The campaign was managed by the EA (Corporate Affairs and EP Waste Strategy) with contracted advice from MSS Market Research and Sinclair Mason. The North East PR Dept and local enforcement teams were fully briefed and the campaign ran in parallel with local compliance activity.

2.0 Timescales

ACTIVITY	DATE
Pre Research undertaken	Week commencing 20 th Jan 03
First mailing	Posted Friday 7 th Feb 03
Second mailing	Posted Friday 14 th Feb 03
Third mailing	Posted Friday 21 st Feb 03
Post Research to be undertaken	Week commencing 3 rd March 03
Presentation of findings	21 st March 03

3.0 Key Findings

Market Research commissioned among 300 small businesses, before and after the direct mail campaign (which included postcard, leaflet, mug, air freshener, calendar/poster) enabled the Agency to conclude this campaign was a success. The research revealed a 'fair' awareness of Duty of Care and also showed that small businesses must do more to assist in stamping out poor and sometimes illegal practice by unscrupulous tyre traders. These findings were presented to the tyres industry and trade press at a briefing in London on 4th April 2003.

In summary, the key findings from the research were as follows:

- A total of 83% of vehicle dismantlers and 74% of garage services questioned said they had seen the advertising relating to tyres disposal and over three quarters recognised that this had come from the EA.
- Improved awareness that waste collectors/carriers must be registered, from 19% to 54% (for vehicle dismantlers).
- Improved understanding of **four of five** key elements of Duty of Care by a statistically significant percentage (vehicle dismantlers).
- Increased awareness, from 34% to 71%, that calling the EA is the best way to verify waste tyres collectors' certificates (garage services).
- A six-fold increase - to 81% - in understanding that waste tyres must be transferred to an authorised facility (garage services).

4.0 Benefits

Direct mail was chosen as the most appropriate way of communicating directly with the target audience. Other methods, such as radio or press advertisements were rejected on cost/benefit grounds.

It can be concluded that this proven change in behaviour will lead to a reduction in tyres being passed on to illegal collectors, and hence, illegal disposal. Direct mail elements with a high retention value such as mugs, air fresheners and calendars will help ensure key messages continue to be communicated for several months or years hence.

Furthermore, the EA enhanced its reputation with both the tyres industry and tyres trade press, both of whom were complimentary at the 4 April briefing day.

5.0 Lessons Learned

Whilst this direct mail campaign was a success there are learning points for future campaigns, including a reduction in the number of mailings (three), and the relative success of elements such as mugs and air fresheners.

Proactive contact was established and maintained with the pilot region and this proved key to the success of local implementation. The EA having overall control of the funding budget also enabled an effective allocation of resource between the direct mail and market research elements.

6.0 Conclusion

This campaign was a success in achieving significant progress towards all three of its key objectives, though it must be noted a comparison in numbers of recorded tyre dumping incidents before/after the campaign is not yet available. Direct mail is undoubtedly the most cost effective way of reaching this target audience.

7.0 Recommendations

The EA should engage fully with the tyres industry to keep the momentum from this campaign and to assess the potential for using supply chains to carry future Duty of Care messages.

APPENDIX 4 – Tyre Media Contacts

Publication	Contact	Address	Tel
Trade Publications			
Tyre News	Elaine Story - Editor	PO Box 188, Bexley Heath, DA6 7NG	01322 552 650
Tyres & Accessories	Peter Gardner - Editor Ewan Scott - Features	Unit 1, Magnolia Centre, Telford Rd, Clacton-on-Sea, CO15 4LP	01255 222 233
Tyre Trade News	Mike Scanlon - Editor John Stone - Features	7 Acorn Farm Business Centre, Cublington Rd, Wing, LU7 0LB	01296 681 424
Tyres Online	David Wilson - Editor	Charles House, Princes Court, Beam Heath Way, Nantwich, CW5 6PQ	01270 628 999
Motor Trade Publications			
Motor Trader	James Dallas - News Editor Curtis Hutchinson - Editor	Anne Boleyn House, 9-13 Ewell Rd, Cheam, SM3 8BZ	0208 722 6082
Sustain	Jim McClelland -Editor Catherine Cockshaw - news	Rational House, 64 Bridge St, Manchester, M3 3BN	0161 950 4500
Aftermarket	Alison English - Editor	Crystal House, 14 London Road, Rainham ME8 6YX	01634 261 242
AM	Stephen Briers – Dep Ed	Media House, Peterborough Business Park, Lynchwood, Peterborough PE2 6EA	01733 468 260
Motor Factor	Trevor Watson	Factor House, Airedale Business Park, Keighley Road, Skipton, BD23 2UE	01756 701 353
European Rubber Journal	David Shaw - Editor	New Garden House, 78 Hatton Garden, London EC1N 8LD	0207 457 1408
Fleet News	Jonathan Manning - Editor	Media House, Lynchwood Peterborough Business Park, Peterborough, PE2 6EA	01733 468 306
Green Fleet	Steve Dawson – Editor Alan Pemberton - Features	Apex House, 28 Ruskin Avenue, Waltham Abbey, EN9 3BP	01992 651 514
Environment Business Magazine	Flemmich Webb - Editor	100 Avenue Rd, Swiss Cottage, London, NW3 3PF	0207 935 7937
Environment Times	Duncan Ashcroft -Editor	22 Warwick Street, Adlington, Chorley, PR7	01257 474 973

		4JQ	
Green Futures	Martin Wright	Unit 55, 5 th Floor, 50-56 Wharf Road, London N1 7SF	0207 608 23 32
Green Government	Annabelle McGuinness - Editor	3 rd Floor, St James's Building, Oxford Street, Manchester, M1 6PP	0161 211 3000
Materials Recycling Week	Jane Rayner - Editor	19 th Floor, Leon House, 232 High Street, Croydon, CR0 9XT	0208 277 5540
Recycling World	Carolyn Cross - Editor	Jesse's Farm, Snow Hill, Dinton, Salisbury, SP3 5HN	01722 716 996
Company Magazines			
Kwik-Fit News	Ruth Davidson - Editor		01506 864 124
ATS	Rachel Atkinson (in house) James Pringle (agency)		0121 325 7325 020 7880 7207
Kwik-Fit Fleet	Ashley Martin	32 Sunningdale, Orton Waterville, Peterborough, PEL 5UB	01733 390 691
Membership Titles			
Green Flag	Amy Rotheram	Green Flag Group, The Wharf, Neville Street, Leeds, LS1 4AZ	0113 399 1387
The AA Magazine	Paul Colbert - Editor	The New Boat House, 136-142 Bramley Road, London W10 6SR	0207 565 3000
RAC Magazine	Stephen Watts - Editor	48-50 St. John Street, London, EC1M 4DG	0207 324 8000
BVRLA – Motive Magazine	Fiona Phillips - Features		01494 434747
Freelance			
Freelance	Ian Wagstaff	15 Hailey Croft, Chinnor, OX39 4TS	01844 353 025

APPENDIX 5 – Presentation for Duty of Care training

Waste Tyres

The Duty of care

The Duty

Reasonable steps

Prevent another person committing offences under section 33 EPA 1990

Prevent the escape of waste from his control

Transfer waste to an authorised person

Transfer a written description sufficient to prevent other offences being committed

Use EWC code 16 10 03 (new provision)

Applies to the waste holder

- Anyone who imports, produces, carries, keeps, treats or disposes of controlled waste or is a broker of waste
- Controlled waste is household, industrial and commercial waste
- No duty of care on householders disposing of their own waste
- The waste transfer note
- Description of waste
- Signed by both parties to transfer
- Date and time of transfer
- Keep for 2 years

Question

What information about the waste is required on the waste transfer note?

Description

Quantity

How contained

EWC code

Identify and describe the waste

Is it controlled waste?

Any information required for it to be treated properly and safely.

European Waste Code 16 01 03

Definition of Waste

Any substance or object which the producer or person in possession of it discards or intends to discard or is required to discard.

Particular problems when applied to tyres.

Checks to carry out when arranging disposal

Reasonable steps – courts decide.

Registered carrier? Ask to see original certificate check expiry date and/or phone EA.

Destination of waste is it authorised? Ask to see authorisation or phone EA.

Question

What happens to tyres removed at garages?

In which circumstances are they waste.

Waste to energy, landfill, landfill engineering, crumbing/manufacture, remoulding, part worn, export.

Authorisations

Waste Management Licence

Exemption from licensing for storage of waste tyres up to 1000 but only if sent for recovery.

Exemptions for shredding

IPC for large industrial processes

Should still have planning permission

The Visit: Aims

Check storage.

Have all tyres been removed by an authorised contractor and dealt with lawfully.

Any suspicions of fly tipping.

Question

How could you find out whether tyres had been disposed of lawfully?

Answer

Waste transfer notes 2 years worth?

Do waste tyres removed tally with size of business no. of bays, new tyres sold.

Cross check with number of employees and opening hours

Record destination or carrier number for checking later.

Price paid - 60p or more?

Problems

Incomplete records - how bad is too bad?

Blurred definition of waste

Season tickets

No information on destination required if passed to registered carrier

Deliberate Mistakes

How many can you find?

Information

EA for carrier checking 0845 933 3111

EA hotline for fly tipping 0800 80 70 60

Duty of Care Code of Practice - HMSO

Duty of Care EPA 1990 Section 34 Circular 19/91

Tread Carefully (leaflet).

APPENDIX 6 – Monitoring Form Proforma

DISPOSAL OF WASTE TYRES MONITORING SHEET

Name of Company:	
Company Address:	
Telephone:	
Type of site (i.e. new tyre retailer, garage, scrapyards):	
Person Interviewed. Name:	
Position within company:	Date:
Number of waste tyres produced per month:	
(a) Car	(b) Commercial
When were waste tyres last removed from site?	
Maximum number of waste tyres stored on site at any one time?	
Secure Store?	

Names and addresses of the companies used to carry waste tyres.	
Name:	
Address:	
Carrier registration number (if known):	
Name and address of the facility where waste tyres are taken for disposal/recycling (if known):	
Name of facility:	
Address:	
Waste Management Licence Number (if known/ applicable):	
Support for campaign/visit?	

Use the columns to assess individual notes and make written comments as necessary

	NOTE 1	NOTE 2
Reference number		
Quantity		
How contained		
EWC		
Description		
Producer name		
Producer address		
Producer signature		
Carrier Name		
Carrier Address		
Carrier Signature		
Registered carrier number/exempt		
Date		
Time		
Season Ticket		
Destination details		
Comments		

APPENDIX 7 – Questionnaire & Sample Letter

DISPOSAL OF WASTE TYRES QUESTIONNAIRE

Name of Company:
Company Address:
Telephone:
Type of site (i.e. new tyre retailer, garage, scrapyard):
Your Name:
Position within company: _____ Date: _____
Number of waste tyres produced per month: (a) Car _____ (b) Commercial _____
When were waste tyres last removed from site?
What is the maximum number of waste tyres stored on site at any one time?
How & where do you store waste tyres (e.g. secured area)?

Please give the name and address of the companies that you use to carry waste tyres away from your site (if you carry your own waste tyres please say so): Name: Address: Waste carrier registration number (if known):
Do you have waste transfer notes for waste tyres removed from your site (if yes, please attach a copy of the last note produced):
Please give the name and address of the facility where your waste tyres are taken for disposal/recycling by you or your collector (if known): Name of facility: Address: Waste Management Licence Number (if known/ applicable):

Our ref:

Your ref:

Date:

Dear

**NATIONAL TYRES PROGRAMME
ILLEGAL DISPOSAL OF WASTE TYRES**

There is a growing problem of waste tyres being illegally dumped in England and Wales. The EA intends to prevent this illegal practice and, where possible, to prosecute those found responsible.

Our first aim is to remind businesses producing waste tyres of their responsibilities for tyre disposal. The legislation requires waste producers to satisfy a Duty of Care for wastes that they produce or handle. In simple terms this requires that waste is:

- transferred only to an authorised person (a registered waste carrier)
- transferred with a written description (a waste transfer note) of which a copy must be kept for two years
- kept secure whilst in your possession

You should be aware that you can be held responsible if waste belonging to you is disposed of unlawfully by another party. Failure to comply with the Duty of Care is a criminal offence and may lead to prosecution and an unlimited fine. The enclosed leaflet provides further information on the Duty of Care and a step by step guide to help you to comply.

In addition we require you to complete the enclosed 'Disposal of Waste Tyres Questionnaire' designed to aid the EA in gathering information on tyre disposal. Please complete and return the questionnaire in the prepaid envelope provided within fourteen days of your receipt of this letter.

Random checks of waste tyre producers will take place over the next few months as part of a national campaign and will include inspection of Duty of Care transfer notes and waste tyre storage areas.

Thank you for your assistance in this matter. If you require any further information please contact xxxxxxx on telephone number xxxxx xxxxxx.

Yours faithfully