This guidance note is intended to provide local authority (LA) users in <u>England and Wales</u> with information on the use of the Fly-tipping Module in WasteDataFlow. LAs in Wales should use this guide in conjunction with the '<u>WDF Best Practice Guide for Wales</u>' document.

1. Introduction

1.1 Flycapture and WasteDataFlow Fly-Tipping Module

This guidance sheet is for English and Welsh local authority users and explains how to enter and check your data and run reports. It covers accessing the website, entering data, validating your data and timetables for data entry. Please also refer to the FAQs section at Appendix 1 – FAQs.

The national fly-tipping database, Flycapture, was set up in 2004 and managed by the Environment Agency (EA). The EA hosted a web-based system for local authorities (LAs) in England and Wales to enter information about fly-tipping incidents (material type, location, cost of clearance) in their area and their enforcement actions in response.

WasteDataFlow (WDF) is a web-based system for local authorities from all UK regions to enter data relating to waste arisings and their management, treatment, recycling, reuse and disposal. Local authorities enter data monthly or quarterly and submit that data on a quarterly basis. National authorities in the four regions determine the questions to be used by LAs in their region and manage the data submission, validation and publication according to their own timetables.

The Flycapture database was decommissioned on 31st July 2015 and a new Fly-tipping module was developed within the WasteDataFlow website to enable local authorities to answer the same question set as had previously been completed in Flycapture; thus, bringing both data sets together in one place.

Note: The Vehicle registration hot list, which used to be part of Flycapture is not a part of the WDF Fly-tipping module.

The Fly-tipping system requires quarterly submission, however data can be entered on a monthly or quarterly basis. The timetable for submission and validation is shown in Table 1. The system requires the LA's Authority Administrator user to submit or authorise the data before the deadline (which is the 25th of the month after the quarter being reported), and they will be reminded of this by email. A series of simple checks are then applied by the WasteDataFlow team validation team and they will raise any queries with the local authority for clarification or for the data to be amended. For Welsh LAs these checks are carried out by the Fly-tipping Action Wales (FtAW) team on behalf of Welsh Government.

Table 1: Submission timetable for WDF Fly-tipping module data

	Qtr 1 (Apr-Jun)	Qtr 2 (Jul-Sep)	Qtr 3 (Oct-Dec)	Qtr 4 (Jan-Mar)
LA data submission deadline (Level 30)	25th July	25th October	25th January	25th April
Stage 1 validation (WasteDataFlow/FtAW)	5th September	6th December	7th March	6th June
Following a return reaching Level 30, the WasteDataFlow Team (in England) and the FtAW (in Wales) will make all efforts to validate the return within 6 weeks. Following a return reaching Level 35 the Environment Agency and Defra (in England) and Welsh Government (in Wales) will make all efforts to validate the return to Level 40 within one month, subject to there being no further queries with the submitted data.				
Once data have been checked and reviewed by the quality assurance processes of WasteDataFlow, the Environment Agency and Defra, and in Wales Fly-tipping Action Wales and Welsh Government, the data will be available for reports to all users (including public users).				

Refer to Section 5 Submitting and Validating data for an explanation of the various 'levels' referred to in this table and Section 6 Reports for an explanation of accessing available reports.

1.2   Data Reporting Requirements

Under Section 71(4) of the Environmental Protection Act 1990 local authorities are required to report information on fly-tipping incidents and actions taken through WasteDataFlow.

"The Secretary of State may, by notice in writing, require a waste regulation authority or waste collection authority in England and Wales to supply to him, or to such other person as may be specified in the notice, such information as may be so specified in respect of:

(a) cases where the authority has exercised any powers under section 59 [F8, 59ZA, 59ZB or 59ZC]
(b) cases where the authority has taken action under any other enactment in respect of any deposit or other disposal of controlled waste in contravention of section 33(1) above"

Details of this part of the Environment Protection Act can be found here:
https://www.legislation.gov.uk/ukpga/1990/43/section/71

Details of all fly-tipping incidents, reports, and actions should be reported via WasteDataFlow, including public reported and those reported by, and pro-actively cleared by, your own staff and contractors.

Reporting all incidents and actions will ensure that the data is consistent across authorities. If not all incidents and actions are reported, this will lead to an underreporting and inconsistency of fly-tipping, which will make it more challenging to understand the scale of the problem and the impact of policies and initiatives.

To provide transparency on the reporting basis and to help identify where this hasn't been possible and why, a new question was added to the Fly-Tipping Module data entry page from December 2019.

This question requires those entering the data to confirm whether the submission represents both publicly reported incidents and pro-actively cleared incidents, or, for whatever reason, only one of these. Further explanation should be added to the comments section where local authorities are not reporting all incidents.

2 Accessing WasteDataFlow

2.1 The website

The WasteDataFlow website can be found at www.wastedataflow.co.uk or www.wastedataflow.org. In order to log in you need to navigate to the Data Manager page.

Figure 1: The WDF homepage
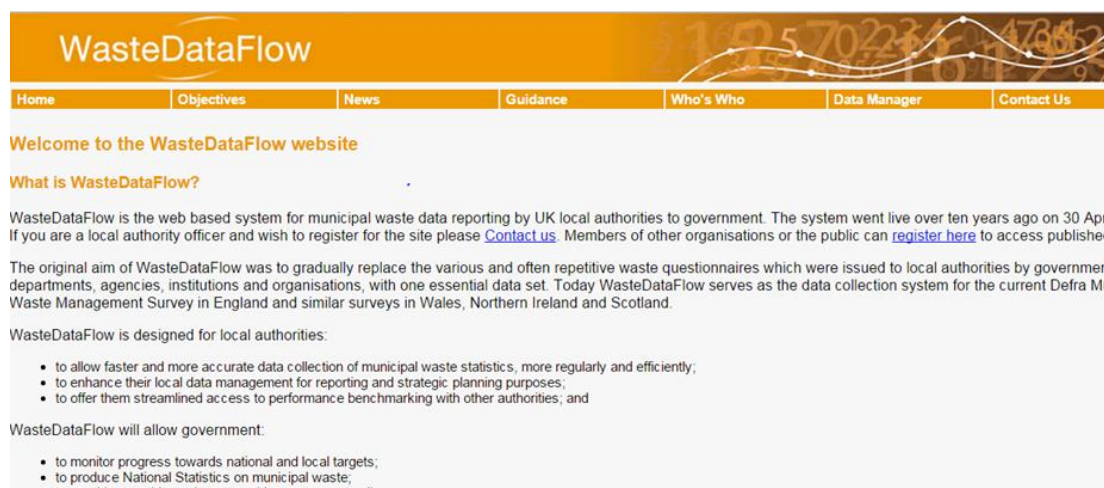
The navigation for the site is all contained within the navigation bar underneath the title banner. The navigation bar will vary depending on where you are in the site:

Figure 2: The navigation bar

2.2 Accessing secure parts of the site

Parts of the site are secure to ensure that only those who are authorised to view and amend certain data can do so. As a local authority user, you will need to register for access to the secure part of the site: 'Data Manager'; this will allow you to enter and authorise data and view reports.

Local authorities may have different users entering data into the main WDF question set and the Fly-tipping module. Users may be able to access one or both of the data sets, depending on how their profile within our user database is set up. New users will need to register with WasteDataFlow for access to the Fly-tipping module and/or WDF.

To do this you must hold a valid gov.uk email address and gain permission from your authority's 'Authority Administrator' user (the person responsible for your returns), or in their absence, the head of waste management. They will be able to arrange for an account to be set up for you, either by emailing the helpdesk, or by setting you up via their User Administration page.

For local authority users of the Fly-tipping module there are two main user types – Data Entry and Authority Administrator. These users have different roles regarding ensuring timely and accurate data submissions to WDF:

WasteDataFlow

- Data Entry – responsible for entering data into the Fly-tipping module, (Level 0 and rolling up to Level 10 – see Section 5 Submitting and Validating data for more details regarding data levels). There can be multiple Data Entry users per authority.

- Authority Administrator (Admin) – responsible for managing WDF access for the LA and authorising data once it has been entered by the Data Entry user, (from Level 10 to Level 30 – see Section 5 Submitting and Validating data for more details regarding data levels). There is usually only one admin user per authority. However, it can be beneficial to have another designated admin user as a back-up to the main user.

WDF Tip – Authority Admin users can also be designated as Data Entry users under the same account.

There is also a third level of user which can be set up for local authorities, the Report Only user. These users have full access to all local authority reporting tools, but they do not have the ability to enter or authorise any data. This can be useful if there are members of other teams or management who may need to regularly report against the data held within the Fly-tipping module.

The secure section of the site can be accessed via the 'Data Manager' tab of the navigation bar.

Once an account has been set up, you will receive an automated email containing confirmation of your username and password. The password you receive will be an automatically generated mixture of upper and lowercase letters and numbers. This can be changed via the 'Management' section once logged on.

Figure 3: WDF Log-in page

There is also a password re-set function available on the log-in page. Should you forget your password, simply enter your WDF username (email address) in the username field and click the hyperlink – '*Forgotten password? Enter username then click here*'. The new password will be emailed to that username.

The system runs an automatic log-off process in order to manage the number of connections to the server and to support improved security of the system in situations outside local authority networks. After 60 minutes of inactivity you will be logged off. Unsaved data entry will be lost and so it is good practice to save your work frequently.

Once you have logged in, navigate to the Fly-tipping module by hovering over the ribbon and selecting Data Entry, Data Import Validation or Reporting from the drop-down.

**Figure 4: Navigating to the Fly-tipping module**
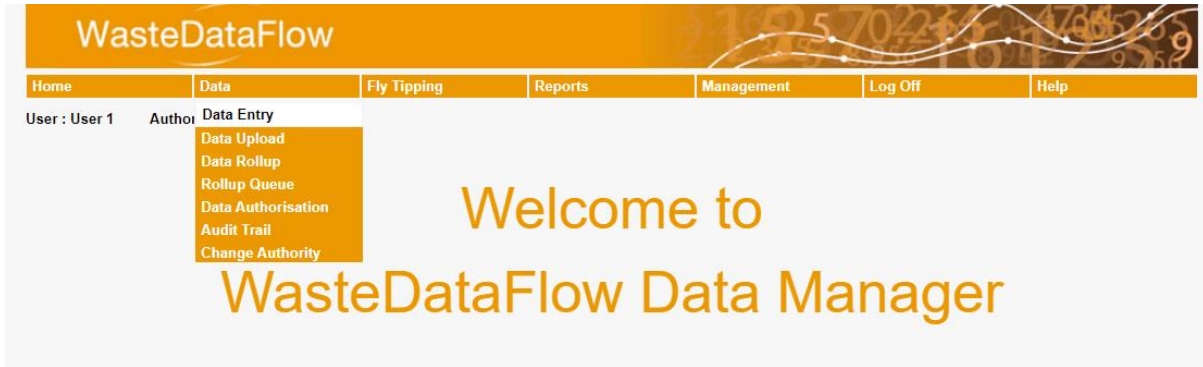
3 Entering Data

3.1   The Data Entry page

The Fly-tipping return comprises four main elements: General, Incidents, Fixed Penalty Notice Level and Actions Taken. These are shown as four expandable headlines on the Data Entry page. **Remember that details of all incidents and actions should be reported, including public reported and those reported by your own staff and contractors.**

To start entering data, first you must select the period the data relates to by selecting from the drop-down list.

Figure 5: Period selection drop-down
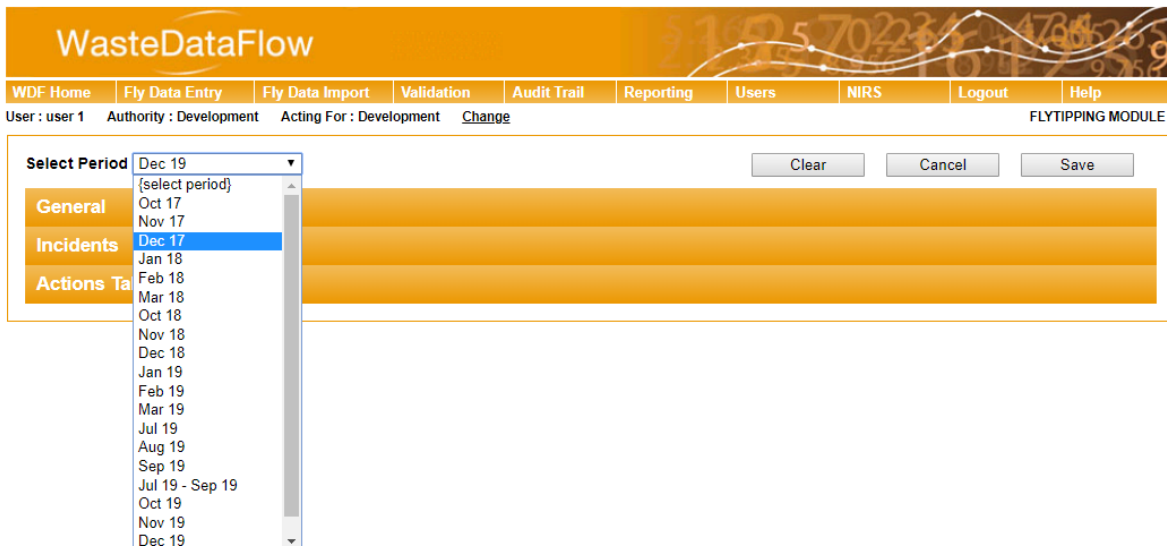
Data is required to be submitted quarterly but it can be entered monthly or as total figures for the three months of a quarter. If a single month has been selected and data entered then the option to report data quarterly will be lost and similarly, if the quarterly period has been selected and data entered, the monthly periods will disappear from the drop-down list.

If you start entering and saving data monthly and then wish to enter data quarterly instead, you will need to select the 'Clear' button at the top of the screen (within the month you have started to enter data into). This will then clear the data from the month you have entered data into and the option to enter data quarterly will be available from the drop-down list in the Select Period area.

Data should be saved regularly and at a minimum at the end of a session, when the data has been completed. The sections below give definitions and guidance to help you complete the return.

There is also a FAQ section in Appendix 1 – FAQs at the end of this document.

REMEMBER: Save your data before leaving the page!

Figure 6: The Save button

When you click save you will see a pop-up message saying "Data has been saved.".

3.2 General

Here you are asked to select the description which best describes the coverage of your reporting of fly-tipping incidents in the subsequent sections. Tick the box which best represents the situation for your authority's data.

Figure 7: General questions page

General

The data entered in the Fly-tipping module is a record of fly-tipping offences under s.33 of the Environmental Protection Act 1990. We want you to record information for all relevant incidents and actions covering both public reported and those pro-actively cleared by your own and contractors' crews. Please select the description that best describes the coverage of your reporting of Fly-tipping incidents and actions:

- ☐ All incidents i.e. customer/public reported and those reported by, and pro-actively cleared by, your own and contractor's crews
- ☐ Customer/public reported only
- ☐ Staff/contractor reported and pro-actively cleared only

This question must be answered at least once per submission period. If not completed, you will not be able to roll up your return and will instead be presented with a message when trying to do so that will take you back to the data entry screen.

Where your LA is not reporting on the basis of all incidents please explain why this is the case in either of the available "Comments" fields further down the data entry screen. Likewise, if your LA has changed or improved its reporting tools since the last return, or if a specific fly-tipping campaign has been run in your area, please also convey this in the comments section.

Should your LA change their reporting basis of fly-tipping incidents and/or actions part way through a quarter, then please answer the question in a way that covers most of the period. A comment should also be entered which explains the situation.

3.3 Incidents

Clicking on the orange Incidents banner will expand it to show the questions.

Figure 8: Incidents questions page

3.3.1 Total number of incidents actioned this period

This means the total number of incidents of fly-tipping that were cleared or investigated during the calendar month. If an incident is both cleared and investigated, you should only count it once; if an incident is investigated in one period but cleared in the next, or vice-versa, then it should be reported in the first period when it was first actioned. "Cleared" means cleared directly by the local authority or its contractors or by others following intervention by the local authority. "Investigated" means the enforcement team has recorded the incident, attempted to identify the evidence available and has either decided the action to be taken or has decided to take no action. Investigations could cover any land. It does not matter what the result of the investigation is, if council officer time is spent investigating the case, it should be included in screen one.

You should note that all cases investigated (and those cleared) by the Environment Agency will be added to the database.

When is it fly-tipping and when is it litter? It should be counted as a fly-tip if the fly-tip waste is too large to be removed by a normal hand-sweeping barrow. In simple terms, a single full bin bag upwards would constitute a fly-tip. Similarly, several carrier bags full of rubbish dumped together would also constitute a single fly-tip.

What is an incident? Keep it simple but try to give as much information as possible. So where several items appear to have been dumped in roughly the same area at the same time, they can be grouped together as one incident. However, if the waste types are different it is useful to identify the different source of each. E.g. if a tipper truck dumps construction and demolition waste and then householders take the opportunity to add to it, it is useful to treat this as two different incidents.

The data entered in the Fly-tipping module is a record of fly-tipping offences under s.33 of the Environmental Protection Act 1990. Offences of waste placed out for collection outside the timeframe set by the local authority should not be recorded as fly-tipping offences in most circumstances. These offences are covered by s.46 of the EPA 1990 and relate to the mispresentation of waste. However, there are times when this type of offence may be considered fly-tipping. The decision will be dependent on local strategy and on a case by case basis. FAQ section questions 1 and 16 address this further.

LAs in Wales are reminded that the advice provided in the 'WDF Best Practice Guide for Wales' should be referred to if any uncertainties arise around what is to be recorded.

3.3.2 Number of incidents by land type

Note: the total of the numbers from each of these categories must add up to the total inserted at the top of this page. The total will add up automatically into the greyed-out box of "Total Number of Incidents by Land Type" when you add in figures in the appropriate categories, and you will see a red prompt below this box to say this figure should equal the total number of incidents. If you try to save the data without the totals matching a pop-up message will appear to indicate the totals do not match. You will be able to save the data even without the totals matching (e.g. if you do not have all of the correct data available yet), but **you should ensure the totals do match before final submission.**

Table 2: Definitions of land types

Land Type	Definition
Highway	A public highway or roads the public would assume to be public highway even if not formally adopted e.g. ungated council estate roads. Highway covers both carriageway and pavement.
Footpath/bridleway	A public right of way or a footpath over which the public has been given access both rural and urban; it includes permissive paths, tracks, and footbridges over railways where these are managed and or swept by the local authority.
Back alleyway	Back access passages to groups of houses and/or gardens, whether gated or ungated. These may or may not be council owned land.
Railway	Railway land whether managed by the train operating company (usually the station area) or Network Rail (track, sidings, embankment, bridges).
Council land	Local authority (county, district, town, parish or unitary) owned property including housing estates (managed by council or by others, e.g. Registered Social Landlords), offices, car parks, depots, parks and open spaces etc., unless the property has been leased/transferred to an external body. Do not include back alleyways – see above category.
Agricultural	Farmland including farm buildings. It includes forests and open land.
Private – residential	Any private land used for residential purposes including grounds, gardens, and private roads, and car parks.
Commercial/industrial	Any land used for commercial or industrial purposes including storage and derelict land last used for this purpose.
Watercourse/bank	Actually in the watercourse or on the bank (of the river, canal, stream, etc.).
Other (unidentified)	Any other land type not identified above including harbour mouths and seafronts.

3.3.3　Number of incidents by primary waste type

The total of the numbers from each of these categories must add up to the total inserted at the top of the section. The total will add up automatically into the greyed-out box of "Total Number of Incidents by Waste Type" when you add in figures in the appropriate categories, and you will see a red prompt below this box to say this figure should equal the total number of incidents. If you try to save the data without the totals matching, a pop-up message will appear to indicate the totals do not match. You will be able to save the data even without the totals matching (e.g. if you do not have all of the correct data available yet), but **you should ensure the totals do match before final submission**.

When mixed loads are identified, use the dominant waste type to determine which of the following categories to use.

Table 3: Definitions of Primary waste types

Primary Waste Type	Definition
Animal carcasses	Any animals or parts of animals.
Green	Any vegetation/prunings and clean soil including tree trunks and branches.
Vehicle parts	Any mechanical parts, components and panels of vehicles except tyres and batteries (see below).
White goods	Fridges, freezers, washing machines and other kitchen appliances.
Other electrical	TVs, computer equipment, vacuum cleaners, radios, fluorescent tubes, circuit boards and car batteries, etc.
Tyres	Vehicle tyres regardless of whether they are on the wheel rim or off the rim.
Asbestos	All forms of asbestos including cement- or other bonded asbestos.
Clinical	Hospital or healthcare waste such as blood, tissue, needles, soiled dressings, drugs etc that is infectious or could cause harm in some way. It may be produced from hospitals, medical, nursing, dental, veterinary, pharmaceutical or similar practices or from home treatment e.g. home based dialysis machines.
Construction/demolition/ excavation	Waste from the construction, repair, maintenance and demolition of buildings and structures including roads. It means brick concrete, hardcore, soil, timber, plastics and occasionally hazardous waste. It also includes cement, sand, and other surplus building materials from builders or tradesmen. Include large-scale DIY waste e.g. complete kitchen units or household fittings.
Black bags - commercial	Waste from businesses particularly shops or traders which are not to be picked up by a trade waste collector. It may be difficult to differentiate between this and the next category without opening the bags. If necessary use your judgement based on proximity.
Black bags – household	Waste from householders bagged and dumped on the street. Does not include bags where waste has been put out for collection by the refuse service. You will need to exercise your judgement about when to include domestic waste that has been put out outside the time frame set by the council for collection. If this time frame is reasonable and has been notified to the residents, and providing the refuse service is operating normally, waste placed out outside this time frame should normally be treated as fly-tipping for the purposes of this database. However, local authorities may have circumstances when it would be inappropriate to do so.
Chemical drums, oil, fuel	Containers each with a capacity of 205 litres (45 gallons) or greater that appears to contain chemicals including oils and fuels.
Other household waste	Any household waste not covered above and could include the results of house or shed clearances, old furniture, carpets and the waste from small scale DIY works.
Other commercial waste	Any commercial or industrial waste not covered above and could include pallets, cardboard boxes, plastics, foam, and any other waste not contained in bags or containers and not due to be collected.
Other (unidentified)	To be used if none of the above applies. Do not use this for mixed loads, try to identify the dominant waste type and use one of the above categories.

3.3.4 Number of incidents by size and estimated clearance and disposal costs

Cost information is only needed on fly-tips cleared by the local authority (not fly-tips cleared by others, even if this results from local authority enforcement action). Include fly-tips cleared by the local authority even if you intend to re-charge the costs.

As size is linked to cost in the first five fields, you should not include in the first five size fields any fly-tips which are not removed by the local authority. For this reason, the total number in these categories may be less than the total number at the top of the page.

With drummed chemical waste, regardless of size, include under significant/multiple loads below (and add actual costs of removal and disposal).

Table 4: Definitions of categories of fly-tip sizes

Category	Definition
Single black bag	A single bin bag containing waste. Cost of removal/disposal will be entered for you based on national average costs.
Other single item	One piece of furniture or equipment. There may also be a few small items that would not on their own constitute a fly-tip. Cost of removal/disposal will be entered for you based on national average costs.
Car boot load or less	The rubbish could be broken down and squeezed into a large boot of a car. About 1 cubic metre maximum. Up to 5 large bin bags. Cost of removal/disposal will be entered for you based on national average costs.
Small van load	Bigger than the car boot load but that the rubbish could be broken down and squeezed into an Astra size van. About 4 cubic metres. Between 6 and 15 bin bags. Cost of removal/disposal will be entered for you based on national average costs.
Transit van load	Bigger than the small van but that the rubbish could be broken down and squeezed into a transit size van. About 10 cubic metres. A large 3-piece suite of furniture would fall into this category. Between 16 and 30 bin bags. Cost of removal/disposal will be entered for you based on national average costs.
Tipper lorry load	A single load from an 8-wheeled tipper truck. You will need to enter your estimated or actual cost of removal and disposal.
Significant/multiple loads	A multiplicity of the above. You will need to enter your estimated or actual cost of removal and disposal.

* For the 2017/18 publication, the decision was taken to no longer publish figures based on these standard unit costs given these were based on information supplied by local authorities between 2003 and 2006. These standard costs still remain within the WDF system in case of use to local authorities.

3.4 Fixed Penalty Notice Levels

This section is about the level at which the local authority has set their fixed penalty notices issued specifically for fly-tipping (s33ZA of the Environmental Protection Act 1990).

The information collected from this question will enable the monitoring of the levels at which fixed penalty notices for fly-tipping are being set. The information will also enable the monitoring of outcomes from the government's Antisocial Behaviour Action Plan. We will be publishing this information within the annual fly-tipping statistics publication.

Here you are asked to enter the amount you have set your section 33 fixed penalty notice at and if you offer a reduced rate for early payment to enter the amount. If you do not offer any early payment discount, then leave the field blank.

You will be prompted to answer this question during quarter 4 (January to March).

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Figure 9: Fixed Penalty Notice Level questions

Fixed Penalty Notice Level	
For fly-tipping offences under section 33 of the Environmental Protection Act 1990, please enter the amount you have set your Fixed Penalty Notice at?	£ _____
If you offer a reduced Fixed Penalty Notice for early payment, please enter the amount you have set this at? If you do not offer an early payment discount, please leave this field blank.	£ _____

3.5 Actions taken

This section is about enforcement actions taken. It is not about incidents of fly-tipping.

Figure 10: "Actions Taken" question page

Actions Taken

Number and estimated cost of actions taken this period

No actions taken this period ☐   Please make sure you either tick the "no actions taken" box or complete relevant "actions".

	Incidents	at (£) each		Total (£)
Investigation	_____	x	33	= _____
Warning letter	_____	x	33	= _____
Statutory notice	_____	x	33	= _____
Fixed penalty notices issued specifically for fly-tipping (s33Za of the Environmental Protection Act 1990)	_____	x	33	= _____
Fixed penalty notices issued for Household Duty of Care	_____	x	33	= _____
Littering fixed penalty notices issued in conjunction with fly-tipping (s88 of the Environmental Protection Act 1990)	_____	x	33	= _____
All other fixed penalty notices issued	_____	x	33	= _____
Duty of care inspection	_____	x	33	= _____
Stop and search	_____	x	324	= _____
Vehicles seized	_____	x	33	= _____
Formal caution	_____	x	33	= _____
Prosecution	_____			= _____
Injunction	_____			= _____
			Estimated Total Cost (£)	0

Number of prosecution outcomes

Absolute/conditional discharge	_____	Custodial sentence	_____
Community service	_____	Cases lost	_____
Fine	_____	Other (successful)	_____
Paid fixed penalty notice	_____		
		Total Number of Prosecution Outcomes	0

Number of fines by level (excluding costs and Fixed Penalty Notices)

£0 to £50	_____	£51 to £200	_____
£201 to £500	_____	£501 to £1,000	_____
£1,001 to £5,000	_____	£5,001 to £20,000	_____
£20,001 to £50,000	_____	over £50,001	_____
		Total value of fines this period (£)	_____

(You should report the £ monetary value relating to the fines issued not the number of fines.)

Comments
_____

3.5.1 Number of actions taken and estimated cost of undertaking actions this period

If you undertake any actions, such as investigation or enforcement activities, then these should be included within your return. It is the responsibility of the local authority to source this data, including collaborating with other teams in the authority to obtain the required information.

You should count here the new actions taken this period. If any of these are continuing from the last month and were previously reported, do not include them. To avoid the danger of double-reporting, it is advisable to report Investigations in the month they begin (only) and all other actions in the month they are completed.

If no actions were taken during this period, then please tick the boxes beside the 'No actions taken this period' option to indicate that this is correct. Once this boxed has been ticked, the initial options will become greyed out.

This section should be completed by all local authorities and is not optional.

Table 5: Definitions of actions

Action	Definition
Investigation	An investigation means the enforcement team has recorded the incident, attempted to identify the evidence available and has decided the action to be taken, or is considering this, or has decided to take no actions. Investigations could cover fly-tipping incidents on any land. If a decision has been made the incident could also have generated other actions in the list; these actions should also be recorded. It does not matter what the result of the investigation, if a council officer's time is spent investigating the case, it should be included.
Warning letter	A warning letter has been sent or handed to the perpetrators or the land occupiers/owners.
Statutory notice	A statutory notice related to fly-tipping has been served on the perpetrators or land occupiers/owners. This would include s59 and s71 of the EPA. It may also include community protection notices where the intention is also to control fly-tipping.
Fixed penalty notices issued specifically for fly-tipping (s33ZA of the Environmental Protection Act 1990)	A fixed penalty notice has been served on the perpetrator(s) in connection with a fly-tipping-related waste offence under s33ZA of the EPA. This should be reported regardless of whether it was paid, see under prosecution outcomes to record number paid. Further information on the number of all FPNs issued and paid will be required. The cost of this has been calculated using national average costs.
Littering fixed penalty notices issued in conjunction with fly-tipping (s88 of the Environmental Protection Act 1990)	A fixed penalty notice has been served on the perpetrators in connection with a fly-tipping-related waste offence under s88 of the EPA. Although s88 principally relates to littering offences, we are aware that some authorities use s88 to issue Fixed Penalty Notices in relation to fly-tipping incidents. The issuing of s88 fixed penalty notices in relation to fly-tipping has not been challenged, and therefore we ask for this data in order to ensure that any actions taken in relation to fly-tipping incidents are captured. **If a fixed penalty notice is issued under s88 but solely relates to littering then this shouldn't be reported.** This should be reported regardless of whether the FPN was paid – see under prosecution outcomes to record number paid. Further information on the number of all FPNs issued and paid will be required but will be collected annually. The cost of this has been calculated using national average costs.
Fixed penalty notices issued specifically for breaches of the household waste Duty of Care (s34ZA of the Environmental Protection Act 1990)	A fixed penalty has been served on the perpetrator(s) in connection to an offence under the Duty of Care set out in section 34(2A) of the EPA to take all available measures reasonable in the circumstances to ensure they only transfer household waste produced on the property to an authorised person or for authorised transport purposes. This should include all s34ZA FPNs issued by the authority, regardless of whether they relate to fly-tipping in your authority, a different authority, or whether the offence has been directly linked to a fly-tipping incident. This should be reported regardless of whether the FPN was paid – see under prosecution outcomes to record number paid. Further information on the number of all FPNs issued and paid will be required but will be collected annually. The cost of this has been calculated using national average costs.
All other fixed penalty notices issued relating to fly-tipping and other waste-related offences.	A fixed penalty notice has been served on the perpetrators in connection with a fly-tipping related waste offence under legislation other than that listed in the above three sections.

Action	Definition
	This principally refers to use of s47ZA of the EPA (offences relating to waste receptacles), and s5B and s5C of the COP(A)A 1989 (failure to produce authority). This section should also include any Fixed Penalty Notices issued in relation to any offence that the LA classifies as being 'fly-tipping'. The inclusion of a fixed penalty notice within this section will depend upon the enforcement and waste policies enacted by an LA. For example, a notable number of LAs have a 'no side waste' policy, with some treating non-compliance as an educational matter while others treat this as fly-tipping.
Duty of Care inspection	A business has been asked to provide waste transfer notes or a household is investigated for possible breaches of their duty. Note this may also result in one of the actions listed in the rows above; if so include in both. Count each business or household inspected.
Stop and search	A stop operation has been held in conjunction with the Police and waste carriers asked to produce evidence that they are registered waste carriers. It may also include other agencies/other checks It is assumed that each operation will last roughly 2 hours maximum. If the operation continues for circa another two hours in the afternoon, count this item twice.
Vehicles seized	Where a vehicle has been seized as it is believed to have been involved in fly-tipping. If more than one vehicle has been seized please enter the total number of vehicles seized.
Formal caution	A formal caution has been issued. If a number of offences relate to one incident, count each formal caution for each offence.
Prosecution	Each prosecution case taken to court regardless of the outcome. If several prosecutions are taken against a perpetrator/suspect even if this relates to just one incident, you should include all the prosecutions. E.g. if prosecuting two suspects each under section 33 and 34 of the EPA count this as four prosecutions. You will need to estimate and total your own costs of preparing the case(s) and taking them to court but exclude costs that have been recorded elsewhere (e.g. costs of surveillance).
Injunction	A magistrate's court has issued an injunction to an individual or business who has failed to take the action required by a statutory notice.

* Since the 2017/18 publication, we no longer publish figures based on these standard unit costs given these were based on information supplied by local authorities between 2003 and 2006. These standard costs remain within the WDF system in case of use to local authorities.

3.5.2   Number of prosecution outcomes

Please note that you should use the same basis for counting prosecution outcomes as for counting prosecutions above. The total number of prosecution outcomes should equal the total number of prosecution actions taken, with a pop-up prompt when saving data that says this if they do not match. If there is a reason that they do not match, then a comment must be made to explain the discrepancy.

Table 6: Definitions of prosecution outcomes

Prosecution Outcome	Definition
Absolute/conditional discharge	The number of these awarded by the courts this period.
Community service	The number of these awarded by the courts this period.
Fine	The number of fines awarded by the courts this period. This cell is greyed-out as it automatically populates from the section below "Number of fines by level (excluding costs and Fixed Penalty Notices)." Enter the number of fines by each level and the total number of fines will be populated according.
Custodial sentence	The number of these awarded by the courts this period.
Cases lost	Prosecutions lost in court this period. It also includes prosecutions which were identified in previous return or this return but were withdrawn with the expectation that the case would be lost.
Other (successful)	Any other positive results awarded by the court this period.
Paid fixed Penalty Notice	The number of fixed penalty notices served in relation to fly-tipping that have been paid this period. For example, if an FPN was issued in March but paid in September, it should be reported as paid in quarter 2 (July to September). **Please ensure that this field is completed.**

3.5.3   Number of fines by level (excluding costs and Fixed Penalty Notices)

Enter the number of fines awarded by the courts (i.e. do not include fixed penalty income) according to their financial value

and

Enter the total monetary value of the fines awarded by the courts this period in the 'Total fines this period (£)' field. Do not include any costs awarded, for example court costs owed to the prosecuting authority, in the fine amount.

For example, if a prosecution resulted in a single fine with a value of £250 during this period then a value of 1 should be entered against the £201 to £500 category and then £250 should be entered in the 'Total fines this period (£)' field.

Figure 11: Number of fines by level (excluding costs and Fixed Penalty Notices)

3.6   Audit Trail

To help track your data and ensure that the data entered is correct there is an Audit Trail function for any data entered from November 2015 onwards. The Audit Trail page looks similar to the data entry screen, but will give you a username and date/time stamp next to each value to show when an update was made and by whom:

Figure 12: Audit Trail

As you can see from the screen shot above, User 1 originally entered data in both 'Highway' and 'Back alley' on 08/01/2019 at 05:02, but then User 2 changed the data at 05:06.

4 Fly Data Import

4.1 XML Data Upload Function

If you have spreadsheets which you use for your own internal tracking and do not wish to enter the data manually into the website in the usual way as described in section 3 above , there is a function whereby you can import your data.

Figure 13: Fly Data Import Navigation

The first time you use this function you must download the 'XML Generator' and save the document to your computer.

Figure 14: XML Generator Button
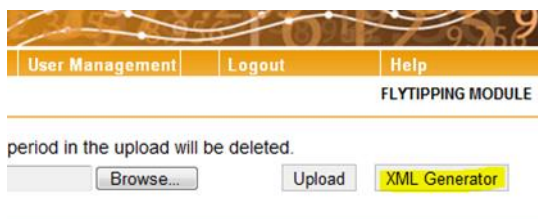
Please ensure to enable macros on the Excel file before you begin to add data. Note this is an .xlsm file and you must allow macros to run on this workbook. Choose the local authority and period you wish to upload and enter your data for in the dropdowns as highlighted below.

Figure 15: XML Generator Data Entry Screen

The naming of each of the sections and sub-sections and the layout is the same as on the main fly-tipping module – just in an Excel/XML format. You can enter data directly into this spreadsheet and upload this to the website, but this would not give you any advantage to just entering it directly onto the website in the first place. The benefit of this method is for you to be able to set links to your internal spreadsheets which can then be quickly updated each month.

For example, if all of the data you need for September was in a workbook called 'FT data' on a sheet called 'September' a link could be something like ='[FT data.xlsx]September$h$3. If come October the data was on a new sheet called October, all you would need to do would be a "find & replace" for September to October and in one go all of the data could be updated and ready to upload.

Once you have either manually input or linked your data from your internal spreadsheet(s) into the XML spreadsheet you must save that onto your computer, go back to the upload page where you click on Choose File on the website, then Upload your XML sheet for the month you want, and it will automatically populate that particular month's (or Quarter's if you have entered a whole Quarter) data.

Figure 16: XML Upload screen

If you use the Audit Trail function you should be able to see the data has been imported for that month (or Quarter) as appropriate.

Please remember you will still need the data to be validated or "rolled up" to Level 30 for the Quarter before it has successfully been completed and submitted for that Quarter (more information on the validation/submission process is covered in Section 5).

5 Submitting and Validating data

It is a good idea to save data at regular intervals during a session and at the end of a session. Once all your data has been entered and saved you then need to submit it, which is done via the "Validation" page in the top ribbon. There is a pop-up message after you save your data to say, "If your Authority's data entry for this period is now complete, please roll your data up via the Validation page."

Figure 17: Accessing the Validation page

5.1   The Validation page

The Validation page shows the status of your return for each period where data has been completed. The circles denote whether actions are required.

Figure 18: The Validation page

Table 7: Meanings of symbols used in the Validation page

Symbol	Meaning
🔴	No action required. Clicking will take you to the information relevant for that column (e.g. History or Question).
🟠	Action required to submit data. Clicking on this will create a pop-up message asking if you wish to proceed with roll up.
✔	Clicking on this will approve your data for submission. This can only be done by an Admin user (or WDF or national authority user).
✖	Clicking this symbol rejects your data down to a lower status level (e.g. Level 30 to Level 0). This then allows the data to be edited and rechecked.

- **Period –** All periods up to the most recently reported period are shown.

- **Status –** Different actions are available based on the status of the period. These are explained in Table 8.

Table 8: Data status levels

Level	Status
Level 0	This is where your data starts. The questions are open to your Data entry user(s) and Data admin user to input and amend your data.
Level 10	Your data has been saved but not yet submitted by your Admin user.
Level 30	Your data has been submitted by your Admin user and is now ready for validating.
Level 40	Your data has been validated and authorised to the national level.

- **Rollup –** clicking on Rollup moves your data from the current level (e.g. Level 0) to the next level (Level 10) up when you are satisfied the data have been entered correctly.

  Clicking on the circle will bring up a message:

Figure 19: Rollup pop-up message
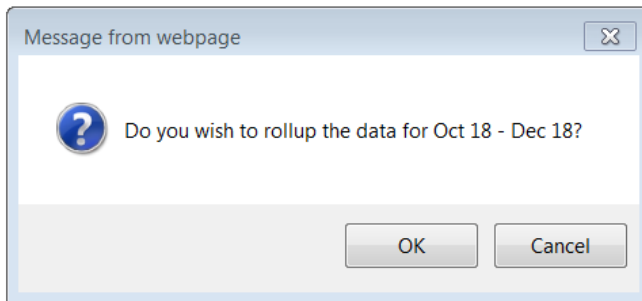
Clicking OK will bring up another message in which you also need to click OK.

Figure 20: Data saved pop-up message
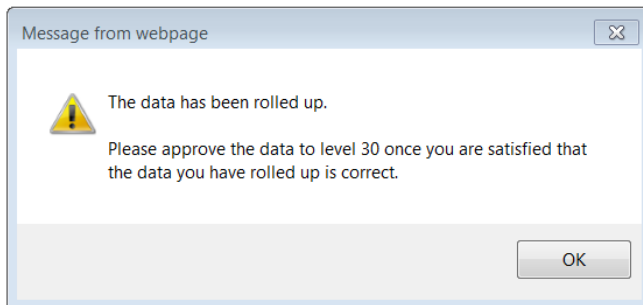
- **Question** – clicking on the symbol opens the Incidents and Actions Taken question pages so you can see what you have entered for that period.

- **History** – clicking on the symbol opens an audit trail so you can see who has changed the status of the return and when. In the example below the data was rolled up from Level 0 to Level 10 at 16:31:27, and then approved to Level 30 at 16:37:42.

Figure 21: Audit trail

Oct 18 - Dec 18	30		🔴	🔴

Date Changed	Changed By	From Status	To Status
10/01/19 16:37:42	User 1	10	30
10/01/19 16:31:27	User 1	0	10

Report – You will be able to access reports from this column. From the Data authorisation screen users can download a validation report for each quarter. The report shows a quarterly summary, whether the user entered monthly data or quarterly. Just click on the Excel file icon and download to your computer to view. This will also be the report that the WasteDataFlow verification team uses to then ask for confirmation on the data if anything stands out as not being in line with previous reporting or if there are anomalies/discrepancies in the data.

Figure 22: Excel Report

Period	Status	Rollup	Question	History	Report	Approve	Reject
Jan 16 - Mar 16	-	🟠					
Oct 15 - Dec 15	30		🔴	🔴	📄	✓	✗
Jul 15 - Sep 15	30		🔴	🔴	📄	✓	✗

- **Approve** – When data is rolled up to L10 a green tick ✓ will appear in this column. Clicking on this allows the Admin user to submit the data to Level 30 and once the validation process is complete it is used by WDF to authorise the data to Level 35.

- **Reject** – If errors are found during the local authority checking process or during the validation process the red cross ✗ can be clicked to roll the data back down to Level 0 for editing.

5.2 The validation process

The validation process involves the data moving from Level 0 to L40, through an authorisation process involving the local authority, the Data Manager Contractor (the WasteDataFlow team/FtAW) and, in England, the Environment Agency and Defra or, in Wales, the Welsh Government. The movement of data through these levels is provided in Table 9 and Table 10 below.

Table 9: Fly-tipping module validation and authorisation structure in England

Levels 0 – 30	Levels 30 – 35	Level 35 – 40	Level 40
LA Data Entry and Authorisation	Data Manager Contractor validation	Defra validation	Defra authorisation and publication of data.

Table 10: Fly-tipping module validation and authorisation structure in Wales

Levels 0 – 30	Levels 30 – 35	Level 35 – 40	Level 40
LA Data Entry and Authorisation	Fly-tipping Action Wales data validation	Welsh Government validation	Welsh Government publication of data.

Once data has been submitted to Level 30, The Data Manager Contractor (the WasteDataFlow team/FtAW) validates the quarterly data, returning it for amendments to the LA as required and then

authorises the data to Level 35 to allow Defra or Welsh Government (WG) access to validate. In the initial stages this will involve the Data Manager Contractor going into each local authority's return and checking for completeness, data inconsistencies and comparing the current data with the same quarter of the previous year.

The Data Manager Contractor runs a series of checks on this data to highlight any potential data entry errors. Any queries arising from these data checks are emailed to the local authority for comment.

5.2.1   Timescales for validation

The Data Manager Contractor is committed to making all efforts to bring a Level 30 return (submitted within the deadline) to Level 35 with six weeks of the submission deadline. Following a return reaching Level 35 the EA and WG will make all efforts to validate the return to Level 40 within one month, subject to there being no further queries with the submitted data. It is important that local authorities make all efforts to submit returns within the deadlines and to respond promptly to any data validation queries. This is particularly important for the final quarter when the data are published as official statistics to a pre-announced publication date.

6 Reports

All LA users will be able to run a number of reports on your data and that of other local authorities (for returns which have reached Level 10). At present, the Fly-Tipping Module isn't publicly accessible and the statistics will become available to non-LA users only once they are published by the relevant Environmental body.

For England, this will be Defra via the Gov.UK website here.

For Wales, this will be StatsWales via the Welsh Assembly Government website here.

LA users can access the Reporting function either through the drop-down menu of the Fly Tipping tab, or directly in the Reporting tab.

Figure 23: Reporting Tab

You first choose the report type from the drop-down menu; the options currently available are:

- **Aggregated Report** – this will provide data that is combined for the selected periods, for example if you select to download April **–** June, July – September, October – December, and January – April for a single LA then this will provide a single dataset for that financial year.
- **Question Report** – this will provide data on a single quarter for one LA.
- **Raw Data** – this will provide the source data that is used to generate the above two reports**.** This information download can be grouped according to the following categories:
  - **As entered** – if data was entered monthly then it would produce a monthly report, or if data was entered quarterly it would produce a quarterly report.
  - **In quarters** – data will be grouped according to each quarter.
  - **Aggregated** – The selected periods will be combined into a single aggregated dataset.

The next step is to select the LA or LAs that you wish to download data for. This can be achieved by performing the following:

- **Aggregated Report** – type the authority in the "Authority Name" field, or search by authority type (WCA, WDA or UA) or geographical region. Clicking on "Search" will show all LAs that match the details entered in the field to the right, while "Add" all will enter all LAs in the field below.
- **Question Report** – click on 'Select' and begin entering the LA's name.
- **Raw Data** – type the authority in the "Authority Name" field, or search by authority type (WCA, WDA or UA) or geographical region. Clicking on "Search" will show all LAs that match the details entered in the field to the right, while 'Add all' will enter all LAs in the field below.

When using the Search function for Aggregated and Raw Data Reports, once you have found the local authority or authorities you want to run a report for, you must click on "Add" (in red)on the left to add them to your report. This will move that LA to the Local Authorities field below; all authorities listed in this field will be included within the download.

Lastly, you choose which period you want the data for by either single-clicking on the double arrows to select all available periods, or double-clicking on just one period to add that into your selected period. If you want a couple of periods, then go back to the Available Periods column and double-click on that extra one to add that to your Selected Periods as well. Once you have chosen all of the parameters you want then click on "Run Report" to create an Excel file of the data.

Figure 24: Reporting Selection

7 Appendix 1 – FAQs

These questions and answers have been prepared by the Environment Agency.

FAQ Reference	Question	Answer
FAQ1	What is the definition of Fly-tipping?	Fly-tipping is the common term used to describe waste illegally deposited on land as described under section 33 of The Environmental Protection Act 1990.
		The classification of fly-tipping is a wide one and therefore it is difficult to have a watertight definition. Not only is it impossible to cover all eventualities but having a rigid definition would limit the flexibility of local authorities.
		However, for the purposes of the WDF Fly-tipping module waste should be counted as a fly-tip if it is too large to be removed by a normal hand-sweeping barrow. In simple terms, a single full bin bag upwards may constitute a fly-tip. Similarly, several carrier bags full of rubbish dumped together would also constitute a single fly-tip.
		Waste placed out at the wrong time can also be counted as fly-tipping for the purposes of the WDF Fly-tipping module in certain circumstances. Local authorities are guided to use their discretion when recording such incidents and to base such classifications on local strategy.
		See Q16 for further information about section 33 and section 46 offences.
FAQ2	What is the split of responsibilities between local authorities and the Environment Agency?	There is a national fly-tipping protocol between local authorities and the Environment Agency which sets out the responsibilities of both. Simply, local authorities deal with smaller scale fly-tips while the Environment Agency deal with more serious, 'big, bad and nasty' fly-tips which often have serious criminal involvement.
FAQ3	When a fly-tipping incident has been reported to the Environment Agency should these be included in the local authority's figures?	Incidents passed onto the Environment Agency should not be recorded by the local authority, as they will be recorded by the Environment Agency.
FAQ4	Are all fly-tips recorded and is it 100% reliable?	Not all fly-tips are recorded. All fly-tips dealt with by waste collection authorities and the Environment Agency should be recorded in the WDF Fly-tipping module. This includes details of incidents on private land (and any subsequent actions) if waste collection authorities or the Environment Agency attend.

FAQ Reference	Question	Answer
		With regard to reliability of the data, there is some level of judgement in recording waste as a fly-tipping incident. Local authorities gather their data from a number of different sources, and data can often be collected and reported by separate teams, which may lead to discrepancies and some uncertainty. Within the data entry there are some data entry validation rules to help ensure consistency and other validation checks are carried out on the data. Local authorities do also makes changes and improvements to the way data is collected and recorded and may run specific campaigns so comparisons between local authorities and trends over time always need to be interpreted with some caution.
FAQ5	Is there any training for the data collection and input of information in the WDF Fly-tipping module?	WasteDataFlow provide training sessions via WebEx. Details will be emailed out to all registered users prior to the scheduled sessions. Contact the WDF helpdesk for more information.
FAQ6	Should road kill be recorded as a fly-tipping incident?	This has to be viewed in the context of the definition of fly-tipping in the Section 33 of the Environmental Protection Act 1990 which states that a person shall not: deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless an environmental permit authorising the deposit is in force and the deposit is in accordance with the licence. The animal carcasses section is there to cover those incidents where carcasses (or parts of animals) are dumped by markets/farms/shops rather than natural deaths or road accidents. Therefore, road kill should not be recorded as fly-tipping.
FAQ7	The guidance states that fly-tipping is one bag upwards yet it states that small fly-tipping can be dealt with by fixed penalty notice (FPN) under s.88 which is littering. Fly-tipping returns are for s.33 offences, please clarify.	Strictly speaking Fly-tipping returns are for incidents of fly-tipping which are section 33 offences. We are however aware that some authorities use s88 FPNs for fly-tipping incidents, therefore we request this information in order to capture all actions taken by authorities which relate to fly-tipping offences. This has never been challenged therefore we accept s88 FPNs when related to fly-tipping. **If a fixed penalty notice is issued under s88 but solely relates to littering, then this shouldn't be reported in WasteDataFlow.** We do also ask for data on Duty of Care and other related activities which brings in section 34 offences and others in relation to Duty of Care and vehicles/transfer notes.
FAQ8	Are FPNs issued by local authority's only or a mix of bodies i.e. police?	FPNs are issued by the local authorities, the Police do not issue any of the appropriate FPNs.

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FAQ Reference	Question	Answer
FAQ9	Are FPNs for littering to be included in Fly-tipping?	If an FPN is issued under s88 but solely relates to littering, then this shouldn't be reported.
FAQ10	If a valid FPN previously issued and submitted has now been cancelled and a written warning issued as a result, do both actions still count?	FPNs should be issued appropriately and there shouldn't be a need to cancel them (unless issued in error). To issue an FPN authorities are required to have sufficient evidence to commence a prosecution as the FPN is there to allow the "offender" to avoid that prosecution by paying the fixed penalty. Cancelling FPNs is not a means for the authority to avoid having to properly collect evidence of an offence. All legitimate FPNs issued in response to a fly-tip should be recorded as issued. This will remain as it was issued in good faith, if the FPN is cancelled and a warning letter issued, the warning letter should be recorded. Obviously, the difference will show on FPNs paid. On screen 2, incidents can have more than one action taken at different times. The simple response is to correctly issue FPNs, even if cancelled later they will stay on the system. Void FPNs should not be issued in the first place and should be amended. FPNs that were not paid are different. They should stay there as they were properly issued and a prosecution for the original offence should then be taken up. Additional action taken such as a warning letter should be recorded.
FAQ11	What is classed as an Investigation?	Investigation means the enforcement team has recorded the incident, attempted to identify the evidence available and has either decided the action to be taken or has decided to take no action. Investigations could cover any land. **It does not matter what the result of the investigation is, if a council officer's time is spent investigating the case, it should be included in screen one.**
FAQ12	Should I be including incidents where an officer has been to inspect a fly-tip however when they went to the location there was nothing to be found?	If your officer attends a reported fly-tip and they find nothing you should not report these as either an incident or action. There has to be definite evidence of a fly-tip to log it on the system.
FAQ13	Can analysis be carried out on the number of fly-tip incidents and/or tonnes of fly-tipped material?	Fly-tipping incidents are recorded by size with no weight information. There are no official weight figures for size categories in the WDF Fly-tipping module. However, we are aware that some authorities apply conversion factors.
FAQ14	If our authority carries out a campaign of leafleting of every single household and warning letters where appropriate, how	It depends to an extent on what you're issuing. Leaflets are not recorded on your fly-tipping return; they are primarily for advice and not an action taken against fly-tipping. The definition from the WDF Fly-tipping module is; warning letter means a warning letter has been sent or handed to the perpetrators or the land occupiers/owners. Providing it is a

FAQ Reference	Question	Answer
	would we record this on our fly-tipping return?	warning letter in relation to fly-tipping it should be recorded on your fly-tipping return.
FAQ15	With regard to the definition of warning letter, how strict is the definition? Can letters sent for offences relating to waste receptacles (that is, to residents who deposit their refuse on the wrong day of the week or in the wrong manner) be counted here as well?	Your letters should not be recorded on your fly-tipping return if they are primarily for advice and not an action taken against fly-tipping. However, if you have evidence of fly-tipping and your response is to send a large number of warning letters to an estate or other large group, providing it is a warning letter in relation to fly-tipping it can be recorded on your Fly-tipping return.
FAQ16	We have many side waste/advanced sack complaints which we deal with by way of s46 EPA 1990 rather than fly-tipping. The definition and what it covers gives to much flexibility to interpret what can be included in the fly-tipping returns. Please can you provide further clarity?	Waste that is placed outside of the local rules regarding location/receptacle or waste type could be dealt with by either section 46 or section 33 powers dependent on the circumstances. In effect when something is clearly packaged correctly and placed out in the correct place showing some care to follow the rules, but they have got the time wrong we believe it should be regarded as an s46 matter. When it is clearly the wrong waste type/place/packaging with no apparent attempt to meet the local rules or without any regard for the local environment it is more likely to be considered as a fly-tip. Local authorities are responsible for their own local waste and environmental strategies and as such some authorities have a "clear all" policy under which they will clear any waste that is placed out at any time, others have a much stricter approach. We only want figures submitted into the WDF Fly-tipping module that your local authority considers to be fly-tipping under s33 and for which you are using the associated powers available to deal with it, we do not want figures submitted for the incidents that are more suited to s46 offences (we note these can be very similar incidents). When dealing with these incidents we would always emphasise the need to educate first and enforce second so that people are not punished when they are genuinely trying to do the right thing but make a simple mistake in the technicalities. Each authority approaches things slightly differently so there can't be one rigid definition that covers all approaches, hence the importance of local discretion.

FAQ Reference	Question	Answer
FAQ17	When letters are sent following Duty of Care inspections can these/should these be recorded separately as warning letters?	We are interested in all the actions you take to counter fly-tipping. If following a Duty of Care inspection, a warning letter is sent it should be recorded on your fly-tipping return in addition to the Duty of Care Inspection. If you had not carried out the inspection the letter would not have been sent, it is a direct consequence of your actions.
FAQ18	Are the FPNs issued for 47za just commercial or should they include domestic waste bins as well ?	s47za FPNs are for (mis-presentation of) both domestic and commercial waste receptacles. Section 46 of the EPA relates to household waste receptacles and Section 47 to commercial or industrial waste receptacles but the FPNs for both offences are issued under Section 47za. (Hence the confusion). The key difference is that Section 46 are treated as civil rather than criminal.
FAQ19	When listing the number of FPNs, should authorities be including COP (A) /fines for commercial bins on the streets?	Yes, these should be recorded under Breaching Requirement of Notice in respect to commercial waste receptacles. These FPNs should not be recorded as fly-tipping.
FAQ20	Where fly-tipping takes place in the area of my authority, but is traced back to a breach of the household waste Duty of Care offence in the area of another authority, who should record the FPN?	The authority who issued the FPN should record it regardless of where the fly-tipping itself took place.

It is recognised that this could lead to Duty of Care FPNs being counted for fly-tipping incidents captured by another authorities WDF return but avoids double counting and provides more useful information on enforcement approaches in different authorities. |
| FAQ21 | Where we have issued an FPN for a breach of the household waste Duty of Care, but it has not resulted in, or been traced to, a fly-tipping incident, should we record it? | You should record all FPNs issued for household waste Duty of Care offences regardless of whether they are linked to a fly-tipping incident.

This reflects that while a breach of the household waste Duty of Care is not dependent on the waste being fly-tipped, it is expected that the majority of household waste FPNs issued will have links to fly-tipping. |
| FAQ22 | How do I record my prosecutions data? | Prosecution means each prosecution case taken to court regardless of the outcome. If several prosecutions are taken against a perpetrator/suspect even if this relates to just one incident, you should include all the prosecutions. For example: if prosecuting two suspects each under section 33 and 34 of the EPA count this as four prosecutions. You will need to estimate and total your own costs of preparing the case(s) and taking them to court but exclude costs that have been recorded elsewhere (e.g. costs of surveillance).

If your prosecutions are continuing from a previous month and have therefore already been reported, do not include them. To avoid the danger of double-reporting, it is advisable to report Investigations in the month they begin (only) and all other actions in the month they are completed. |

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FAQ Reference	Question	Answer
FAQ23	Please can you clarify how I record this prosecution: A warrant has been issued for the arrest of the perpetrator. I presume that this outcome can't be counted in any of the 'prosecution outcomes', unless you think that it could be included in the 'other (successful)' box?	The guidance states: 'each prosecution case **taken to court'** the highlighted words are the important bit. Prosecutions are to be recorded when they go to court, this then means there will be an outcome. A number of people seem to include the word 'initiated' with their prosecutions, it doesn't appear anywhere in the guidance. We understand the frustrations of some officers; however, just because they have put a case together, if lawyers don't deem it strong enough to proceed to court it cannot be counted as a prosecution; in this case there is no outcome. Whilst most environmental cases go to court and are dealt with at one sitting it can be that they have more than one hearing. The case will not be reported until the final outcome is known. We view this case as being in the middle of the hearing, when the perpetrator is caught and attended court the case can be reported. Therefore, the incident should not be recorded as a prosecution until the final outcome.
FAQ24	Would people that have been taken forward for prosecution for an unpaid FPN be excluded from the all the actions taken page?	If the charges laid are the original offence which is the unauthorised deposit, fly-tipping, and the prosecution is under The Environment Protection Act 1990 (S33 1a), they are recordable.
FAQ25	I am under the impression that because fly-tipping is an offence which should be prosecuted, no FPNs can be issued against perpetrators. Are we under the wrong impression and are FPNs admissible? And if so, what piece of legislation would enable us to take action against fly-tippers with FPNs?	Fixed penalty notice means an FPN has been served on a perpetrator in connection with a waste offence regardless of whether it has been paid. This refers to use of s88 of the EPA (but only when used against small scale fly-tipping), s34A of the EPA (failure to furnish documentation), s47ZA of the EPA (offences relating to waste receptacles) and s5B and s5C of COP (A)A 1989 (failure to produce authority). Therefore, the main legislation is the Environmental Protection Act 1990 but there are other provisions. With regard to the s88 notice we must reiterate this is for fly-tipping offences not litter, it is primarily for litter offences, but we are aware that a number of authorities use it for (smaller) fly-tips.
FAQ26	Who should I contact if I have further questions?	If you have any queries, please contact: **In England** - the WasteDataFlow helpdesk on 0845 6000 890 or email helpdesk@wastedataflow.org. **In Wales** – If you query relates to the Waste Data Flow system or user registration then use the details above. For clarification on submissions or queries around what to record, contact Fly-tipping Action Wales on flytippingactionwales@cyfoethnaturiolcymru.gov.uk.