

Joint enforcement guidance for the management of Household Waste Recycling Sites (HWRS) in East Sussex and Brighton & Hove



Version 2, revised and agreed October 2014

Version 1, agreed August 2012. Implemented on 1 October 2012. Author: Alice Henderson, Waste Senior Technical Officer, ESCC

Review period: 2 yearly.

Updates: as changes to guidance or arrangements agreed.

Background

East Sussex County Council (ESCC), Brighton & Hove City Council (BHCC) and Veolia have all signed a long term PFI contract, the Integrated Waste Management Services Contract (IWMSC).

ESCC and BHCC have a statutory requirement to provide household waste recycling sites (HWRS) for residents to deposit their own household waste, which is set out in the Environmental Protection Act 1990 (EPA 1990 - part 2, 51 1b). One aspect of the contract is the management of the 14 HWRS across the two authorities.

This guidance sets out the main responsibilities and agreement between the relevant authorities in the management of enforcement issues. Due to the nature of the sites, enforcement issues include:

- trade waste – where a person deposits, or attempts to deposit, trade waste at the site
- flytipping – where a person illegally dumps waste near or on the site
- staff abuse – where a member of staff is subjected to harassment or physical harm by a site user
- site policy abuse – where a person disregards site management policy

This document sets out the principle of enforcement as agreed by ESCC (Stephen Potter – Waste Team Manager), BHCC (Jan Jonker – Head of Contracts and Strategy) and Veolia (Martin Benson – HWRS Manager) in August 2012 and reviewed at 2 yearly intervals.

Enforcement responsibilities

Due to the different legislation in place Veolia, ESCC and BHCC will work together to enable successful enforcement action to be taken.

- Trade and flytipping abuse: relates to the [Environmental Protection Act 1990](#) and therefore enforcement action will be taken by the local authority, with Veolia collating and storing original evidence. These will be held in a safe and secure manner and in full accordance with the Data Protection Act and Freedom of Information Act.
- Staff abuse and site policy abuse: Veolia will take enforcement action as employer or site operator, however ESCC or BHCC to provide assistance where required obtaining vehicle keeper details as Veolia have no authority to request this. Where the staff are employees of the local authority they should continue to report all health and safety issues as normal to their employer.

A more accurate breakdown of who will take what action has been agreed between ESCC, BHCC and Veolia. There are some minor differences due to the status and internal processes of the two local authorities.

Enforcement options

Where action is required a formal decision may need to be made on a case-by-case basis to ensure that the public interest is accounted for as well as having evidence to take action. In all cases the priority will be to resolve the situation, rectify any problems and recoup any losses to the council. Options of enforcement range from:

1. Warning letters issued: setting out the concerns of the organisation, and the relevant legislation/policies. The letter may also request either an explanation or apology for the behaviour, or state that no reply will result in action being taken.
2. Invoices issued: to seek to recover disposal costs incurred from illegal waste disposal
3. Debt recovery. This action can be taken where the cost of waste removal remains unpaid by the offender and may be preferable to formal proceedings. In all cases it will be important to ensure that proof of illegal disposal is clear.
4. Restricting access: this could range from restriction of the site/time/day of access to a time limited ban from all sites
5. Legal action: Caution, Injunction, Anti-Social Behaviour Order, Prosecution.

Legal framework

Trade Waste Abuse

All the sites have Environmental Permits issued by the Environment Agency, which do not allow the receipt of trade waste. To support this the IWMSC states that Veolia are responsible for managing the HWRS, and for ensuring trade waste is not deposited at the site (IWMSC Schedule 4, part 5, 3.3.3c).

In addition to the above the business rates paid by traders do not cover their waste disposal costs, and it is inappropriate for the authority to allow council tax payers money to cover this expense.

Trade waste abuse will most commonly come in the form of a trader trying to access the site and leave their waste (either knowingly breaking the regulation or not). However, it is also inevitable that in some cases trade waste will be identified on-site after the event. Veolia, ESCC and BHCC will work together to ensure trade waste is not accepted at the site wherever possible.

The deposit of trade waste at a HWRS is deemed illegal under sections 33 and 34 of the EPA 1990¹. In summary:

➤ Section 33 – waste on land

Offence: it is illegal for any person to deposit controlled waste, knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless an environmental permit is in force and the deposit is in accordance with the permit. Controlled waste is any household, commercial or industrial waste (section 33.1).

Vehicle: Where the waste is fly-tipped from a vehicle, the person controlling or owning the vehicle is treated as knowingly causing the offence (section 33.5).

Defence: these include where all reasonable precautions and due diligence was taken to avoid the offence, or the act was necessitated by an emergency in order to avoid a danger to the public (section 33.7).

Penalty:

- Summary – imprisonment up to 6 months and/or fine up to £50,000
- Indictment – imprisonment up to 5 years and/or unlimited fine.

➤ Section 34 – duty of care

Offence: a waste holder has a statutory duty of care with regard to waste. A waste holder is any person who:

- imports, produces, carries, keeps, treats or disposes of controlled waste; or
- as a broker, has control of such waste.

It is an offence for a waste holder to fail to take all reasonable measures to prevent:

- Another person from committing an offence under section 33.
- Prevent the escape of the waste from his, or another person's, control.
- Fail to ensure the waste is transferred to an authorised person or to any person for authorised transport and to fail to ensure that person is provided with a written description of the waste. (Section 34(1)(a)-(c))

Penalty:

- Summary - a fine of up to £5,000
- Indictment- unlimited fine

Householders also have a duty of care to check that anyone they use to take away and dispose of their domestic waste is registered. Householders are not required to supply duty of care documentation, such as a waste transfer note, but they could face a maximum fine of £5,000 if they fail to take reasonable measures to ensure their domestic waste is

handled by an authorised waste carrier. It is for the court to determine whether or not "reasonable measures" were taken in a particular case (section 34(2)).

Flytipping

As the HWRS receive waste they are sometimes subject to incidents where waste is deposited locally, but not on-site or in the containers (i.e. at the site entrance or on the access road). This may or may not be within operating hours (e.g. due to being turned away or the site being closed to change a container).

The deposit of waste not in accordance with the licence (i.e. trade or flytipped) is illegal under section 33 and 34 of the EPA 1990¹. See trade abuse legal framework for detail.

In trade waste and flytip instances the local authority will take the agreed action, with Veolia collating and storing original evidence.

In all cases the priority will be to resolve the situation, rectify any problems and recoup any losses to the council.

Staff and Site Policy Abuse

The HWRS across the two authorities have on-site staff, employed either directly by Veolia or under a short term contract (usually three years), who are responsible for the smooth and successful operation of the sites. Other staff that could be on-site include:

- ESCC/BHCC officers visiting the site (usually for monitoring but also for meetings)
- Veolia management staff to monitor the sites and manage the staff on-site
- Veolia haulage staff changing containers.

Staff Abuse: all staff are expected to be able to work in safe conditions and experience no harassment or physical abuse. Harassment is unwanted or unjustified behaviour which affects the dignity of anyone in the workplace, and which the recipient finds threatening, demeaning or offensive.

Site Policy Abuse: to operate the site safely and efficiently Veolia have site management policies in place, e.g. site visitors are not allowed to climb into containers. BHCC and ESCC are aware of these policies and support them, while signage on-site ensures site user awareness. Not adhering to these policies (i.e. following designated walkways or entering containers) can cause a hazard to site users.

The safety of staff is paramount and the first action will be to take any health and safety actions as necessary (i.e. administer first aid, call the police, complete an incident book entry).

Employers have a responsibility to ensure their staff have a safe place and system of work and are not harassed:

- Health and Safety at Work etc Act 1974 section 2
- The Management of Health and Safety at Work Regulations 1999 section 14
- Equalities Act 2010 section 26.
- Protection from Harassment Act 1997

In all cases except Anti-Social Behaviour Orders Veolia will take the agreed action as site operators. They will liaise with the Police where appropriate as they may choose to take a prosecution.

If the Police do not act and/or no protective orders are put in place by them, consideration should be given to seeking other routes for protection. This could be a warning or, if necessary, a ban from site (with or without a court order). The ban will be applied for and issued by the Councils, and if not complied with, enforced by civil action for an injunction as site operators or by the local authority applying for an Anti Social Behaviour Order. An Injunction may be obtained in a number of ways, including trespass to land where they have been banned or where a warning has been

given (verbally or by writing) that breaching rules will lead to them being banned. Before any formal action is taken agreement will be sought with the local authority and all other steps will have been taken. The final decision will sit with the local authorities, will never be taken lightly and may not be permanent.

Evidence management

With the prospect of prosecution in mind evidence must be managed appropriately. Where any formal record is taken by Veolia (such as CCTV or ANPR records, still photos or trade incident reports) they will:

- Be noted and held in a safe and secure manner in full accordance with the Data Protection Act, Freedom of Information Act and Police and Criminal Evidence Act.
- Be copied, labelled and the original stored in a locked container or room at one of Veolia's offices. The copy will be handed to the Recycling Officer at ESCC or the Contract and Projects Team at BHCC by Veolia's HWRS Manager.
- Be accompanied by a statement detailing who has created the exhibit, why and how. This will include a brief description of the officer's responsibilities in relation to the exhibit.

See Notes on Evidence Gathering and Notes on Making a Statement. Each organisation is responsible for ensuring their internal controls and processes are up to date and that staff are fully trained.

It is imperative that the appropriate steps are taken to enable prosecution at a later date if necessary.

Reporting and monitoring

Monthly Progress Meetings are held between Veolia and the Waste Team Manager. At these meetings any enforcement action will be discussed.

In all cases where a letter has been issued a comprehensive summary will be held (and, if by Veolia, can be requested by the relevant local authority on an ad-hoc basis). This will ensure transparency of operations and enable the relevant local authority to investigate if any complaints are received. The summary will include electronic copies of correspondence relating to the case.

Complaints

As site operators all complaints will be handled by Veolia, who can be contacted as follows:

Customer Services, Veolia Environmental Services Plc, Newhaven Energy Recovery Facility,
North Quay Road, Newhaven, East Sussex, BN9 0AB
Veolia's Customer Helpline. 08453 550 550.
Email. info.southdowns@veolia.co.uk

Where someone wishes to complain about Veolia managements' conduct regarding the HWRS, the relevant local authority should be contacted:

<p>East Sussex County Council West E, County Hall, St Anne's Crescent, Lewes, BN7 1UE</p> <p>Tel. 01273 482144 Email. waste.disposal@eastsussex.gov.uk</p>	<p>Brighton & Hove City Council Contracts & Projects Team, City Infrastructure, Hollingdean Depot, Upper Hollingdean Road, Brighton, BN1 7GA</p> <p>Tel. 01273 292929 Email. Contractscityservices@brighton-hove.gov.uk</p>
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Appendix 1 – ESCC sites

Trade abuse - Trade waste identified on arrival (ESCC sites)		
Type of incident	Actioned by	Actions
Person arrives with trade waste	Veolia	<ul style="list-style-type: none"> • Site staff explain they do not accept trade waste. • Refer person to trade receiving facility and give them a copy of access guidelines (including information on duty of care and waste carriers regulations etc). • Turn person away. • Note details in site diary (date, time, vehicle details, waste details, person description/name, other relevant info) if repeat offences/other concerns. • If person is threatening or refuses to leave site then accept the waste and refer to the section below and to the staff abuse section if applicable.
Person arrives with trade waste, and disputes it is trade waste	Veolia	<p>As above. The decision to refuse waste will be with the site staff.</p> <p>Site staff can ask the member of public to complete a trade waste declaration form.</p> <p>If the person is turned away and they wish to complain they will contact Veolia under the agreed complaint management procedures. Veolia will keep full records of the original incident and any further information. ESCC and BHCC may request a summary if they receive a subsequent complaint direct from the person.</p>
Either of the above, person is abusive or refuses to leave site	Veolia	<p>If the person is abusive to the point where the member of staff is worried for their safety the waste will be accepted.</p> <p>A full note will be detailed in the site diary, the HWRS Manager will be informed and a RIVO report written. Where necessary the police will be informed and a crime reference noted.</p> <p>In any case where the member of staff feels threatened to this point a letter can be issued by Veolia stating staff abuse and trade waste is not accepted. See staff abuse policy for further detail. If anyone attempts to access the site in this manner again action will be agreed on a case-by-case basis.</p>
Trade waste is left on site due to the person being abusive or threatening	ESCC	<p>If trade waste is deposited on site without permission as per the above occasions then ESCC will consider further enforcement action. In this instance follow the section below on 'trade waste found on site after deposited'.</p>

Trade abuse - Trade waste found on site after deposited (ESCC sites)		
Type of incident	Actioned by	Actions
Minor and/or first incident	Veolia	<p>Information passed from Veolia to ESCC. Held centrally on a spreadsheet and where an identifier is found in the waste, issue warning letter giving advice on proper management of waste, informing them we have kept their details on file and if done again we will consider legal action.</p> <p>Specific requirements:</p> <ol style="list-style-type: none"> 1. Veolia note details in site diary (as above) and collate evidence (photos, photo copy of site diary etc).

	Veolia ESCC	2. Evidence passed to ESCC – originals stored by Veolia, copy sent to ESCC within three working days of incident. 3. Central record created. ESCC issue warning letter detailing traders' responsibilities, advise that offenders can be prosecuted, and saying a central record has been created.
Medium incident (larger amount or repeated offenses)	Veolia Veolia ESCC Veolia ESCC ESCC	Issue warning letter, seek to reclaim costs and advise that prosecution may be an option. Specific requirements: 1. Veolia note details in site diary (as above) and collate evidence. Evidence reviewed will include photocopy of site diary, photos, CCTV etc for that incident. Where access is confirmed CCTV* will also be assessed. 2. Evidence passed to ESCC – originals stored by Veolia, copy sent to ESCC within two working days of incident. 3. Central record created. ESCC request keeper details from Sussex Police Operation Crackdown (who use DVLA's web based enquiry system) within fourteen days of incident (preferably within seven) (if required, identifier may be included in waste) or from DVLA if later than fourteen days after incident. 4. Veolia double check no additional incidents, collate information if required. 5. ESCC raise invoice. 6. Letter issued stating costs must be paid or steps may be taken to start prosecution process. If no payment received: 7. Consider taking case to prosecution: liaise with Planning Development Control or Trading Standards to assist with conducting a PACE (Police and Criminal Evidence Act) interview with the Waste Team. This could lead to issuing a caution, a simple caution or taking forward to a full prosecution for example.
Significant incident (large or difficult type of waste, possibly repeated)	ESCC	Consider taking forward for prosecution working with Planning Development Control or Trading Standards. Specific requirements: 1-4 and 7 above.

* Veolia have access to CCTV information for 30 days

Further operational detail can be seen in Veolia's Trade Waste Protocol.

Flytipping (ESCC sites)		
Type of incident	Actioned by	Actions
First offence/small amount	Veolia Veolia ESCC	Information passed from Veolia to ESCC. Held centrally on a spreadsheet and where an identifier is found in the waste, issue warning letter giving advice on proper management of waste, informing them we have kept their details on file and if done again we will consider legal action. Specific requirements: 1. Veolia note details in site diary (as above) and collate evidence (photos, photo copy of site diary etc). 2. Evidence passed to ESCC – originals stored by Veolia, copy sent to ESCC within three working days of incident. 3. Central record created. ESCC issue letter detailing responsibilities and saying a central record has been created.
Repeat		Issue warning letter, seek to reclaim costs and advise that

offence/large amount: two options	Veolia	prosecution may be an option.
	Veolia	Specific requirements: 1. Veolia note details in site diary (as above) and collate evidence. Evidence reviewed will include photocopy of site diary, photos, CCTV etc for that incident. Where access is confirmed CCTV* will also be assessed.
	ESCC	2. Evidence passed to ESCC – originals stored by Veolia, copy sent to ESCC within two working days of incident. 3. Central record created. ESCC request keeper details from Sussex Police Operation Crackdown within fourteen days of incident (preferably within seven) (if required, identifier may be included in waste) or from DVLA if later than fourteen days after incident.
	Veolia	4. Veolia double check no additional incidents, collate information if required.
	ESCC	5. ESCC raise invoice.
	ESCC	6. Letter issued stating costs must be paid or steps may be taken to start prosecution process.
		If no payment received: 7. Consider taking case to prosecution: liaise with Planning Development Control or Trading Standards to assist with conducting a PACE interview with the Waste Team. This could lead to issuing a caution, a simple caution or taking forward to a full prosecution for example.
	or	
	ESCC	Consider taking forward for prosecution via Planning Development Control or Trading Standards.
		Specific requirements: 1-4 and 7 above.

* Veolia have access to CCTV information for 30 days

Staff Abuse (ESCC sites)		
Type of incident	Actioned by	Actions
Verbal harassment, member of staff is not offended or concerned for their safety	Veolia	Note of incident in site diary (date, time, car details, and description of person). Staff's manager informed. RIVO report written.
Verbal harassment, member of staff feels offended or concerned for their safety	Veolia	Note of incident in site diary (date, time, car details, and description of person). Member of staff's manager informed.
	Veolia	HWRS Manager informed and a RIVO report written. Where necessary the police will be informed and a crime reference noted. CCTV reviewed and data gathered.
	ESCC	Request keeper details within five days of incident (ESCC can only usually obtain vehicle keeper details from Operation Crackdown if flytipping/attempted flytipping has also taken place).
	Veolia	Issue letter stating staff abuse is not accepted and giving warning. NB – if a police report has been made joint communication may be required.
	Employing organisation	Support member of staff.
Continued verbal harassment	Veolia/ESCC/	As above

	Police	
	Veolia	Discuss and agree action to be taken within five days of incident (could be police action, limited access to sites etc). Veolia will lead as relates to their staff.
Physical abuse	Veolia	Note of incident in site book (date, time, car details, and description of person). Member of staff's manager informed.
	Veolia	HWRs Manager will be informed, a RIVO report written and all incidents will be reported to the police. CCTV reviewed and data gathered.
	ESCC	Request keeper details within five days of incident (ESCC can only usually obtain vehicle keeper details from Operation Crackdown if flytipping/attempted flytipping has also taken place).
	Veolia	Issue letter stating staff abuse is not accepted and giving warning. NB – if a police report has been made joint communication may be required.
	Employing organisation	Support member of staff.

Site Policy abuse (ESCC sites)		
Type of incident	Actioned by	Actions
First incident	Veolia	Full details noted in site diary. HWRs Manager informed, assess if occurred at any other site.
	ESCC/Veolia	Collate evidence and request keeper details within five days of incident. Issue warning letter stating the importance of following site rules. Letter issued by ESCC or Veolia depending if Council policy or Veolia policy.
Repeat incident/serious risk to site user or staff safety	Veolia	Full details noted in site diary. HWRs Manager informed, assess if occurred at any other site.
	ESCC/Veolia	Discuss severity of incident and agree steps to be taken (such as limiting access or banning from site for an agreed period). Request keeper details within five days of incident (ESCC can only usually obtain vehicle keeper details from Operation Crackdown if flytipping/attempted flytipping has also taken place).
	ESCC/Veolia	Write to person confirming action taken and enforce on-site.

Trade abuse - Trade waste identified on arrival (BHCC sites)		
Type of incident	Actioned by	Actions
Person arrives with trade waste	Veolia	<ul style="list-style-type: none"> • Site staff explain they do not accept trade waste. • Refer person to trade receiving facility and give them a copy of access guidelines (including information on duty of care and waste carriers regulations etc). • Turn person away. • Note details in site diary (date, time, vehicle details, waste details, person description/name, other relevant info) if repeat offences/other concerns. • If person is threatening or refuses to leave site then accept the waste and refer to the section below and to the staff abuse section if applicable.
Person arrives with trade waste, and disputes it is trade waste	Veolia/BHCC	<p>As above. The decision to refuse waste will be with the site staff.</p> <p>If the person is adamant that the waste is household BHCC will arrange for a visit by an enforcement officer to determine whether the waste is household or trade before the person is allowed to revisit the site to dispose of their waste.</p> <p>If they wish to complain, they will contact Veolia under the agreed complaint management procedures. Veolia will keep full records of the original incident and any further information. BHCC may request a summary if they receive a subsequent complaint direct from the person.</p>
Either of the above, person is abusive or refuses to leave site	Veolia	<p>If the person is abusive to the point where the member of staff is worried for their safety the waste will be accepted, but the person will be told by way of a {standard letter} that the details have been taken and the matter may be referred to the Police / local authority for prosecution.</p> <p>A full note will be detailed on a trade incident Proforma, the HWRS Manager will be informed and a RIVO report written. Where necessary the police will be informed and a crime reference noted.</p> <p>In any case where the member of staff feels threatened to this point a letter can be issued stating staff abuse and trade waste is not accepted. See staff abuse policy for further detail.</p>
Trade waste is left on site due to the person being abusive or threatening	BHCC	<p>If trade waste is deposited on site without permission as per the above occasions then BHCC will consider further enforcement action. In this instance follow the section below on 'trade waste found on site after deposited'.</p>

Trade abuse - Trade waste found on-site after deposited (BHCC sites)		
Type of incident	Actioned by	Actions
Minor and/or first incident		<p>Information passed from Veolia to BHCC. Held centrally on a spreadsheet and where an identifier is found in the waste, issue warning letter giving advice on proper management of waste, informing them we have kept their details on file and if done again we will consider legal action.</p> <p>Specific requirements:</p>

	Veolia Veolia BHCC	1. Veolia note details in site diary (as above) and collate evidence (photos). 2. Evidence passed to BHCC – originals stored by Veolia, copy sent to BHCC within three working days of incident. 3. Central record created. BHCC issue letter detailing traders' responsibilities and saying a central record has been created.
Medium incident (larger amount or repeated offenses)	Veolia Veolia BHCC Veolia BHCC	Issue warning letter, seek to reclaim costs and advise that prosecution may be an option. Specific requirements: 1. Veolia note details on trade incident Proforma (as above) and collate evidence. Evidence reviewed will include photos, CCTV etc for that incident. Where access is confirmed CCTV* will also be assessed. 2. Evidence passed to BHCC – originals stored by Veolia, copy sent to BHCC within two working days of incident. 3. Central record created. BHCC request keeper details from Sussex Police Operation Crackdown within within fourteen days of incident (preferably within seven) (if required, identifier may be included in waste). 4. Veolia double check no additional incidents, collate information if required. 5. BHCC may raise an invoice and issue a letter stating costs must be paid or steps may be taken to start prosecution process. If no payment is received consider taking to prosecution: pass to Legal department.
Significant incident (large or difficult type of waste, possibly repeated)	BHCC	Prosecution via Legal Department. Specific requirements: 1-4 above Take to prosecution: pass to Legal department for management and completing a PACE interview. The Contracts and Project Team will provide administration support where required.

* Veolia have access to CCTV information for 30 days

Further operational detail can be seen in Veolia's Trade Waste Protocol.

Flytipping (BHCC sites)		
Type of incident	Actioned by	Actions
First offence/small amount	Veolia Veolia BHCC	Information passed from Veolia to BHCC. Held centrally on a spreadsheet and where an identifier is found in the waste, issue warning letter giving advice on proper management of waste, informing them we have kept their details on file and if done again we will consider legal action. Specific requirements: 1. Veolia note details on trade incident Proforma (as above) and collate evidence (photos). 2. Evidence passed to BHCC – originals stored by Veolia, copy sent to BHCC within three working days of incident. 3. Central record created. BHCC issue letter detailing responsibilities and saying a central record has been created.
Repeat offence/large amount: two options	Veolia	Issue warning letter, seek to reclaim costs and advise that prosecution may be an option. Specific requirements: 1. Veolia note details on trade incident Proforma (as above) and

	Veolia BHCC Veolia BHCC	<p>collate evidence. Evidence reviewed will include photos, CCTV etc for that incident. Where access is confirmed CCTV* will also be assessed.</p> <p>2. Evidence passed to BHCC – originals stored by Veolia, copy sent to BHCC within two working days of incident.</p> <p>3. Central record created. BHCC request keeper details from Sussex Police Operation Crackdown within fourteen days of incident (preferably within seven) (if required, identifier may be included in waste).</p> <p>4. Veolia double check no additional incidents, collate information if required.</p> <p>5. BHCC may raise an invoice and issue a letter stating costs must be paid or steps may be taken to start prosecution process.</p> <p>If no payment is received consider taking to prosecution: pass to Legal department.</p>
	or	
	BHCC	<p>Prosecution via Legal Department.</p> <p>Specific requirements: 1-4 above Take to prosecution: pass to Legal department for management and completing a PACE interview. The Contracts and Project Team will provide administration support where required.</p>






* Veolia have access to CCTV information for 30 days

Staff Abuse (BHCC sites)		
Type of incident	Actioned by	Actions
Verbal harassment, member of staff is not offended or concerned for their safety	Veolia	Note of incident in site book (date, time, car details, and description of person). Staff's manager informed. RIVO report written.
Verbal harassment, member of staff feels offended or concerned for their safety	Veolia	Note of incident in site book (date, time, car details, and description of person). Member of staff's manager informed.
	Veolia	HWRS Manager will be informed and a RIVO report written. Where necessary the police will be informed and a crime reference noted. CCTV reviewed and data gathered.
	BHCC	Request keeper details within five days of incident.
	Veolia	Issue letter stating staff abuse is not accepted and giving warning. NB – if a police report has been made joint communication may be required.
	Employing organisation	Support member of staff.
Continued verbal harassment	Veolia/BHCC/ Police	As above.
	Veolia	Discuss and agree action to be taken within five days of incident (could be police action, limited access to sites etc). Veolia will lead as relates to their staff.
Physical abuse	Veolia	Note of incident in site book (date, time, car details, and description of person). Member of staff's manager informed.

	Veolia	HWRS Manager will be informed, a RIVO report written and all incidents will be reported to the police. CCTV reviewed and data gathered.
	BHCC	Request keeper details within five days of incident.
	Veolia	Issue letter stating staff abuse is not accepted and relevant action (ban, limited access etc). NB – the police may wish to take action so joint communication may be required.
	Employing organisation	Support member of staff.

Site Policy abuse (BHCC sites)		
Type of incident	Actioned by	Actions
First incident	Veolia	Full details noted in site diary. HWRS Manager informed, assess if occurred at any other site.
	BHCC/Veolia	Collate evidence and request keeper details within five days of incident. Issue warning letter stating the importance of following site rules. Letter issued by BHCC or Veolia depending if Council policy or Veolia policy.
Repeat incident/serious risk to site user or staff safety	Veolia	Full details noted in site diary. HWRS Manager informed, assess if occurred at any other site.
	BHCC/Veolia	Discuss severity of incident and agree steps to be taken (such as limiting access or banning from site) and request keeper details within five days of incident.
	BHCC/Veolia	Write to person within five days of receiving keeper details confirming action taken and enforce on-site.

Appendix C – additional relevant documentation relating to protocol and policy

Document Title	Template link
Notes on Evidence Gathering	 Notes on evidence gathering
Notes on Making a Statement	 Notes on making statements
Access guidelines	ESCC sites: http://www.eastsussex.gov.uk/environment/rubbishandrecycling/recyclingsites/permits/vehicles.htm BHCC sites: http://www.brighton-hove.gov.uk/content/environment/recycling-rubbish-and-street-cleaning/recycling-centres
Trade waste leaflet	 ESCC advice leaflet - trade waste
Complaint Management Procedures	 Veolia - Managing Complaints 2012 - SY
Staff abuse policy	Veolia can provide
Trade waste protocol	 Trade Waste Protocol draft v1 08.(