Safe, Clean & Tidy - Publicising Fly Tipping & Environmental Crime Cases Policy

Summary
This policy sets out the Council's Safe, Clean & Tidy approach to publicising fly-tipping and environmental crime cases.

The Safe, Clean & Tidy team includes authorised officers responsible for environmental enforcement, education and engagement activity, working with residents, businesses, landlords and partners to prevent, investigate and address environmental crime and help maintain a safe, clean and tidy city.

Effective date
September 2026

Review
We will review this policy every three years, or sooner if there are changes to legislation, regulation, best practice or operational requirements.

Version
Version 1.0

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1. Introduction

1.1. Portsmouth City Council (PCC) works with residents, businesses, landlords and partners to maintain a safe, clean and tidy city, recognising the challenges of a densely populated urban environment.

1.2. Environmental crime has a direct impact on the city. It reduces neighbourhood confidence, creates public health risks, obstructs public spaces and places avoidable costs on both the Council and residents. Left unchecked, these issues can escalate quickly.

1.3. A clear and consistent approach to enforcement, supported by education and accessible services, is essential to protect public wellbeing and maintain the city's standards.

1.4. The Council exercises its powers under relevant legislation, including the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005, and the Anti-social Behaviour, Crime and Policing Act 2014. Enforcement action is intended to address offending behaviour and deter further offences.

1.5. This policy supports the Council's Safe, Clean & Tidy Enforcement Policy, which sets out how enforcement decisions are made and ensures action is fair, proportionate, consistent and transparent.

1.6. Effective enforcement often relies on identifying those responsible. Fly-tipping is frequently unwitnessed and, even where incidents are observed, individuals may be reluctant to come forward. This can limit investigation and enforcement outcomes.

1.7. This policy enables the Council, where lawful and appropriate, to publish information relating to incidents, cases and suspects to support identification, progress enforcement action and reduce environmental crime.

1.8. This policy should be read alongside:

- Portsmouth City Council Enforcement Policy
- PCC Corporate CCTV Policy
- PCC Data Protection and Information Governance Framework

2. Scope

2.1. This policy sets out when and how Portsmouth City Council may publish information to support the prevention, investigation and enforcement of environmental offences, including fly-tipping. Publication will only take place where it is lawful, necessary and proportionate.

2.2. The policy covers:

- the publication of images or descriptions of individuals suspected of environmental offences, where identification cannot be achieved through other reasonable means
- images or details of incidents where no individual is identifiable, such as vehicles or dumped materials
- the publication of enforcement outcomes, including court cases, where appropriate and proportionate

2.3. Images or information relating to individuals under 18 will not be published.

2.4 This approach supports enforcement activity by helping to identify offenders, raise awareness and deter offending behaviour.

2.4. Any publication involving personal data will be limited to what is necessary to support law enforcement purposes and will comply with data protection and human rights requirements.

2.5. This policy provides a clear framework to ensure decisions on publication are consistent, lawful and transparent, supporting a proportionate response to environmental crime.

3. Principles of Publicising Environmental Crime Cases

3.1. The Council will take a proportionate and balanced approach when considering whether to publicise environmental crime cases. Publicity will only be used where it supports enforcement activity and is in the public interest.

3.2. Decisions to publicise information will be based on the following principles:

3.2.1. Purpose - Publicity will only be used where there is a clear purpose, such as helping to identify an offender, supporting an investigation, deterring offending, or raising awareness of environmental crime.

3.2.2. Proportionality - The level of information published will reflect the nature and seriousness of the offence. Only relevant information will be shared.

3.2.3. Lawfulness - All publication will comply with relevant legislation, including data protection and human rights requirements. The use of images, including CCTV and body worn video, will follow Council policies and procedures.

3.2.4. Accuracy - Information published will be based on available evidence and presented clearly. Where individuals are described as suspects, this will be made clear.

3.2.5. Fairness - The Council will consider the potential impact of publication on individuals and others, including any known vulnerabilities. Publicity will not be used where it would be inappropriate or cause disproportionate harm.

3.2.6. Transparency - The Council will be clear about why information is being published. Content will be factual and will not prejudice legal proceedings.

3.2.7. Accountability - Decisions to publicise information will be recorded and subject to internal review. Officers will be responsible for ensuring that decisions are in line with this policy.

3.2.8. Public Interest - Publicity will only take place where there is a clear benefit to the wider community, such as preventing further offences or supporting enforcement action.

4. Investigation Procedures

4.1. The Council will investigate environmental offences in line with its Safe, Clean & Tidy Environmental Enforcement Policy and relevant legislation.

4.2. Investigations will be carried out to establish the facts of a case and determine whether enforcement action, including the use of publicity, is appropriate.

4.3. The Council will carry out all investigations in line with relevant legislation and guidance, including the Police and Criminal Evidence Act 1984.

4.4. Before any decision is made to publicise information, the investigating officer must be satisfied that:

- all reasonable lines of enquiry have been explored
- there is a clear purpose for publication
- the available evidence supports the proposed action

4.5. Information and images used as part of an investigation will be handled in line with the Council's data protection and CCTV policies.

5. Use of Images and Surveillance

5.1. The Council may use images and surveillance to support the investigation of environmental offences and any decision to publicise information.

5.2. Images may include:

- CCTV footage from Council systems
- body worn video used by authorised officers
- dashcam or other vehicle mounted cameras
- photographs taken during site visits or inspections
- images provided by members of the public or partner agencies

5.3. The use of images will be in line with the Council's CCTV Policy and data protection requirements.

5.4. Images will only be used for legitimate purposes, including the investigation, detection and enforcement of environmental offences.

5.5. Images of individuals may be used to support identification where necessary. This will only be considered where:

- all reasonable lines of enquiry have been explored
- there is a clear purpose for publication
- the image is relevant to the offence being investigated

5.6. Access to images will be restricted to authorised officers and handled in a secure and controlled way.

5.7. Images will only be retained for as long as necessary and in line with Council data retention requirements.

5.8. Where images are used to support a decision to publicise information, they must be clear enough to support identification and reduce the risk of misidentification.

5.9. Where necessary, steps will be taken to protect the identity of individuals not connected to an offence, including the use of redaction or pixelation.

6. Enforcement Action and Publicity

6.1. The Council will take enforcement action where environmental offences have been identified, in line with its Safe, Clean & Tidy Environmental Enforcement Policy.

6.2. Enforcement action may include a range of measures depending on the circumstances of the case, such as warnings, Fixed Penalty Notices, Community Protection Notices, cautions or prosecution.

6.3. Decisions on enforcement action will be based on the circumstances of each case, including the seriousness of the offence, the impact on the environment and community, the available evidence and any previous offending behaviour.

6.4. Publicity may be used alongside enforcement action where it supports the aims of this policy. This includes helping to identify offenders, encouraging witnesses to come forward, deterring further offending, raising awareness of environmental crime and highlighting enforcement outcomes.

6.5. The Council may publicise enforcement action at different stages of a case. This may include where a suspect has not been identified and publicity may assist enquiries, following formal enforcement action where appropriate, or after a successful court outcome.

6.6. Where images are published to assist in identifying a suspect, the Council will ensure that the individual is clearly described as a suspect, that the image is

linked to the offence being investigated and that publication is supported by available evidence. Publication will not be used for the purpose of naming and shaming individuals.

6.7. The Council will consider the potential impact of publication on individuals and third parties, including family members and local residents, before any decision to publish.

6.8. The Council will not publish information where there is a risk of harm to an individual. This includes where an individual is clearly under the age of 18, where there are known or suspected vulnerabilities, safeguarding concerns, or a risk to community safety. Advice will be sought from relevant services where appropriate.

6.9. Publicity will not normally be used where it would not support enforcement action or where it would otherwise be inappropriate.

6.10. Any decision to publicise information will follow the process set out in this policy and will be subject to appropriate checks and approvals.

6.11. Before publication, the Council will record the lawful basis and purpose for publishing information, including consideration of UK GDPR, the Data Protection Act 2018, law enforcement processing requirements where relevant, and human rights obligations.

6.12. Publication will be approved by an authorised officer(s) in Community Safety – Safe Clean Tidy Manager and Head of Community Safety/Assistant Director of Neighbourhoods. Advice from legal services, information governance, safeguarding, communications or other relevant services will be sought where appropriate.

6.13. Information will only be published through approved Council communication channels and in line with relevant communications protocols. Wording must be factual, proportionate and must not prejudice any investigation, enforcement action or legal proceedings.

6.14. Published material will remain available only for as long as it is necessary and proportionate. It will be reviewed and removed once the purpose of publication has been met, where it is no longer required, or where proceedings, appeal periods or enforcement processes have concluded.

6.15. If published information is later found to be inaccurate, misleading or no longer appropriate, the Council will take prompt action to correct, update or remove the material. Where there is a risk of misidentification or harm, material will be removed while the matter is reviewed.

6.16. An audit record will be kept for each publication decision, including the reason for publication, evidence considered, approval given, publication date and

channel, review date, removal date and any action taken following correction, challenge or complaint.

7. Public Engagement and Education

7.1. The Council will use communication and engagement to support the prevention of environmental crime and promote responsible behaviour.

7.2. This may include:

- providing information and advice on correct waste disposal
- targeted campaigns in areas affected by environmental crime
- engagement with residents, businesses and community groups
- sharing information through social media and other communication channels

7.3. Publicity of enforcement action may be used as part of this approach to:

- raise awareness of environmental offences
- encourage compliance with legislation
- deter future offending
- reassure the public that action is being taken

7.4. Information published will be clear, factual and focused on promoting compliance and supporting enforcement activity.

7.5. The Council will work with partners where appropriate to support consistent messaging and improve the effectiveness of engagement activity.

8. Monitoring and Review

8.1. The Council will monitor the use of this policy to ensure it is applied consistently and in line with its intended purpose.

8.2. This will include:

- reviewing decisions to publicise information
- monitoring outcomes where publicity has been used to support enforcement
- identifying any issues or risks arising from publication

8.3. Feedback from officers, partners and the public will be used to inform improvements to this policy and its application.

8.4. This policy will be reviewed every three years, or sooner where required, to reflect changes in legislation, guidance, best practice or operational practice.