



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Fleet and Environmental Services**

Mr Jonathan Rainey

request-574782-  
4e16df5f@whatdotheyknow.com

**Our ref:** DD/A2769502  
**Your ref:** -  
**If calling ask for:** David Duffy  
**Phone:** 01698 454644  
**Date:** 4 July 2019

Dear Mr Rainey

**Environmental Information (Scotland) Regulations 2004 (the EI(S)Rs)**  
**Request for Information**

I refer to your information request received by the Council on 6 June 2019 in which you ask for the following information:

1. How many flytipping cases reported to your authority between 2010 and 2018 resulted in FPNs and/or criminal convictions?
2. If the citizens of the South Lanarkshire Council area give over their contact details to your authority when reporting flytippers, are their details involving their name(s) and address(es) mentioned to the offender(s)?
3. Does your authority use covert and overt surveillance cameras to capture flytippers in the act?
4. Would Article 8 (Section 2 for exemption to privacy) of the European Convention on Human Rights be applied as an excuse by your authority and the citizens of the South Lanarkshire Council area to deploy covert and overt cameras to catch flytippers in the act? To explain the context of the 3rd question, this has been advised in a 2013 ICO document (see link here: <https://ico.org.uk/about-the-ico/consultations/the-regulation-of-investigatory-powers-scotland-act-2000-revised-codes-of-practice-for-covert-surveillance-and-covert-human-intelligence-sources/>).

**Response to Request**

The Council has searched its records and can give you all of the information that it has in relation to your request. This information is as follows:

1. The number of flytipping cases reported to the Council between 2010 and 2018 which resulted in FPN's and/or criminal convictions are:

Year	Number of Fly Tipping FPN's
2015	62
2016	102
2017	14
2018	53
2019	54

South Lanarkshire Council Environmental Services refer cases for fly tipping offences to the Crown Office and Procurator Fiscal Service (COPFS). The Council does not retain details of which ones were taken and, or whether prosecutions were successful or not. This may be retrievable directly from the Crown Office and Procurator Fiscal Services (COPFS) <https://www.copfs.gov.uk/>. As the Council does not hold the information relating to convictions it is exempt in terms of Regulation 10(4)(a).

2. Contact details of citizens are not released by South Lanarkshire Council.
3. The Authority use both overt and covert surveillance in relation to fly tipping incidents.
4. The Authority utilises its surveillance equipment in line with the requirement of the current Code of Practice in relation to RIP(S)A. The link you attached opens a closed consultation document

### **Request for Review**

The Council has a Review Panel to deal with complaints from people who are not happy about the way that it has handled their request. Staff not involved in the original decision will handle any review.

If you want to complain, you can ask the Review Panel to look at the way that we have dealt with your request. It will consider whether we have complied with the requirements of the legislation. Please note that if you wish to complain, you must do so by 2 September 2019. You must explain why you are not happy when requesting a review.

Please note that the Review Panel cannot look at any decisions taken by the Council or actions of the Council or any of its employees or a service provided by it that are not connected to the handling for request for information.

You should send your request for a review to:

Mr. W. Dunn  
Information Compliance Manager  
Finance and Corporate Resources  
Floor 11  
Council Offices  
Almada Street  
Hamilton  
ML3 0AA

Alternatively, you can request a review at [foi.reviews@southlanarkshire.gov.uk](mailto:foi.reviews@southlanarkshire.gov.uk).

### **Appeal to the Scottish Information Commissioner**

If you are not happy with the outcome of the review, you can appeal to the Scottish Information Commissioner. The Commissioner will decide whether the Council has dealt with your request properly. Please see the Commissioner's website at [www.itspublicknowledge.info](http://www.itspublicknowledge.info) for further details.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Duffy". The signature is written in a cursive, flowing style with a large initial "D" and a stylized "B" at the end.

**David Duffy,**  
**Divisional Environmental Health Officer**

