

Enforcement guidance for the management of the Household Waste Recycling Centres (HWRCs) in Hertfordshire



working in
partnership with



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Version 1
Review every 2 years.
Updates: as required by changes to guidance or arrangements.

Background

Hertfordshire County Council (HCC) and AmeyCespa (East) Limited (Amey) have entered a contract for the provision of a Household Waste Recycling Service (HWRS) until 5 March 2023 unless terminated or extended in accordance with the provision of the contract.

HCC have a statutory requirement to provide Household Waste Recycling Centres (HWRCs) 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 17 HWRCs across the county.

This guidance sets out the main responsibilities 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
- fly-tipping – where a person illegally dumps waste near or on the site
- staff abuse – where a member of staff is subjected to harassment; physical harm or verbal abuse 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 the Head of Waste Management on 14 June 2016 and reviewed at 2 yearly intervals.

Enforcement responsibilities

Due to the different legislation in place Amey and HCC will work together to enable successful enforcement action to be taken.

- Trade and fly-tipping abuse: relates to the [Environmental Protection Act 1990](#) and therefore enforcement action will be taken by the local authority, with Amey 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: Amey will take enforcement action as the employer or site operator; however HCC will provide assistance where required obtaining vehicle keeper details from the Driver Vehicle and Licensing Agency (DVLA), as Amey has no authority to request this. Staff should continue to report all health and safety issues as normal to their employer via Amey's AIRSWEB reporting system.

A more accurate breakdown of who will take what action has been agreed between HCC and Amey.

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. Issue a warning letter setting out the concerns of the organisation, and the relevant legislation/policies.
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, Criminal Behaviour Order, Prosecution.

Appendix 1 sets out the procedures for taking action, ranging from the recording of incidents through to police involvement. If the Police are unable to act consideration should be given to seeking other routes for protection such as warnings site ban (with or without a court order). A ban requiring a court order will be applied for and issued by the Council, and if not complied with, enforced by civil action by the local authority applying for a Criminal 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 in writing) that breaching rules will lead to them being banned. Before any formal action is taken agreement will be sought with HCC and all other steps will have taken such as time limited ban which can be made by the Contract Manager or Assistant Operations Manager representing Amey. The final decision will sit with HCC, will never be taken lightly and may not be permanent.

The Contract Manager and Assistant Operations Manager representing Amey have the authority to issue all other types of warning letters. Examples are shown in appendix 2.

It should be noted residents or other site users should expect the site operative to be polite, courteous, helpful and professional at all times. In the event that this is not the case, this should be reported to Amey as a complaint and they will then carry out an investigation into the incident

Legal framework

This section sets out the legal framework under which enforcement action can be taken. The framework and relevant legislation is summarised below with full details contained in appendix 3 A more detailed breakdown of procedures in place has been agreed. Where action is required, a formal decision may be need to be made on a case-by-case basis to ensure that public interest is accounted for as well as having evidence to take action.

Trade Waste Abuse

The deposit of trade waste at a HWRC is deemed illegal under sections 33 and 34 of the EPA 1990¹. 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. Amey and HCC will work together to ensure trade waste is not accepted at the site wherever possible.

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)).

Fly-tipping

As the HWRCs 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, the site being closed to change a container, or on a scheduled closure day).

The deposit of waste not in accordance with the licence (i.e. fly-tipped) is illegal under section 33 and 34 of the EPA 1990¹.

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 HWRCs have on-site staffs, employed directly by Amey, and from time to time additional (e.g. agency staff) who are responsible for the smooth and successful operation of the sites. Other staff that could be on-site include:

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

All staffs are expected to be able to work in safe conditions and experience no harassment, verbal or physical abuse, as set out in the Health and Safety at Work etc. Act 1974. Harassment is unwanted or unjustified behaviour which affects the dignity of anyone in the workplace, and which the recipient finds threatening, demeaning or offensive.

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, complete an incident book entry, report on AIRSWEB call the police).

Evidence management

With the prospect of prosecution in mind evidence must be managed appropriately. Where any formal record is taken by Amey (such as CCTV or ANPR records, still photos or 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 Amey's offices. The copy will be handed to HCC's Waste Management Unit – Contract Delivery Team by Amey's HWRS Contract 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 in appendix 4. 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 Contract Meetings are held between Amey and the Waste Management Unit – Contract Delivery Team. At these meetings any enforcement action will be discussed, any bans will be reviewed on a regular basis in accordance with the terms of the ban as notified to the member of the public.

In all cases where a letter has been issued a comprehensive summary will be held detailing the background to the matter, steps taken and available evidence. This will ensure transparency of operations and enable HCC to investigate if any complaints are received. The summary will include electronic copies of correspondence relating to the case.

Complaints

As the operator responsible for the HWRS, all complaints will be handled by Amey, who can be contacted as follows:

Amey
Customer Services Centre
Herts HWRC Team
The Matchworks
142 Speke Road
Liverpool
L19 2 PH
Amey's Customer Helpline. 0300 123 4051 Option 1.
Email wasteaware@hertfordshire.gov.uk

Where someone wishes to complain about Amey's management or conduct, HCC should be contacted using the following details:

Hertfordshire County Council
Waste Management Unit
Postal Point CHN106
County Hall
Pegs Lane
Hertford
SG13 8DN

Tel: 01992 556182
Email: wasteaware@hertfordshire.gov.uk

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Appendix 1

Trade abuse /Fly-tipping

Trade waste / unaccepted waste identified on arrival

Type of incident	Actioned by	Actions
Person arrives with trade waste	Amey	<ul style="list-style-type: none"> • Site staff explain they do not accept trade waste. • Refer person to trade options (including Amey's commercial facility at St Albans) and give them a copy of leaflet listing facilities which can accept trade waste. • Turn person away. • Note details in site diary (date, time, vehicle details, waste details, person description / name, other relevant information) if this is a repeat offence or any 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	Amey	<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 'Waste Declaration Form'.</p> <p>If the person is turned away and they wish to complain they will contact Amey under the agreed complaints management procedures. Amey will keep full records of the original incident and any further information. HCC 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	Amey	If the person is abusive to the point where the member of staff is worried for their safety, staff should refer to the actions for 'Staff Abuse' as detailed below.
Trade waste is left on site due to person being abusive or threatening	Amey	If trade waste is deposited on site without permission as per the above occasions then Amey will consider further enforcement action. In this instance, follow the section below on 'trade waste found on site after deposited'.

Trade waste / fly-tipped waste found on-site after deposited

Type of incident	Actioned by	Actions
Minor and / or first incident	Amey	Incident Report Forms and /or AIRSWEB completed and evidence collated including photos of waste,*CCTV etc. for that incident, photocopies of site diary, letters in waste bags and company addresses. Passed from site staff to HWRS Contract Manager. Information will be held centrally on a spreadsheet and where an identifier is found in the waste, a warning letter will be issued giving advice on proper management of waste, informing them that we have kept their details on file and legal action will be considered for any recurrence.
Medium incident (larger amount or repeated offenses)	Amey/District/Borough Council colleagues	OPTION A: Pass details and all evidence collated as above to Borough or District colleagues to take enforcement action on our behalf, potentially via FPN (fixed penalty notice).
	Amey/ HCC via Legal Department	OPTION B: Pass details and all evidence collated as above to HCC Legal Team to consider civil enforcement action, with a view to recover costs.
Significant incident (large or difficult type of waste, possibly repeated)	Amey/ District/Borough Council colleagues	OPTION A: Pass details and all evidence collated as above to Borough or District colleagues to take enforcement action on our behalf, with a view to recover costs).
	Amey/ HCC via Legal Department	OPTION B: Pass details and all evidence collated as above to HCC Legal Team to consider Civil Prosecution with the view to recover costs. The Waste Management Unit will provide administration support where required.

*Where CCTV available

Staff Abuse

Type of incident	Actioned by	Actions
Verbal harassment, member of staff is not offended or concerned for their safety	Amey	Note of incident in site diary (date, time, waste details, car details and description of person). Member of staff's manager informed. AIRSWEB report written.
	Amey	On second occurrence as above, but issue advice leaflet on this policy.
	Amey	On third occurrence pass details to police SPOC (single point of contact) to issue joint warning letter.
	Amey / Police	Any further issues will be dealt with by police.
Verbal harassment, member of staff feels offended but no immediate concern for their safety	Amey	Incident is recorded in site diary (date, time, car details and description of person including sex, colour, height, hair, clothes worn, and any distinguishing features such as tattoos or piercings). Site manager or Contract Supervisor informed.
	Amey	HWRS Contract Manager informed and an AIRSWEB report written. Contact police SPOC or dial 101 note both police reference number (ISR) and Crime Reference Number. *CCTV and ANPR (once installed) shall be reviewed and data gathered.

	Amey/Police/HCC	Any further action will be discussed with police on a case by case basis. (E.g. police to take further criminal action or joint letter issued by Amey).
Verbal harassment or actual physical abuse, or if member of staff feels offended and concerned for their safety	Amey / Police Police Amey	Phone 101 / 999 providing the following information: date, time, car details and description of person including sex, colour, height, hair, clothes worn, and any distinguishing features such as tattoos or piercings. Record on AIRSWEB /and or Site diary. Site manager or Contract Supervisor informed. Police to take appropriate action. Support member of staff.

*Where CCTV available

Site Policy abuse

Type of incident	Actioned by	Actions
First incident	Amey Amey Amey	Note of incident in site diary (date, time, waste details, car details and full description of person including sex, colour, height, hair, clothes worn, and any distinguishing features such as tattoos or piercings). Member of staff's manager informed. AIRSWEB report written. On second occurrence as above, but issue advice leaflet on this policy. On third occurrence pass details to police SPOC (single point of contact) within five days of incident with view to Amey issuing a joint warning letter.
Repeat incident / serious risk to site user or staff safety	Amey HCC/Amey Amey	Full details noted in site diary and on AIRSWEB as above. HWRS Contract Manager informed, assess if occurred at any other site. 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 from police SPOC within five days of incident. Write to person confirming action taken and enforce on-site.

Appendix 2 – Examples of Warning and Exclusion Letters



Example Warning Letter

Dear [insert person's name]

Warning letter – unacceptable behaviour at [insert the name of site] Household Waste Recycling Centre

I am [insert your name] and I am the [insert role/position in organisation] for AmeyCespa Limited (Amey). Part of my role requires me to provide a safe environment for members of the public and protect Amey staffs from abusive, aggressive and violent behaviour at the Household Waste Recycling Centre (HWRC) facilities which we manage on behalf of Hertfordshire County Council (HCC).

I have received a report where it is alleged that on [insert date(s) of incidents(s) and a brief description of behaviour].

Behaviour such as this is unacceptable and will not be tolerated, as staff on site are implementing the policies of HCC and therefore if you would like to discuss these policies please contact me on [Tel. no.].

Amey is firmly of the view that all those who work in or provide services to the HWRC network have the right to do so without fear of violence, aggression or abuse.

Should there be any repetition of this type of behaviour; consideration will be given to taking action against you.

Such action may include the following:

- Limiting your access to agreed date and time.
- Excluding you from one (all) HWRC(s)
- Reporting to the police where your behaviour constitutes a criminal offence and fully supporting any prosecution they may pursue
- Consideration of a private criminal prosecution or civil legal action, for an injunction as site operators, or by HCC applying for a Criminal Behaviour Order.

[amend as appropriate]

If you do not agree with what has been set out in this letter or have any comments to make please refer to the attached Complaints Procedure, which sets out the process for your response.

Yours sincerely,



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Example Exclusion Letter

Dear **[insert person's name]**

Exclusion from **[insert the name of site]** Household Waste Recycling Centre

You will recall that I wrote to you on **[date of first letter]** in connection with your conduct on **[date of first incident]**. I stated in the letter my concerns about your behaviour at the **[name of site]** Household Waste Recycling Centre (HWRC) and should a further incident of a similar nature occur, Amey would have no alternative other than to consider banning you from this facility

As a result of a further incident on **[date of further incident]** where you **[describe behaviour]**. I must tell you that you are no longer allowed on the premises at **[name of site]** HWRC.

In extreme cases, and as a last resort, Hertfordshire County Council (HCC) will consider making application to the Court for a Criminal Behaviour Order (CBO). The aim of such orders will be to impose conditions prohibiting you from causing further alarm, distress or harassment to both staff operating and members of the public using facilities provided by the HWRC network.

This decision will be reviewed on **[add suitable date e.g. 3; 6 or 12 months]** by Amey in partnership with Hertfordshire County Council. You will be advised in writing of the outcome of this review.

You may wish to make representation upon the action taken by Amey as a result of your behaviour. If you wish to do so, please refer to the attached Complaints Procedure, which sets out the process for your response.

Yours sincerely,

Appendix 3 - Legal framework

This section sets out the legal framework. A more detailed breakdown of procedures in place has been agreed. Where action is required, a formal decision may be needed to be made on a case-by-case basis to ensure that public interest is accounted for as well as having evidence to take action.

Trade Waste Abuse

The HWRS contract requires Amey to manage the HWRCs on behalf of HCC and part of this requirement is to ensure that trade waste is not deposited at the site.

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 breaching policy or not). However, it is also inevitable that in some cases trade waste will be identified on-site after the event. Amey and HCC will work together to ensure trade waste is not accepted at the site wherever possible.

The deposit of trade waste at a HWRC is deemed illegal under sections 33 and 34 of the EPA 1990, which are summarised below:

➤ 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.

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, which came into effect on 9th May 2016, allow a waste collection authority in England to issue a fixed penalty notice in contravention of section 33(1)(a) of the Environmental Protection Act 1990 which prohibits a person from depositing controlled waste or extractive waste in or on any land unless in accordance with an environmental permit.

This provides local authorities with a proportionate response to small-scale fly-tipping of waste.

The new provision provides for a fine of not less than £150 and not more than £400 as specified by the waste collection authority, and £200 if no amount is specified.

➤ Section 34 – duty of care

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.

Offence: 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)).

Fly-tipping

As the HWRCs 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, the site being closed to change a container, or on a scheduled closure day).

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

In trade waste and fly-tip instances the local authority will take the agreed action, with Amey 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 HWRCs have staff employed directly by Amey, and from time to time additional (e.g. agency staff) who are responsible for the smooth and successful operation of the sites. Other staff that could be on-site includes:

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

Staff Abuse: all staff are expected to be able to work in safe conditions and experience no harassment, verbal 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 Amey have site management policies in place, e.g. site visitors are not allowed to climb into containers. HCC 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, complete an incident book entry, report on AIRSWEB call the police,).

Employers and clients 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 Criminal Behaviour Orders Amey will take the agreed action as site operators. They will liaise with the Police where appropriate, who may take out a prosecution.

Appendix 4

Notes on Evidence Gathering

Please note that this information regarding evidence gathering is not exhaustive, but is designed to act as a guide.

- (1) The chain of evidence from point of origin to court should be unbroken i.e.; the evidence can be fully tracked from origin to court. This is to ensure that the evidence is untainted and has not been altered in any way. Should there be any breaks in the chain of continuity this will cast doubt on the validity of the evidence and therefore weaken the case. In order to prove continuity statements should be obtained from each person handling the evidence showing who they collected the evidence from and to whom they handed it onto.
- (2) The person who gathers the evidences is the person who provides the Exhibit number. This number is the specific number which is referred to by all witnesses referring to that specific Exhibit so it must remain the same throughout the case. Generally for ease the person uses their own initials to identify the Exhibit. For example RS/1 is a DVD of a person dropping waste outside a Household Waste site. If that person also produces other Exhibits in the same case he uses his initials and the next sequential number so the next Exhibit number will be RS/2 and so on. In the unlikely event that two separate witnesses in the same case have the same initials and they are both producing Exhibits then a middle initial can be introduced.
- (3) An Exhibit number will comprise of two elements the specific identifying number as described above and a short description of the exhibit.
- (4) Where it will not comprise the Exhibit or damage its evidential value then the Exhibit itself can be marked (writing the number with an indelible CD pen on a CD or DVD) Where marking the exhibit would damage its evidential value then the exhibit should be stored in some sort of sealed package and the exhibit number and its description written on the package.
- (5) Where a DVD or CD is the Exhibit the actual CD becomes the Exhibit and a copy of the Exhibit must also be made which becomes the working copy from which statements can be made and shown to suspects in interviews etc. This reduces the number of times that the exhibit has to be handled and therefore reduces the risk of loss or damage to the exhibit. The person making with working copy of the exhibit will also have to complete a statement detailing how the working copy was made.
- (6) If producing exhibits in a taped interview to a suspect you must identify the Exhibit verbally for the tape This is done by saying something along the lines of I am showing “ Mr ---- Exhibit RS/! Which is a still photograph showing a man and a ford Transit van registration number “
- (7) Obviously the fewer people that handle or are involved in the exhibits the fewer statements proving continuity of evidence will be required and the lower the risk of damage or loss to the evidence.
- (8) Still Photographic exhibits will have to be individually identified With an Exhibit number as will any stills from a video.

Hearsay Evidence

Hearsay evidence is not admissible in court and it is generally considered to be third party evidence or evidence that you do not know to be true. The rules regarding hearsay evidence are complex and too involved to be explained in a few sentences. If you feel that the evidence should be included in the statement then include it, because if it is deemed to be hearsay evidence you will not be allowed to give that particular piece of evidence in any court hearing.

Disclosure

Should it be decided that the person is to be prosecuted for the offence then the prosecution is obliged to disclose its evidence to the defence. This procedure includes material that has been gathered as part of the case but is not being used to prove the case. Again the rules concerning disclosure are complex and cannot be summed up in a few sentences and this may well be done by Legal Section

Notes on Making a Statement

Please note that this information on making a statement is not exhaustive, but is designed to act as a guide.

A statement made that is to form part of a prosecution case must be made on the correct form.

The statement must be signed and dated by the maker after the declaration and signed at the bottom of each page. It is also good practice to sign after the last word this is to ensure that nothing else is added to the statement

Remember the statement details your evidence and your evidence only. Do not include anything in it which is false or you do not believe to be true as this would be perjury if the evidence is given under oath in a judicial proceedings.

Perjury is defined by the Perjury Act 1911 which states

“If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding which he knows to be false or does not believe to be true, he shall be guilty of perjury, and shall, on conviction thereof on indictment, be liable to imprisonment for a term not exceeding seven years, or to a fine or to both such imprisonment and fine.”

Therefore it is imperative that your statement only contains what you know to be true.

The first paragraph of the statement should be an introduction which contains your name, job title and a brief description of your duties

E.g.:- My name is ----- and I am employed by (Councils name or name of employer) as a (job title) and my duties include (brief description of the duties that relate to the case)

Then what follows is a description of the event.

It is best to establish the date and time first so it may be prudent to start On (day), (date), (time) and (place). This will focus your statement and establish a timeline which will dovetail with other evidence and build towards the case that is being presented.

As above do not include things that you do not know to be true or you have not witnessed for yourself. Do not include things that you have been told by a third party and not witnessed for yourself. If as a result of what someone else has told you and you then undertook some action, you can introduce this in a statement by saying “as a result of what I was told by (name) I then ---

--- Obviously should what the other person has told you have a material bearing on the case then a statement should also be obtained from that person who would be required as a witness.

When viewing videos / still security photos please be exceptionally careful that the evidence is not deleted when viewed. You can describe what you have seen on the video / still but these must be produced as Exhibits (because in effect they are the evidence you are the vehicle for presenting that evidence to the court.

Always proof read your statement thoroughly – typos can distort evidence and cast doubt on the whole of your evidence and the case. From experience there is nothing worse than trying to convince a court that the typo is a typo and not the truth.

Remember that it is your statement and yours alone. If once your statement has been completed and signed and you are then required to produce further evidence in regard to the same case do not go into your saved copy of the statement and make an amendment, start a new statement using the words “further to my statement dated” and then continue describing what you need to produce in evidence.