

12 February 2019

Tackling fly tipping

Purpose of report

For discussion.

Summary

Fly tipping, and waste crime generally, is a high profile issue due to the increasing cost to councils, land owners and the legitimate waste industry. Board members have noted the importance of fly tipping to councils and local people and requested this topic for discussion. This paper provides background on fly tipping developments, including the findings of a national review into waste crime. The paper also covers new regulations and examples of action on the ground to tackle and prevent fly tipping.

Lizzie Noel from the Waste Crime Review is attending the meeting. This will be an opportunity to understand what the Review revealed about the involvement of organised and serious criminal activity in fly tipping, and what councils and other stakeholders could do to deter criminal activity

Recommendation

That members review the LGA's current set of recommendations for tackling fly tipping in paragraphs 9-10.

Action

Recommendations to be taken forward through media work and lobbying (paragraph 20)

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Background

1. The most recent statistics on fly tipping from 2017/18 showed that councils dealt with 998,000 incidents¹. The cost of removing larger scale fly tips increased to £12.2 million. Local authorities carried out 494,000 enforcement actions in 2017/18, an increase of 4 per cent from 2016/17².
2. Councils have been given new enforcement powers to tackle fly tipping. Since 2016 councils have been able to issue fixed penalty notices of up to £400 for smaller scale fly tipping. Powers introduced in 2016 enable councils to seize vehicles suspected of being used for environmental crimes including fly tipping. From January 2019, councils will have a new power to issue a fixed penalty notice to householders for failing to carry out their “duty of care” in disposing of household waste. A householder can already be prosecuted under the duty of care regulations although this option is not widely used.
3. The Environment Agency is responsible for enforcement action for large fly tipping and activity by organised criminal. Activity in the last year includes³:
 - 3.1. 22 vehicles seized
 - 3.2. Illegal activity was stopped at 812 sites, and 856 new illegal sites were found to be operating
 - 3.3. Dealing with 226 incidents of illegal large-scale dumping
4. The largest proportion of incidents involved building and commercial type waste. Incidents were recorded across the country, but the south east of England is particularly affected.

Research

5. The recycling charity Wrap carried out a survey of councils on the impact of charging at HWRCs to determine the impact on fly tipping among other issues. The results indicated that the impact of charging on fly tipping was minimal and in some cases fly tipping had reduced since charging was introduced⁴.

¹ Only incidents on public land are recorded.

² Defra Flytipping statistics for England, 2017-18

³ Chief Executive update on regulation, Environment Agency October 2018

⁴ Wrap survey with the local authority waste network NAWDO, unpublished

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6. LEDNET (a network of Directors of Environment in London) carried out research into fly tipping in London in 2018⁵. This found that the majority of fly-tipped waste came from households. 47 per cent of the reported fly tips consisted of 'other household waste' (bulky waste items, such as mattresses, furniture, whitegoods, children's toys, etc.), while just under one quarter (24 per cent) were 'black bags' of household waste. The research considered public behaviours towards fly tipping, including underlying attitudes that fly tipping is a low impact crime. Some council responses were noted as a possible contributor to this view. For example, by picking up fly tips quickly without issuing a fine or follow up action councils seemed to be contributing to the perception that fly tipping is a low impact crime.

Waste and resources strategy on fly-tipping

7. Defra's Waste and Resources Strategy sets out action to tackle fly tipping through:
 - 7.1. Increased intelligence sharing between agencies to prevent illegal activity
 - 7.2. Providing councils with a fly tipping toolkit to support partnership working
 - 7.3. Setting up a new joint unit (Environment Agency, waste industry representative), HMRC and the Police) to tackle waste crime
 - 7.4. Helping councils secure higher fines including support to improve the quality of prosecutions
 - 7.5. Supporting local authorities to increase awareness among householders of their responsibilities under the duty of care for waste disposals
8. While not specifically mentioned as an activity to reduce fly tipping, Government will consider extending producer responsibility schemes to include frequently fly tipped items such as mattresses and furniture.

LGA position on fly tipping

9. The last major review of the LGA's position on fly tipping was in 2015, prompted by a call for evidence on waste crime. Effective deterrents and penalties have been a significant part of LGA lobbying and there has been some success on this front through the introduction of new fixed penalty powers. However, Recommendations for streamlining the prosecution process have not been addressed. Although councils can recoup some of their costs from a successful prosecution this has to be done through a separate process to the payment of court fines. Awards of costs are often much lower than the

⁵ Understand and tackling fly tipping in London, July 2018

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actual costs. For example, the Buckinghamshire Waste Partnership reported that they have only received 59 per cent (£35,000 short) of the costs of successful fly-tipping prosecutions they have brought since 2004. This acts as a disincentive to prosecution.

10. Producers should pay towards the end of life costs for frequently fly-tipped items, such as mattresses. The LGA has made repeated calls for producers to offer more take back services for bulky items and contribute to disposal costs through extended producer responsibility schemes.

Waste crime and criminal activity

11. A review of serious and organised crime in the waste sector (2018) considered the extent of activity and the capacity of the Environment Agency to respond. Lizzie Noel led the review. She is a non-executive member of Defra's Board. Her background includes over 20 years' experience of senior roles in both the private and public sectors. She is the chief executive of Hemera Data Science Ltd and formerly, a member of the founding team of education and technology firm, Tribal Group plc
12. The report flagged the problem of organised fly tipping, where criminals advertise waste removal services to residents and businesses but dump waste on illegal sites. While some criminal operations make no attempt to comply with the law, others obtain licenses and operate under what the review describes as a "subversion of the legitimate process". Recommendations include proposals to make it easier for enforcement agencies to track waste, and a review of penalties. Existing enforcement tools available to the Environment Agency cover the environmental risks of fly tipping, rather than being designed to disrupt the business model of organised criminal activity.
13. The review notes that public bodies, including local authorities, can avoid unwittingly contributing to criminal activity by improving procurement through tougher audit requirements and transparency on the companies they use for waste disposal.

Examples of action on the ground

14. The Hertfordshire Fly Tipping Group has won awards in recognition of its multi-agency approach to tackling fly tipping and campaigning to raise awareness with residents. The partnership benefits from financial support from the Police and Crime Commissioner.
15. Birmingham Council has set up a dedicated team to tackle environmental offences. The team has raised awareness of responsibility with local businesses and taken enforcement action for non-compliance. Others councils taking a proactive approach to education and enforcement include Corby, Croydon and Durham County Council.
16. Rotherham Council seized 10 vehicles suspected of fly tipping in a joint operation with Sheffield City Council and South Yorkshire Police.

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17. Durham Council has reduced fly tipping incidents through a “stop it” campaign. This included social media activity, more CCTV, and partnership with parish councils who contributed towards the cost of additional equipment.

Implications for Wales

18. Waste is a devolved issue. Wales has a fly tipping strategy and a partnership approach that benefits from funding from Natural Resources Wales.

Financial Implications

19. None, as activity has been managed out of core resources.

Next steps

20. Board members may wish to consider whether the recommendations at paragraphs 9 to 10 should be updated to address criminal activity and other challenges in tackling fly tipping.
21. Fly tipping attracts a high level of media attention. Any revised recommendations could form part of a media campaign. There is also the potential to lobby and work with stakeholders who have previously contacted the LGA, including MPs, the National Fly Tipping Prevention Group, and the Countryside and Land Association.
22. The Environment Agency will be responding to the recommendations in Lizzie Noel’s review and Defra’s waste and resources strategy. They are happy to update the Board on their plans at a future Board meeting.