

## **Local Government Group and Environment Agency working together to tackle waste crime**

### **Purpose of report**

For information

### **Summary**

In January 2011 the Local Government Group and Environment Agency co-chaired a multi-agency meeting on tackling waste crime, with a view to identifying opportunities to support each other's approaches and avoiding duplication of effort. This paper provides a summary of the core issues identified at this meeting and outlines the next steps identified to be taken forward by the LG Group and its partners.

### **Recommendation**

Members to note the report

### **Action**

Local Government Group officers to take forward work in this area and provide progress updates to members.

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## **Local Government Group and Environment Agency working together to tackle waste crime**

### **Background**

1. From a dumped mattress on a high street to a shipping container in Brazil filled with discarded waste electrical equipment, mismanaged waste has significant local and global impacts. Alongside blighting local landscapes and precipitating the fear of crime amongst residents, waste crime poses a threat to human health and the environment. The current challenging economic environment also makes it increasingly unacceptable for individuals and businesses to ignore their duty of care to manage waste responsibly. Their actions put compliant businesses at a competitive disadvantage whilst leaving council taxpayers and private landowners to foot the clean-up bill.
2. Despite the reasonably well-defined roles and responsibilities of councils and the Environment Agency on regulating waste, and valuable local working arrangements assisting in tackling waste crime, the scale of the problem, and implications for councils, remain significant across three core areas of illegal activity:
  - 2.1 **Waste dumps:** In 2009/10 English councils dealt with nearly a million incidents of fly-tipping at an estimated cost of £45.8 million. In addition the Environment Agency undertook over 1,000 'big, bad and nasty' investigations into large-scale dumps, those involving hazardous waste and/or linked to organised criminal gangs.
  - 2.2 **Waste sites:** On 1<sup>st</sup> April 2010, 740 waste sites were illegally operating without the appropriate waste exemption or environmental permit from the Environment Agency. Nearly 50% of sites were located within just 50m of 'sensitive receptors' like people, potentially exposing them to noise, odour and other forms of pollution, which result in nuisance complaints to councils.
  - 2.3 **Waste exports:** An estimated 12 million tonnes of waste is exported from the UK each year. The vast majority is legitimately exported, but recent media coverage of this issue reinforces the reputational impact of illegal shipments, and the importance of the local government sector knowing how waste produced and collected by them is disposed of by their contractors.
3. In January 2011, the LG Group and Environment Agency met with officials from Defra, BIS, the Environmental Services Association, Civil Engineering Contractors Association, the Campaign for the Protection of Rural England and National Farmers Union. As well as helping to inform Defra's ongoing Waste Policy Review, discussions identified six interlinked work streams to take forward to tackle waste crime:

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**Developing a comprehensive evidence base**

4. Whilst the LG Group and Environment Agency have a good appreciation of the scale of the national waste crime problem, both organisations recognised the need to jointly develop a better appreciation of the effectiveness of different interventions and sanctions to prevent and disrupt these illegal activities. Together councils and the Agency have access to a broad suite of powers, which we are keen to see used creatively and the right powers exploited to maximum effect. However there is currently no robust evidence available to identify what works best in different circumstances. This is clearly essential if the two regulators are to work better together and avoid resources being wasted through employing tools that have proven ineffective in the past. **The LG Group and Environment Agency are currently exploring quantitative and qualitative research options to develop this evidence base with the sector.**

**Exploring ways of working**

5. This research exercise also provides opportunities to identify examples of what constitutes best practice when working in partnership to tackle waste crime. Dissemination of these case studies and information to raise awareness of Environment Agency structures and processes will be valuable to allow councils to drive forward improvements in current working practices at a local level.
6. Nationally, however, the LG Group maintains that more needs to be done to facilitate councils to share intelligence and enforcement data with each other and the Agency. Whilst we recognise that neither local or central government is able to finance a new IT solution to this problem, **the LG Group will continue to explore options with the Agency for relevant data to be included on their internal databases or the Police National Database.**
7. Delivering better outcomes whilst offering better value for money for the public also requires truly innovative, collaborative approaches, as demonstrated through the Total Place pilots. Prototype examples of place-based working in an environmental context are already being explored as part of 'Total Environment', and **the LG Group is working with the Environment Agency to identify small geographic locations where this approach can be applied to tackle waste crime, particularly in relation to the better regulation of waste sites.** A pilot is also being explored to assess how special powers available to the Olympic boroughs could be utilised to crackdown on environmental crime.

**Securing effective sanctions**

8. Research into the effectiveness of the two regulators' existing powers to tackle waste crime will also help the LG Group and the Environment Agency to identify whether further sanctions are necessary to fill gaps in existing enforcement

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powers. However both organisations identified a number of actions they were already keen to see Defra take forward as part of the Waste Policy Review, including:

- 8.1 introducing vehicle seizure powers;
  - 8.2 exploring the viability of seizing land from prolific waste criminals;
  - 8.3 providing clarification on the impact of being convicted of waste crimes, particularly looking into whether waste carriers can have their waste carriers licence immediately revoked.
9. The LG Group continues to represent the sector as part of Defra's Waste Policy Review and the related Fairer and Better Environmental Enforcement project. The latter may provide scope for broadening the sanctions available to the criminal courts to confiscate equipment, order restitution and remove financial benefit.

**Awareness raising and education**

10. A number of opportunities were identified to educate different audiences about the impacts of waste crime and their role in preventing it occurring. Defra agreed to consider carefully what more they can do to ensure the public sector take their responsibilities seriously, and **the LG Group will look to provide a briefing to environment portfolio holders in order that councils specifically can ensure they are exercising all due diligence when handling waste**. The Environmental Services Association will also be considering what role they can play in working with waste producers to cut off sources of waste that criminals exploit.
11. With two thirds of the fly tips investigated by councils involving household waste, the LG Group also highlighted the need for Defra to consider improving the waste carriers registration scheme as part of the Waste Policy Review. For example, requiring registered waste carriers to display their waste carriers licence in a similar manner to a road tax disc could assist householders to know whether they are using a genuine, authorised waste carrier to dispose of their waste, and avoid rogue operators.
12. Councils and the Environment Agency continue to be concerned about the proportionality of sentences handed down by magistrates' courts to effectively punish, reform and secure reparations from offenders, alongside protecting the public through deterring future waste crime. The National Fly-tipping Prevention Group (NFTPG) is currently lobbying the Sentencing Council to secure sentencing guidelines on waste crime, and the LG Group and Environment Agency have already contributed a significant body of evidence to support NFTPG in this aim.

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**Embedding waste crime within other areas of local government work**

13. The LG Group agreed to explore opportunities for the Environment and Housing Board and Safer and Stronger Communities Board to work together to promote the inclusion of waste crime within councils' Community Safety Strategic Assessments.

**Interface between waste crime and planning**

14. Opportunities to use planning powers in the war against waste crime formed a significant part of the discussions, with the LG Group highlighting that the Localism Bill may offer opportunities to influence planning law on the use of deemed consent and use classes to prevent and disrupt waste crime.

**Conclusion and next steps**

15. The LG Group has agreed to organise a second multi-agency waste crime meeting in late-May 2011 to report on progress against these actions.

**Financial Implications**

16. There are no significant financial implications for the LG Group. As the LG Group will not be able to resource a lot of lobbying or advice for councils on waste crime issues in future, our aim is to make best use of the combined resources of this multi-agency group to add value nationally and support the development of local solutions that will allow councils to demonstrate value for money.