

The National Fly-Tipping Prevention Group

**Fly-tipping Partnership Framework:
A National Framework for England for
tackling Fly-Tipping through Local
Partnerships**

**NATIONAL
FLY-TIPPING
PREVENTION GROUP**

The National Fly-Tipping Prevention Group (NFTPG) is made up of a number of organisations working together to tackle fly-tipping. It is chaired by Defra and includes representatives from central and local government, enforcement authorities, the waste industry, the police and fire service, private landowners, Keep Britain Tidy and the Devolved Administrations.

A full list of members plus the aim and objectives of the Group is provided at Annex B on page 37.

The Group meets quarterly and seeks to find ways to influence behaviour to prevent or reduce fly-tipping.

The NFTPG has its own website at <http://www.tacklingflytipping.com/> and has previously produced guidance on fly-tipping prevention aimed at local authorities and private landowners. At the time of publication a new contract is being let to review and update, the website.

This Fly-tipping Partnership Framework has been developed by the NFTPG. The Framework is branded in the name of the NFTPG but does not necessarily reflect the official view and has not had formal sign off by all NFTPG member organisations.

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Ministerial Foreword

Almost three quarters of a million fly-tipping incidents were reported by councils in England in 2012/13. Although there has been a steady decline in the amount of fly-tipping recorded in recent years the position is still serious. Fly-tipping affects communities across the country and blights our countryside and towns. It is at best unsightly but can also pose risks to the environment and human health. Those who dump waste illegally impose clean-up costs on taxpayers and private landowners as well as undercutting legitimate waste businesses.

We welcome the Fly-Tipping Partnership Framework which provides useful practical advice on how to prevent and tackle the problem and includes a handy checklist for use by councils and local partnerships. We are grateful for the collaborative efforts of members of the National Fly-Tipping Prevention Group in developing the Framework and many others for sharing their experience and expertise to produce a sound up-to-date reference document. The best practice principles in the Framework for the prevention, reporting, investigation and clearance of fly-tipping are already being used as the basis for two Defra-funded pilots in Swindon and Suffolk. We very much look forward to seeing the outcome of the pilots and how the ideas in the Framework can be applied on the ground. We also want to encourage others to share their experience and ideas.

It is through collective action by all that we stand the best chance of winning the ongoing battle with fly-tippers. We would strongly encourage local groups to work together in partnership and use the Framework to help find the right solutions for their areas.



Dan Rogerson

Parliamentary Under Secretary of State
for water, forestry, rural affairs and
resource management



Brandon Lewis

Parliamentary Under Secretary of State
for Communities and Local Government

1. Introduction

1. Fly-tipping is the illegal deposit of waste on land. It can be liquid or solid in nature. Fly-tipping differs from littering in that it invariably involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully, or as a result of legitimate outlets not being available. The offence of fly-tipping and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping are set out in Section 33(1)(a) of the Environmental Protection Act 1990.
2. There is an associated offence relating to the unlawful deposit of waste from a motor vehicle whereby the person who controls or is in a position to control the vehicle shall be treated as knowingly causing the waste to be deposited whether or not he or she gave any instructions for this to be done.
3. Fly-tipping is a significant blight on our local environmental quality; a source of pollution; a potential danger to human health and hazard to wildlife; and a nuisance. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.
4. It is estimated that fly-tipping costs the public sector over £36 million a year and private landowners £50-150 million¹ or more a year in clean up and disposal costs alone. There are additional costs of administering fly-tipping reporting and response services and the hidden costs of the adverse impact on local amenity and the environment.
5. A total of around 711,000 incidents of fly-tipping in England were reported to the national *Flycapture* database in 2012-13². While the true figure is likely to be considerably higher this represents a reduction of 44 per cent since 2007/8 and is, in part, testament of the commitment of local authorities and enforcement agencies to tackle this issue. However, landowner organisations have provided assessments of the number of incidents on private land, which appear to be increasing.
6. The types of waste fly-tipped range from 'black bag' waste to organised crime involving industrial wastes, tyres, construction waste and liquid wastes. However, 67% of fly-tips dealt with by local authorities are made up of household or household-type waste.
7. Both local authorities and the Environment Agency have powers to tackle fly-tipping. Local authorities are responsible for investigating and clearing waste from public land only. Local authorities may investigate incidents on private land but have no obligation to clear fly-tipped waste from private land. Whether they do so will depend on the discretion of the local authority. The Environment Agency deals with the 'big, bad and nasty' illegal dumping incidents i.e. very large incidents, those posing an immediate risk to the environment or human health e.g. hazardous waste or those involving organised

¹ Estimates from landowner groups.

² Cases reported by local authorities in England into the Flycapture database in 2012-13.

crime. The Environment Agency will only clear up waste where there is an immediate risk to the environment or human health.

8. The causes of fly-tipping are many and varied, as are the motivations of the perpetrators, although financial gain or financial saving is clearly a principal reason in the majority of cases. However, a lack of waste disposal facilities or access to them, laziness and an attitude that someone else will clear up the waste, all have a part to play. There have been studies into the causes of fly-tipping most notably the report by the Jill Dando Institute of Crime Science³ which concluded fly-tipping is not one problem but several distinguishable problems calling for different solutions.
9. The last major review of fly-tipping coincided with the implementation of the Clean Neighbourhoods and Environment Act 2005 and the publication of Defra's *Fly-tipping Strategy* at the same time. The formation of a *National Fly-Tipping Prevention Group (NFTPG)* with membership drawn from Government Departments, local government, the Environment Agency, Keep Britain Tidy, the waste industry, a range of private landowners groups, utility companies and the Police, has taken forward several elements of the Strategy. The NFTPG has taken a helpful lead on some aspects of the problem e.g. around prevention guidance, and promotes itself through a designated website www.tacklingflytipping.com⁴.

10. Defra's Review of Waste Policy in England⁵ stated;

".....we will ensure that enforcement bodies have sufficient powers to tackle illegal waste sites and fly-tipping. As part of this we will introduce stronger powers to seize vehicles suspected of involvement in waste crime. In addition we will further examine a range of issues around prevention, detection and enforcement including sentencing guidelines, collaborative working and guidance to business" (para14).

11. The Report of the Farming Regulation Task Force⁶ published in May 2011 expressed concern about the extent of fly-tipping on private agricultural land and the associated clearance costs. The report said;

"We believe that farmers should not be penalised by having to treat fly-tipped material as business waste. We recommend that the EA should reclassify fly-tipped material on farms as household waste, so that farmers can dispose of it at council waste sites at no cost."

³ Fly-tipping: Causes, Incentives and Solutions Jill Dando Institute of Crime Science. (May 2006)

⁴ The NFTPG website is being reviewed and revised at the time of publication of the Framework

⁵ Government Review of Waste Policy in England (June 2011)

⁶ The Report of the Independent Farming Regulation Task Force (2011)

12. In response the Government said⁷

“We recognise that fly-tipping continues to be a major and expensive frustration to many in the rural community, but allowing farmers to dispose of fly-tipped waste free of charge would be prohibitively expensive, unfair to other industries and essentially, would not tackle the underline causes of the problem. However, we believe there is much that can be done, both to prevent fly-tipping and importantly to lessen the burden of clean-up for landowners.

By summer 2012 we will hold a Ministerial fly-tipping summit that brings together major stakeholders to discuss how national support can be used to back regional and local projects. We will work with industry and local authorities to prioritise better reporting in order to focus efforts and map trends. The summit will aim to identify and champion affordable solutions and find a holistic approach that is based on communication between affected parties, local authorities and the Police.”

13. The draft version of the Framework for Tackling Fly-tipping through Local Partnerships, referred to herein as the ‘*Fly-tipping Partnership Framework*’ or the ‘*Framework*’ for short, was developed in response to these reports and has been prepared following discussions at meetings of the NFTPFG and separate meetings with landowners. The draft *Framework* was launched at a Ministerial Summit on fly-tipping, hosted by Defra, in July 2012. This final *Framework* incorporates comments received during the informal consultation period which ran from the launch of the draft in July until the end of September 2012, and subsequent discussions within the NFTPFG and other stakeholder events.

14. The *Fly-tipping Partnership Framework* recognises the pressure on local authority and enforcement agency budgets and on those running their own businesses. It sets out a combination of voluntary and non-binding principles and options around best practice that may be used directly or adapted by local groups and partnerships to tackle fly-tipping in a way that suits local circumstances. These cover prevention, reporting and investigation, and clearance which are set out in subsequent chapters. Each chapter seeks to capture the key challenges identified and suggests solutions or best practice that may be adopted by local groups. There are also references to other possible measures and legislative changes that have been made, or are in the process of being made or considered.

⁷ Government Response to the Farming Regulation Task Force (Defra, February 2012)

15. Some of the best practice options in the *Framework* may already be in use by some local authorities or local partnership groups. To coincide with the launch of the draft *Framework* Defra invited applications for grant funding from local authorities and others to trial or 'pilot' the best practice options in a combination that suits their local circumstances and to analyse the benefits of and barriers to using these. The successful applicants were the Suffolk Waste Partnership and Swindon Borough Council. Work on the pilots began in April 2013 and will run until March 2014. It is hoped the work being carried out in the pilot areas will provide useful case studies and pointers for others. Summaries of the work being carried out in the pilots are included in Chapter 6 of this *Framework*. Full findings from the pilots will be promoted through the NFTP G website.
16. The *Fly-tipping Partnership Framework* supports the aim and objectives of the NFTP G (outlined in Annex B). Promoting the *Framework* and establishing closer links with partnerships will be the main focus of interest for the NFTP G going forward. Although the *Framework* has been produced by the NFTP G it does not necessarily reflect the official view and has not had formal sign off by all NFTP G member organisations.
17. While the *Fly-tipping Partnership Framework* covers England alone, there continues to be increased interest and co-operation with partner organisations in Wales, Scotland and Northern Ireland who are bringing their own ideas and 'lessons learnt' to share with the NFTP G to add value in tackling fly-tipping.
18. At the time of publication, the NFTP G website <http://www.tacklingflytipping.com/> is undergoing a fundamental review. It is hoped that the revised website will be available in the first half of 2014. The intention is for it to contain a wide range of case studies, contact details for local groups with an interest in reducing fly-tipping and other useful information. We would encourage readers to check the NFTP G website from time to time for the latest information. We would also encourage anyone with useful information of their own which they would like to share to contact the NFTP G Secretariat at flytipping@defra.gsi.gov.uk with details.
19. The NFTP G Secretariat would like to acknowledge the input, ideas and challenges from members of the NFTP G, those who submitted comments during consultation on the draft *Framework* and those that attended partnership events around the country. We are also grateful to contributors from Operation Fly Swat, the Clean Kent Campaign, the Valleys Regional Park, the Stop Fly-Tipping In Suffolk Campaign and the Swindon Community Waste Partnership.

National Fly-Tipping Prevention Group

April 2014

2. Overall objectives and approach

Key challenges identified

1. The main problems and challenges highlighted by stakeholders are:
 - Most people want to dispose of their waste legally but some are unaware of their Duty of Care obligations, or feel there are barriers to disposing of their waste easily and legally. A summary of the waste Duty of Care is provided in the text box overleaf;
 - Inconsistency in the way local authorities, the Environment Agency and police engage with private landowners;
 - Some local authorities are very helpful in their dealings with private landowners, providing advice and investigating incidents; some remove fly-tipped material for a reasonable charge; other local authorities are less engaged;
 - Anecdotal reports suggest the Police may sometimes regard fly-tipping as a less serious crime than others they are dealing with and there have been reports of difficulty in some areas in obtaining crime numbers;
 - Differing levels of resources that local authorities allocate to tackling fly-tipping, with priorities differing according to local circumstances;
 - The process for reporting and dealing with fly-tipping can be unclear and/or complex to landowners and members of the public, and involves 'hassle' to landowners;
 - Inconsistency in sentencing for those found guilty of fly-tipping and numerous examples of low fines.

2. Tackling fly-tipping needs a range of central Government, local government and stakeholder interventions if it is to be successful.

The Waste Duty of Care

The waste Duty of Care is set out in Section 34 of the Environmental Protection Act 1990 <http://www.legislation.gov.uk/ukpga/1990/43/section/34> It exists to ensure that everyone dealing with controlled waste handles it in an appropriate manner to minimise any risks. It applies to any person or business that produces, imports, carries, keeps, treats or disposes of controlled waste (household, industrial and commercial waste) or as a broker has control of such waste.

The Duty of Care requires those that deal with waste to take all reasonable measures to:

- Prevent the waste being deposited illegally
- Prevent the waste escaping
- Ensure that waste is only passed to those authorised to receive it
- Ensure that when waste is transferred a written description is completed to ensure the transferee is able to deal with the waste appropriately.

What needs to go into a written description is set out in Regulation 35 of the Waste (England and Wales) Regulations 2011

<http://www.legislation.gov.uk/uksi/2011/988/regulation/35/made>

Note: Householders have a reduced Duty of Care and do not need to complete a written description when their household waste is transferred. However, they must ensure their waste is only given to someone authorised to receive it.

Proposed solutions

3. Government action to tackle fly-tipping is centred around the legislation and functions of local authorities and the Environment Agency and supporting delivery by others. This currently includes:
 - Measures to provide stronger powers for local authorities and the Environment Agency to seize the vehicles of those suspected of involvement in fly-tipping and waste crime;
 - Encouraging the enforcement agencies to work closely together to share intelligence and best practice in order to reduce waste crime;

- Working with private landowners to apply lessons learnt from the Landowner Partnership Project⁸, increase reporting and share best practice and consider novel ways of fly-tipping prevention;
- Working with the Environment Agency and local authorities to examine how to strengthen enforcement of the waste carrier regime, including revocation of registration against those businesses that repeatedly flout the waste carrier legislation rules and undermine legitimate businesses.

Consideration is also being given to:

- Whether the current levels of fines and sentencing are sufficient to disrupt illegal operations and provide a sufficient deterrent particularly for more serious, persistent and organised waste crime. Following evidence provided by the NFTP on the variation in sentences handed down for fly-tipping, the Sentencing Council has provided ranges of indicative penalties in its new Definitive Guideline for environmental offences published in February 2014 and due to come into effect from July 2014. In addition work on the effectiveness of the Proceeds of Crime Act 2002 and whether it could be used to better effect is under consideration with the Environment Agency and local authorities;
- Whether successful prosecutions are sufficiently visible and whether magistrates have enough information or training about sentencing for waste crime.
- Whether a fixed monetary penalty could be introduced as a means of dealing with smaller instances of fly-tipping. The Local Government Association, supported by others including the Chartered Institution of Wastes Management, has called for this option to be explored as a potential tool, alongside prosecution, in the fight against fly-tipping.
- How we can most effectively reduce the risk of fly-tipping on private land by working with landowner organisations such as the National Farmers Union (NFU), Country Land and Business Association (CLA) and the National Trust to increase the reporting of fly-tipping incidents, and share best practice on how to reduce the risk of fly-tipping, for example through improved security and intelligence sharing.

The Fly-tipping Partnership Framework

4. The *Fly-tipping Partnership Framework* is a combination of principles, alternative options for action, best practice and case studies that can be applied directly or adapted by local partnerships working to combat fly-tipping in the local setting. The *Framework* should act as the focus to develop local procedures and responsibilities. The aim should

⁸ The Landowner Partnership Project was funded by Defra and led by the Environment Agency. It looked at the potential for landowners to record and report data, explored attitudes and perceptions of fly-tipping on private land and sought to identify barriers to behavioural change in order to develop appropriate solutions.

be to prevent fly-tipping and promote the most cost-effective, efficient and “hassle free” solutions that work in the local circumstances.

5. The *Framework* identifies options for action. There are inevitably differing views particularly between private landowners and local authorities concerning paying the cost of clearing up fly-tipping from private land. There are a wide range of views, from those who would ideally like free clearance; to landowners prepared to arrange clearance but calling for acceptance of the fly-tipped waste at local authority operated sites free of charge or at a reduced cost; to other solutions such as insurance to cover the clearance and disposal costs privately. The *Framework* is designed to work within current legislation and practice and therefore cannot oblige local authorities or others to do things for which they are not statutorily responsible or funded to deliver. Therefore the *Fly-tipping Partnership Framework* will be voluntary.
6. Whilst the *Framework* does not necessarily reflect the official view and has not had formal sign off by all NFTP member organisations it has been produced with an expectation that NFTP members, and other stakeholders with an interest in reducing fly-tipping, will promote the value of the best practice ideas and guidance it contains to their own members and the wider community.
7. Although the *Framework* is designed to operate within the existing legislation, it does acknowledge that stakeholders have suggested legislative amendments that might be made other than those that the Government has already committed to in the Review of Waste Policy or elsewhere. Such ideas can be further considered by the NFTP in the first instance.
8. The *Framework* will not prescribe where it should be applied. Fly-tipping whether on private or public land is all part of the same problem and action on one type of land can easily displace the problem elsewhere. Therefore it should be in the interests of all to work together to tackle the problem holistically to prevent the risk of displacement. The solutions developed shall cover public and private land in both urban and rural environments, and the fringes between the two.
9. Although the precise approach taken to tackle fly-tipping will vary from area to area, the *Framework* encourages partners to be open and transparent about their role and what others can expect of them. In view of their central role, the *Framework* encourages local authorities and local partnerships to complete a ‘Fly-tipping Partnership: Options Checklist’ (See Annex A) and to promote this publicly.
10. Notwithstanding the voluntary nature of the *Framework* there should be a degree of *consistency* arising from the use of best practice. This is particularly relevant to the public in reporting and anticipating the level of investigation of fly-tipping. The *Framework* therefore does seek to promote a common, best practice approach to help the public to report incidents.

11. The *Framework* promotes a *partnership* approach and the synergies to be had by working in groups should not be underestimated. There are already a range of local groups and partnerships that come together to tackle problems associated with crime and local environmental quality. These vary in their constitution and focus. Other areas do not have groups that tackle fly-tipping. Key organisations for local groupings will reflect the area but could include local authorities, the Environment Agency, Trading Standards, the Police, Fire and Rescue Service, local landowner groups, residents, Crimestoppers, Neighbourhood Watch and others.
12. The *Framework* therefore seeks to encourage the development of existing partnerships and the setting up of new ones to make a significant difference in combating fly-tipping wherever it occurs. The *Framework* encourages groups to work collaboratively by sharing information and intelligence and establishing links with the NFTPFG to create a positive feedback cycle of action, learning and improvement.
13. To that end groups willing to 'pilot' systems that meet the principles set out in the *Framework* were sought to help further develop best practice, and make a real difference to the problem in their areas as well as identifying barriers that may require other interventions. As a result two local partnership groups, the Suffolk Waste Partnership and one led by Swindon Borough Council, have received grant funding from Defra to test some of the ideas and best practice in this *Framework*, including local authorities and private landowners working more closely together. Lessons learned from the pilots will be promoted through the NFTPFG website and will act as case studies which others can draw from in considering adaptations and improvements to processes in their own areas. Summaries of the work being carried out in the pilots are included in Chapter 6 of this *Framework*.

3. Prevention

Key challenges identified

1. The main problems and challenges identified by stakeholders are:
 - Preventing fly-tipping in the first place by helping householders and businesses to understand their obligations to dispose of waste legally i.e. raising awareness of the Waste Duty of Care;
 - Many people are unaware of the existence of guidance, have forgotten it exists or don't know where to find it. Guidance needs to be revised and re-publicised;
 - Some landowners are required to provide access to their land under the Countryside and Rights of Way Act 2000, which leaves them vulnerable to fly-tipping;
 - Limited understanding of the penalties available for fly-tipping.

Proposed solutions /best practice

Raising Awareness

2. In April 2006 the NFTP Group published a guide *Tackling Fly-tipping, A guide for landowners and land managers*⁹. This includes a section on tips for preventing fly-tipping including the creation of physical barriers, site management and monitoring such as CCTV.
3. The *Guide* should be promoted as widely as possible. This includes ensuring it is known to all practitioners in local authorities who in turn should pass details of it to local groups and individual landowners who report that they have been the victims of fly-tipping. Local authorities should consider making the *Guide* available on the fly-tipping pages of their websites. Similarly business associations, landowner groups etc should consider promotion to their members.
4. The NFTP Group has started work on revising a summary guide on preventative measures with reference to more detailed best practice on how to go about this.

⁹ Tackling Fly-tipping: A guide for landowners and land managers – National Fly-Tipping Prevention Group (2006)
http://www.tacklingflytipping.com/landowners/downloads/Main_doc_landowner.pdf

5. A lot of fly-tipping is perpetrated by contractors employed by householders and small businesses to dispose of their waste. There is already good practice by many local authorities and others to promote the Duty of Care for instance by:
 - Informing householders that waste must only be given to a registered waste carrier and recommending that they record the details of any vehicles being contracted to remove their waste;
 - Informing businesses that waste must only be given to a registered waste carrier and that a written description of the waste needs to be completed on transfer and retained for two years;
 - Working with local partners such as DIY stores and to promote awareness of the Duty of Care e.g. to those carrying out building work to help reduce the opportunity for unauthorised carriage of waste that is often the precursor to illegal deposit.
6. Promoting awareness of the Duty of Care is a major factor in preventing fly-tipping and promoting responsible handling of waste. Any groups can do this in a variety of ways that reflects the target population. The approach should recognise the demographics of the local area and take account of such things as high levels of social housing, language barriers or the existence of local business groups etc. It can also help by identifying vulnerable groups, like the aged, to avoid them being duped by 'cold callers'.
7. There is general agreement that the penalties available for fly-tipping are adequate and capable of acting as a real deterrent to offending. The maximum penalties for fly-tipping on summary conviction are a £50,000 fine and/or twelve months imprisonment, and on conviction in a Crown Court an unlimited fine and/or five years imprisonment. However, there is limited understanding of these within the population as a whole. Information about penalties is included on some local authority websites but could be adopted by others. Dissemination by local groups and trade associations would also help. Publicity around successful prosecutions by the Environment Agency, local authorities or others could also help raise awareness that fly-tippers are caught and punished and help deter others from the activity.
8. Local partnerships can also use *education* and other publicity as a powerful tool particularly with young people of school age to develop a respect for the environment and become involved in local environmental initiatives. Local groups are often well placed to make links with schools, colleges or youth groups and develop suitable educational material.
9. Defra's Review of Waste Policy in England highlighted business waste collection and the lack of facilities for small businesses in particular to take their waste and recycling (as opposed to having it collected from their premises).

10. Waste disposal authorities are under an obligation to provide facilities for residents in their areas to take household waste that are free at the point of use. Many civic amenity or Household Waste Recycling Centres will, depending on their size and location, also be suitable for use by businesses to deposit the similar range of waste delivered by householders. Waste collection and disposal authorities are encouraged to consider whether such facilities should be used to allow businesses to bring their waste (subject to a charge) and the cost/benefits to be derived from reducing fly-tipping and increasing recycling rates. Since the Waste Policy Review was published, some local authorities have taken up this option and are offering new outlets for businesses to dispose of their waste. Businesses wishing to take advantage of such arrangements will need to ensure they have the appropriate waste carrier registration if they normally and regularly transport their own waste.

11. It is for local authorities to determine the most appropriate resource and waste management services for their areas and to assess how they might impact on fly-tipping. The Review of Waste Policy in England 2011 set out that Government (a) supports more frequent household and recycle collections, and (where requested) business waste collections, and (b) wants to continue to work with interested parties, including local authorities, so collection systems deliver their intended outcomes such as high levels of recycling and quality of service. There are many factors that local authorities will want to take into consideration that will influence the impact on the likelihood of fly-tipping. These include:
 - a) The density and nature of the housing stock and the capacity to store waste at premises or compost green waste at home;
 - b) The nature and rate of turnover of population e.g. high student populations, temporary workers, language barriers, significant commercial activity etc;
 - c) The nature and frequency of normal and bulky waste collection systems; and
 - d) The availability of disposal outlets for householders and commercial waste producers in the area, including opening times and distances. The Government's view is there should be adequate provision of free-to-use household waste recycling centres (HWRCs) for residents both for the convenience of local council tax payers and to reduce the risk of fly-tipping

12. In summary, example measures to encourage **prevention** could include:

- **Promotion of the Duty of Care by local authorities and others to householders and businesses to prevent waste being fly-tipped in the first place. Similarly promotion by business associations, landowner groups etc to their members;**
- **A link to the current version of *Tackling Fly-tipping, A Guide for landowners and land managers* on the fly-tipping page of the local authority website and on relevant landowner group websites;**
- **Promotion by local authorities of the prevention advice and ideas in the *Guide* to landowners when incidents are reported to them;**
- **Promotion by landowner organisations of the prevention advice and ideas in the *Guide* to members and provision of the document to affected individuals or groups;**
- **Publicity around penalties for fly-tipping and successful prosecutions by the Environment Agency, local authorities and other groups;**
- **Consideration by local authorities and commercial waste operators of opening up the waste disposal sites they operate, or are operated on their behalf, to businesses for a reasonable cost; and**
- **The use of local educational initiatives to promote environmental awareness and responsibility by all interested parties**

4. Reporting and investigation

Key challenges identified

1. The main problems and challenges identified by stakeholders are:

Reporting

- There is no requirement for people to report fly-tipping;
- To encourage reporting it needs to be made easy and for those making the reports to know that it is worth doing;
- For those that do report fly-tipping there is confusion about the process and potential duplication of effort e.g. reporting to local authority for advice, the Police for a crime number, and where it exists to their own private landowner reporting system for entry to the fly-tipping data reporting database;
- Lack of understanding that fly-tipping may be liquid as well as solid in nature. Prompt reporting is crucial as the effect of liquid fly-tipping on watercourses will be immediate and local authorities / Environment Agency will need to consider the need for action as quickly as possible;
- Private landowner organisations have raised concerns that they do not have sufficient resources to devote to co-ordinating the reporting of fly-tipping on their members' land. Direct reporting to local authorities by landowners would be preferable;
- Acceptance by local authorities of reports of fly-tipping on private land has resource implications - but this would be balanced by gains in intelligence and help provide evidence for obtaining an adequate level of resource to deal with the issue;
- Encouraging increased reporting will lead to higher fly-tipping figures for local authorities – thought needs to be given to communicating this effectively and positively;
- Uncertainty around who to speak to at the local authority to report to/advise on (callers are often passed around);
- Perceived obligation on the landowner to clear fly-tipped material once reported puts some off reporting at all, as well as cases where landowners have been prosecuted for moving fly-tipped material;
- Some landowners consider clearing fly-tipping as 'business as usual' and would not generally think to report it; and
- Low number of prosecutions/lack of feedback from local authorities on action taken is a strong disincentive to reporting. There is a perception that reporting is pointless leading to a negative feedback cycle. Where landowners or others realise their reports are making a difference they are more likely to continue to report.

Investigation

- Lack of clarity about circumstances/types of evidence required by a local authority to trigger an investigation/take forward a prosecution; and
- Low levels of compensation awarded by courts, as well as inconsistency in sentencing and levels of fines following conviction are a barrier to reporting and reduce the incentive to take forward prosecutions.

Proposed solutions / best practice

2. There should be greater consistency around the approach taken to encourage the reporting of fly-tipping by the public on both public and private land, with a clear, easy to follow route to reporting and recording incidents via local authorities. Local authorities should be able to advise those reporting fly-tipping when they need to contact the Police e.g. for a crime number for insurance purposes, or the Environment Agency in respect of 'big, bad and nasty incidents'.
3. Local authorities should encourage major local landowners to report incidents so these are incorporated into local authorities' mandatory reporting. Such information helps provide a more accurate picture of the scale of the problem, identify hotspots, identify common trends e.g. on the types of waste being fly-tipped in a particular area, and enable local authorities and local partnerships to target their efforts to tackle the problem in a more cost-effective way. In turn major landowner organisations can help local members or agents to do so.
4. The NFTPAG published a guide in April 2006 titled *Tackling Fly-tipping, A guide for landowners and land managers* which includes details of what to record if you find a fly-tip or actually witness fly-tipping taking place. It is particularly important that witnesses to fly-tipping incidents or those who report them subsequently are assisted and encouraged to accurately describe what they have seen, the details of the waste etc in order to help local authorities decide whether to investigate or not, or the priority for arranging removal if it is their role to do so.
5. Local Partnerships, local authorities and others should encourage the use of Apps to report fly-tipping. These allow the user to photograph the fly-tip and automatically record the location of the incident, sending a report to the relevant local authority.
6. A number of local authorities are advertising or considering adopting a Fly-tipping Reward Scheme offering payments of £100 or sometimes more as a reward for information which leads to a successful prosecution. This could be considered by other local authorities or partnerships.

7. As with prevention, the *Guide* should be promoted as widely as possible. This includes ensuring it is made known to all practitioners in local authorities who can use the reporting pro forma or adapt it to ensure they ask the right questions to capture all the information available. Similarly local authorities and others in local groups should promote awareness amongst the general public of the details to record. Most local authorities have dedicated fly-tipping reporting telephone lines or web pages, setting out the key pieces of information required when reporting fly-tipping, or linking to report forms which set these out. The challenge is making sure the information is easy to find, promoting this to the public, including landowners, and ensuring that it can be readily understood.
8. Encouraging increased reporting can be expected to result in higher fly-tipping figures being recorded by local authorities which will subsequently be published in Official Statistics. Some thought should be given to proactively communicating this to residents and the local press and explaining the strategic benefits of gathering this information.
9. Local partnerships are proving useful in providing rapid communication about suspect activities and vehicles that may be associated with rural crime in particular. These networks should be encouraged to pass on details of vehicles involved in fly-tipping so others are alerted to potential recurrence.
10. Intelligence sharing across administrative borders is important to gain a more regional picture of the pattern of offending. Engaging with the Environment Agency e.g. to provide information about vehicles used by persistent fly-tippers is important, and checks on the status of registered keepers in respect of registration as a waste carrier.
11. Local authorities should provide feedback to those reporting fly-tipping on the action taken, particularly in respect of successes (e.g. prosecution) but also on the reasons why action could not be taken, (e.g. lack of evidence).
12. It is also important that those responsible for investigating fly-tipping are sufficiently trained to be able to gather evidence and present a case for appropriate enforcement action. A collaborative approach between local authorities and the Environment Agency to maintain and enhance these skills should be undertaken.
13. Investigation of incidents should be linked to an assessment of the likelihood of repetition and advice should be given to landowners and land managers in respect of optimum prevention measures.

14. In summary, example measures to **encourage reporting and investigation** could include:

- **Clarity from local authorities about how and what to report and provision of a single point of contact via the local authority website or telephone;**
- **Recording of all fly-tipping on public and private land via local authorities and reporting of these to the mandatory fly-tipping data reporting database;**
- **Encouraging the use of Apps to record fly-tipping by all interested parties;**
- **Encouragement from landowner bodies to their members to report fly-tipping to local authorities;**
- **As above, promotion of *Tackling Fly-tipping, A guide for landowners and land managers* by local authorities, landowner bodies, local groups etc;**
- **Provision of feedback by local authorities to those reporting fly-tipping about action taken;**
- **Local authorities, landowner groups and local partnerships could consider rewards for information leading to prosecution; and**
- **Developing intelligence network groups to share information about rogue operators and known offenders.**

5. Clearance

Key challenges identified

1. The main problems and challenges identified by stakeholders are:
 - Significant pressures on council finances and resulting impact on waste enforcement team budgets;
 - Uncertainty about whether local authorities will help and if so what charge will be made;
 - Difficulty in some circumstances of separating out fly-tipped waste from other waste e.g. canal dredgings;
 - Cost of disposal either wholly to private landowner or the public purse is unlikely to be acceptable;
 - Confusion around the legality of landowners transporting fly-tipped waste to a disposal site;
 - Needing to pay for fly-tipped waste to go for pre-treatment prior to landfill is an additional cost; and
 - Special considerations around certain waste types e.g. liquid fly-tipped waste and bulky material such as soil.

Proposed solutions / best practice

2. Because of the costs involved and the different obligations of local authorities in respect of public and privately owned land, it is more difficult to promote a consistent approach around the collection or removal of fly-tipped waste to a permitted facility for recovery or disposal. In taking decisions about the clearance/acceptance of fly-tipped waste from private land, elected local authority members will need to take account of all the calls on Council Tax revenue and must be able to justify their decision to local residents and businesses. However, although activity may vary from authority to authority all local authorities are encouraged to complete a 'Fly-tipping Partnership Options Checklist' (see Annex A) setting out the approach in their areas and to promote this to residents, landowners and interested local groups.

Public land

3. It is important that as far as possible the position of the local authority in respect of collection or removal is clearly set out to those in its area. The nature and timing of a response should be made clear to those reporting fly-tipping incidents.
4. Many local authorities have regular patrols to pick up fly-tipped waste and a report may only necessitate a response using the normal service. Where it is clear an incident merits investigation, it will be important that this takes place prior to clearance and thus clear communication between teams is needed.
5. Regular fly-tipping in particular problem areas can quickly lead to an ugly build-up of waste. Clear identification of hotspots should be undertaken so that subsequent reports can better identify the cumulative effect on an area and the scale of the response needed, including better preventative measures.

Private land

6. Local authorities working in partnership with local landowners and others should identify whether they can offer assistance to landowners or land managers that are the victims of fly-tipping.
7. Advice on finding convenient options for the collection or removal of fly-tipped waste would be helpful to landowners and land managers as the victims of crime, whether this is from local authorities, landowner groups or via local partnerships.
8. In some cases, where the composition of the fly-tip is known, it may be acceptable for landowners to add the fly-tipped material to their own waste where there is an existing collection service that covers that type of material. This may work for small quantities of fly-tipped waste of domestic origin ***providing the incident has been reported and it is safe to move the waste***. In other cases landowners should seek advice on the action to take.
9. In other cases the landowner or land manager may be willing and able to remove the fly-tipped waste themselves. Where this is the case, and the waste is safe to move, they should be encouraged to do so (depending on the type of waste). It will be for local authorities to assess whether, subject to capacity, permitting conditions being met, and the necessary safeguards being in place to prevent abuse, waste management sites operated by the local authority, or on their behalf, can be used. Equally, commercial waste site operators may be able to offer a disposal service. In making those judgements local authorities and commercial waste operators should be sensitive to the

fact that landowners are the victims of a crime and are making efforts to assist with proper disposal.

10. Encouraging private landowners to remove fly-tipped waste should be made as 'hassle free' as possible. Many landowners will already be registered waste carriers in respect of their own businesses and be familiar with the Duty of Care. However, others will not and local authorities, landowner groups or local partnerships can assist landowners who are willing to remove fly-tipped waste by providing information to help complete waste transfer notes and advise on appropriate places for the disposal of the waste to be removed.
11. Where adopted such an approach should be monitored to avoid landowners who fail to take reasonable steps to protect their land and repeatedly take advantage of any service on offer. Checks are also needed to guard against potential collusion between landowners and waste producers to avoid the normal costs of disposing of commercial or industrial wastes. Some have advocated piloting an approach whereby landowners report an incident to the local authority, and are issued with an incident reference or 'ticket' that then enables them to remove waste to an appropriate permitted facility.
12. Local authorities and the Environment Agency should also consider whether they can adopt positions that they will not normally take enforcement action against a landowner or land manager transporting non-hazardous fly-tipped waste on a one-off or very occasional basis, if they are satisfied the person transporting the waste does not normally and regularly do so. This would be on the understanding that the incident had been properly reported to, and recorded by, the relevant local authority. The Environment Agency has indicated it will adopt a flexible approach in such circumstances. Such an approach will help take away the fear some landowners complain of that they will have action taken against them.
13. In yet other cases local authorities may offer to collect fly-tipped waste on private land themselves. While there is no obligation to do this local authorities may wish to weigh up the advantages of doing so particularly to members and supporters of local partnerships who are already contributing to tackling the problem. Such an approach might include a local voluntary 'model' for action whereby;
 - The local authority helps with first instance of clearance
 - The local authority provides advice on preventative measures for the future
 - The landowner puts in place preventative measures e.g. CCTV, barriers, lights, signage
 - Local authorities help investigate future instances of fly-tipping where there is sufficient evidence to do so.

14. Local authorities and commercial waste operators may opt to charge less than commercial rates to landowners for the collection of fly-tipped waste, or its acceptance at a waste management site operated by or on behalf of the local authority, to encourage a sustainable solution.
15. In providing a solution for fly-tipping on private land, local authorities should provide guidance on the options on offer and the level of assistance private landowners can expect from them, the Police, (Environment Agency in the case of big, bad or nasty incidents); whether there will be a fee and the factors and circumstances to be taken into consideration in a decision to assist.
16. Landowners or local partnerships should consider taking out private insurance to cover the costs of the removal of fly-tipping, particularly for those wastes which are more difficult or expensive to dispose of. Insurance may come with conditions around the measures to be undertaken to secure the land and/or be subject to an excess.
17. There may be other opportunities to help with clearance. The Waste Policy Review for England highlighted the potential to consider whether the pilot run by the Environment Agency and the Probation Service in which offenders were involved in environmental projects, including cleaning up fly-tipping, could be extended. This innovative approach to clearing fly-tipping is being used in at least one area involving a local open prison (see case study on Operation Fly Swat on page 24). Local authorities and groups may wish to consider whether such an approach could work in their area and provide a service to their communities.

Other potential interventions

18. Local authorities and the Environment Agency have powers to serve a Notice¹⁰ on a landowner or occupier to remove waste. Landowners have expressed concern that this power will be used against them rather than against the culprit, to require them to clean up fly-tipped waste. It is noted that some have called for the extension of this power to require the fly-tipper to remove their waste from the place they deposited it, with the agreement of the landowner. This example of restorative justice would probably have limited application long after the offence has been committed.
19. Unauthorised development often goes hand in hand with fly-tipping and the Department for Communities and Local Government has produced a summary of available powers which can be used to deal with illegal and unauthorised encampments¹¹.

¹⁰ Section 59 Environmental Protection Act 1990

¹¹ Dealing with illegal and unauthorised encampments; A summary of available powers (August 2013)
<https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments-a-summary-of-available-powers>

20. In summary, example measures on **clearance** could include:

- **Completion by local authority, landowner groups or local partnerships of a 'Fly-tipping Partnership: Options Checklist' to clarify the position on clearing fly-tipping from public and private land in their areas;**
- **Local Authorities and commercial waste operators considering the acceptance of small quantities of domestic-type fly-tipped waste from private landowners through their existing waste collections subject to reporting, permitting and safety considerations;**
- **Local Authorities and commercial waste operators providing landowners with access to reduced cost disposal/recycling facilities subject to making an accurate report of the fly-tip to the local authority, permitting and safety considerations;**
- **Environment Agency / local authorities adopt positions that they will not usually require a landowner to be registered as a waste carrier when moving fly-tipped waste.**

6. Case studies of partnership and innovative approaches to tackling fly-tipping

A few examples of working in partnership to tackle fly-tipping are provided in this section, including work being carried out as part of the two fly-tipping partnership pilots.

The intention is to develop a dedicated area on the NFTP G website in due course which will give a fuller range of case studies as well as examples of interventions taken by individual local authorities, groups or landowners, which have been effective in reducing fly-tipping.

The NFTP G also intends to publish a list of local groups with an interest in reducing fly-tipping so readers can contact them – these may be dedicated fly-tipping action groups or those with a wider remit such as general crime reduction groups. The NFTP G website is currently being reviewed but it is hoped that the revised website will be available in the first part of 2014.

We would encourage readers to contact the NFTP G Secretariat with details of any local groups or case studies that may be of interest which could be added to the website. Details should be sent to the NFTP G Secretariat c/o Flytipping@defra.gsi.gov.uk

Case studies:

A. Operation Fly Swat

Partners: Boston Borough Council, Her Majesty's Prison (HMP) North Sea Camp, Black Sluice and Witham Fourth Internal Drainage Boards, Environment Agency, Lincolnshire County Council, South Holland District Council, Welland & Deeping Drainage Board, South Holland Drainage Board, Boston Mayflower and Longhurst Group (social housing providers). East Lindsey District Council has also attended partnership meetings with a view to joining the project and discussions are under way to expand the operation further.

How did it come about?

Operation Fly Swat was the brainchild of one of the Black Sluice Drainage Board Area Managers and took 6 months to set up from conception to operation. Boston Borough Council acts as project lead and has co-ordinated the project since October 2011.

What is it?

A partnership set up to tackle fly-tipping (clean-up, investigate, deter/educate against fly-tipping) and help rehabilitate offenders.

- HMP North Sea Camp has had offenders on placement at Boston Borough Council's waste depot since 2009 – building on the success of this it was agreed to involve prisoners to join the Council's Fly Swat team (following selection & training). Prisoners have benefitted by developing the routine of work, providing work experience, making a constructive input into a local project and providing the opportunity to gain vocational qualifications. It is hoped involvement in the project will help to reduce re-offending rates;
- The prisoner volunteers do not replace paid workers – their input is additional to the efforts already put in by other partner agencies;
- The partnership helps place cameras and motion detectors in fly-tipping hotspots to provide evidence to catch offenders;
- Boston BC promotes the waste Duty of Care on its website and warns householders and businesses that they could be prosecuted if they give their waste to a non-authorized person and that waste is subsequently fly-tipped. Plans made for promotional work direct to the public publicising anti-fly-tipping messages; and
- Successful prosecutions are publicised.

Funding

The operation is funded by partner organisations and costs approximately £23k per annum, split between the partners. HMP North Sea Camp does not contribute to the funding but does provide personnel.

Successes (to October 2013)

- The project has funded a clean-up vehicle operated by volunteers from HMP North Sea Camp;
- Approx 320 tonnes of rubbish cleared from hundreds of sites leading to cleaner river banks, verges, ditches and housing estates in Boston borough and surrounding areas;
- A large proportion of the collected waste has been recycled;
- Publicity in local press demonstrating to residents the proactive approach being taken to deal with fly-tipping; providing the opportunity to raise awareness of the waste Duty of Care and publicise the penalties for those breaching it or those caught fly-tipping; and
- Assisting with the rehabilitation of prisoners.

Contact details:

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B. Clean Kent Campaign

Partners:

The Clean Kent Campaign was formed in 2004 and is co-ordinated by Kent County Council. It is a partnership initiative between 10 district, borough and city councils, Kent Police, Kent Fire and Rescue Service, and the Environment Agency. It shares intelligence with the London Boroughs to tackle cross border crime, and with the Community Safety Units, Public Rights of Way, Highways and Trading Standards.

What is it?

The Clean Kent Campaign understands the adverse effect that fly-tipping, litter, rubbish and abandoned vehicles may have on the quality of life, tourism and economic development, and strives to improve the quality of life for all in Kent.

Action being taken:

- a dedicated website including information on waste Duty of Care responsibilities, waste registration, information on how to report fly-tipping and the penalties for breaking the law. There is information on a structured programme of activities for schools;
- Duty of Care campaigns: Promotional material has been produced for distribution at awareness raising events. Material has also been produced to support businesses e.g. a leaflet about the correct disposal of construction waste working in liaison with Travis Perkins and Wickes;
- Smartwater kits issued to members of the public to mark waste removed by waste carriers to ensure it is not fly-tipped;
- Deterrent posters displayed on advertising hoardings in the county and petrol pump stickers to encourage the reporting of fly-tipping;
- A structured programme of activities to support schools in liaison with the Kent Eco-Schools Project. Schools can become accredited and gain a Clean Kent flag;
- 'Street Wise' a tool developed, funded and owned by Kent County Council and Kent Fire and Rescue Service, working with the Award Scheme Development and Accreditation Network. It is aimed at Key Stage 3 pupils and focuses on preventing environmental anti-social behaviour through a restorative justice approach. The resource Award Scheme Development and Accreditation Network (ASDAN) accredited and aimed at pupils in non-mainstream education but can be run by all schools, referral units or youth centres;
- Clean Kent Watch (part of Neighbourhood Watch Kent) currently has over 250 volunteers and is still recruiting. Volunteers help report illegal environmental activities and are vital to the success of gathering intelligence which will be used to inform enforcement action and help prevent and deter these environmental offences;

Successes (to October 2013)

- 65% reduction in fly tipping since 2004-05 across Kent;
- 71% reduction in loose rubbish fires since 2004-05;
- First ASBO for a fly-tipping offence in the UK;
- Custodial sentences and significant community sentences for offenders; and
- A joint prosecution with the London Borough of Bromley of a London businessman for 13 counts of fly-tipping in Bromley and Kent. This included the use of Smartwater on waste in the Lewisham area which was later fly-tipped and set on fire in Kent.

Contact details:

Name: John Evans, Enforcement Manager, Kent County Council

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Website: www.cleankent.com

C. Valleys Regional Park, Wales

Partners: Sponsored by Welsh Government and includes the Fire and Rescue Service, Police Services, Forestry Commission, Countryside Council for Wales, Welsh Water, Federation of Small Businesses and National Parks.

What is it?

The Valleys Regional Park project began in 2011 and aims to increase tourism and raise the profile of the South West Valleys as a visitor destination. The project aims to significantly reduce fly-tipping as visitors are influenced by the cleanliness of the area. It is using a combination of education, enforcement and community engagement activities. Activity is co-ordinated by Fly-Tipping Action Wales and the group holds quarterly meetings.

Funding:

Fly-tipping Action Wales has secured £632,000 of project funding that will support the Valleys Regional Park Regeneration Programme. The project has been part-funded by the European Regional Development Fund through the Welsh Government.

Action being taken:

- Working to identify the causes of fly-tipping in the Valleys Regional Park;
- Carrying out a survey to understand attitudes towards fly-tipping;
- Establishing a dedicated team to tackle fly-tipping in the Valleys Regional Park area;
- Carrying out a comprehensive awareness raising campaign;
- Creating a digital mapping system to log fly-tipping incidents, track cases of fly-tipping across the nine local authorities in the region and identify trends and key hot-spots;
- Total Focus Events in towns and fly-tipping hotspots. The day-long or week-long events can consist of litter picks in towns; school visits; door-knocks to educate on the public's Duty of Care towards fly-tipping; clearing large fly-tipped sites; police stop-checks of vehicles are carried out to ensure waste carriers are registered with the Environment Agency/Natural Resources Wales;
- Training of local authority officers in legal and surveillance skills;
- Education of future tradespersons at construction academies on their Duty of Care responsibilities; and
- Will be incorporating messages into the Welsh Baccalaureate so future generations are aware of the negative impact of fly-tipping on local communities.

Contact details:

Name: Gary Evans

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Website: www.flytippingactionwales.org

D. Tip-Off: Stop Fly-Tipping In Suffolk Campaign

Partners: Suffolk Waste Partnership members (Suffolk County Council, Babergh District Council, Forest Heath District Council, Ipswich Borough Council, Mid Suffolk District Council, St Edmundsbury Borough Council, Suffolk Coastal District Council, and Waveney District Council), the National Farmers Union, the Country Land and Business Association, the Environment Agency, Suffolk Trading Standards, and for “Operation Tip-Off” enforcement activities, representatives of the Police, VOSA, and HMRC.

How did it come about?

Defra announced that funding was available for fly-tipping prevention projects to run from April 2013 to March 2014, and Suffolk Waste Partnership in consultation with the NFU and CLA, put forward a successful bid to run the “Tip-Off” campaign in Suffolk.

What is it?

"Tip-Off: Stop Fly-tipping in Suffolk" is a new partnership of local and national government waste management and enforcement officers and land owners and managers committed to tackling and preventing fly-tipping in Suffolk.

Key Components of the campaign

- To establishment a partnership and involve stakeholders in determining the best way to reduce fly-tipping in Suffolk.
- To develop a campaign ‘brand’ and associated communications to prevent fly-tipping and encourage reporting for householders, landowners and businesses.
- To establish baseline data on reporting and investigation of fly-tipping incidents and monitor progress.
- To promote the Household Waste Recycling Centres as a legal waste disposal option for small trade customers.
- To run multi-agency “Operation Tip-Off” enforcement events to stop waste carriers on the road to check compliance with waste legislation.

Funding

£25,800 was awarded from Defra for the financial year 2013-14. Suffolk Waste Partnership has provided additional resource in the form of Local Authority Officer time, IT and the use of office facilities during the project period.

Successes (to March 2014)

- "Tip-Off: Stop Fly-tipping in Suffolk" leaflets, posters, banners and new webpages on the established Suffolk Recycling website.
<http://www.greensuffolk.org/recycling/fly-tipping/>
- A YouTube video "Tripping Up the Tippers" that has achieved over 55,000 hits, advising businesses, householders, and land owners and managers about their Duty of Care and how they can prevent and tackle fly-tipping.
http://www.youtube.com/watch?v=a1X83ka_AqQ
- Hard-hitting "Tip-Off" posters have been produced for landowners and managers to display at fly-tipping hot-spots and are available for download via the Suffolk Recycling website. Additional signage has also been produced for display at public recycling sites to discourage fly-tipping at these sites too.
- Two "Operation Tip-Off" crack down events. These Suffolk-wide enforcement actions stop and search waste collectors on the road. They took place in September 2013 and January 2014. A total of 143 vehicles were stopped and 11 have been subject to follow-up investigations.
- 9 press releases and coverage on BBC Radio Suffolk, including awareness-raising on the changes to the waste carrier registration regime in force from 1 January 2014.
- The impact of the project is being monitored through the mandatory fly-tipping reporting database. During the "Tip-Off" campaign there has been an observed decrease in the number of reported incidents of fly-tipping, for example, in the Suffolk Coastal district, a reduction of 30% in the number of reported incidents compared to the same period in the previous year has been recorded. Similar statistics are being compiled for the other Districts and Boroughs in the County.
- A total of 4 successful prosecutions have occurred during the project and all have been widely publicised as a way of deterring others.
- On 13th March 2014 a very successful "Tripping Up the Tippers" conference was held with a wide range of stakeholders from both within Suffolk and across the region to share the lessons learnt from the pilot project and to establish a way forward in Suffolk to maintain the momentum of the project and make sure that incidences of fly-tipping in Suffolk continues to fall.

Contact details:

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E. Swindon Community Waste Partnership

Partners:

The Swindon Community Waste Partnership is led by Swindon Borough Council and comprises of several departments within the Council, Councillors, Swindon Commercial Services, Wiltshire Police, Forward Swindon and the Broad Green Community Group.

What is it?

The Community Waste Partnership brings together the expertise and intelligence of the separate organisations to combat the problem of fly-tipping based on the three principles of:

- 1) Engagement - of the community, providing education and encouragement to prevent fly-tipping
- 2) Enforcement - encouraging the reporting and ensuring the investigation of fly-tipping
- 3) Clearance - of litter and fly-tipped waste

The project concentrates on the Broad Green area of Swindon, which is historically a popular area for fly-tipping with a collection of terraced houses backing onto unadopted alleyways. The project aims to reduce fly-tipping and waste in the area using the three principles of the Community Waste Partnership, involving the Community to address the problem.

Funding:

The Swindon Community Waste Partnership successfully bid for a DEFRA funding grant of £27,857 and has used the money to pilot the project in a small area of Swindon with a view to expanding the principles to other areas within the town.

Action being taken:

- Sharing intelligence of fly-tipping hotspots and possible offenders between the partners.
- Carrying out a survey to understand the causes of fly-tipping and the attitudes of residents and businesses in the project area.
- The organisation and execution of 'Tidy-Up' days, including the provision of equipment, skip hire and publicity to all residents and businesses. Also highlighting information about regular waste collections and recycling centres.

- Delivering the message to Primary Schools in the area, including the evolution of junior wardens and a 'green space' area to encourage children to look after their environment and tell parents about the waste problems.
- Providing business engagement through a survey and a Community Waste Partnership window sticker distributed to all businesses within the area. Producing the National Fly-Tipping Prevention Group guide for all businesses in the area, stimulating discussions on waste with the businesses and identifying action points.
- Houses of Multiple Occupancy identified and landlord details obtained. Creation of a "tenants welcome pack" outlining the correct way to dispose of waste and recycling, collection and bulk waste details and translated into the most common languages
- Scoping of area and CCTV fitted or updated in alleyways and enforcement patrols.
- Litter Fixed Penalty Notice blitz in the area for a specific period. Those caught littering offered a "litter education course" as an alternative to the fine. This is followed up by regular patrols issuing Fixed Penalty Notices to those dropping litter.
- The creation of a Community Garden where a piece of disused waste ground (a fly-tipping hotspot) was identified and adopted by the local community to plant flowers and grass.
- A general 'tidy up' of the area creating a pride in the community, including a free graffiti cleaning service, ensuring all trade waste is stored lawfully, removing or replacing all unlawful shop canopies and extensions.

Contact Details:

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7. Links

Crimestoppers:

<http://www.crimestoppers-uk.org/>

Dealing with illegal and unauthorised encampments: A summary of available powers (August 2013):

<https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments-a-summary-of-available-powers>

The Duty of Care as respects waste: Section 34 of the Environmental Protection Act 1990:

<http://www.legislation.gov.uk/ukpga/1990/43/part/II/crossheading/duty-of-care-etc-as-respects-waste>

Environment Agency homepage:

<https://www.gov.uk/government/organisations/environment-agency>

Fly-tipping: Causes, Incentives and Solutions_– Jill Dando Institute of Crime Science, University College London 2006:

<http://archive.defra.gov.uk/environment/quality/local/flytipping/documents/flytipping-causes.pdf>

Fly-tipping: Causes, Incentives and Solutions_– A good practice guide for Local Authorities - Jill Dando Institute of Crime Science, University College London 2006:

<http://archive.defra.gov.uk/environment/quality/local/flytipping/documents/flytipping-goodpractice.pdf>

Tackling Fly-tipping: A guide for landowners and land managers – National Fly-Tipping Prevention Group (2006):

http://www.tacklingflytipping.com/landowners/downloads/Main_doc_landowner.pdf

Fly-tipping official statistics for England:

<https://www.gov.uk/government/publications/fly-tipping-in-england>

Government Review of Waste Policy in England (2011):

<https://www.gov.uk/government/publications/government-review-of-waste-policy-in-england-2011>

The Report of the Independent Farming Regulation Task Force (2011):

<https://www.gov.uk/government/publications/independent-farming-regulation-task-force-report>

Government Response to the Farming Regulation Task Force (2012):

<https://www.gov.uk/government/publications/government-response-to-the-farming-regulation-task-force>

National Fly-Tipping Prevention Group:

<http://www.tacklingflytipping.com/>

[Note: at the time of publication the NFTP G website is being reviewed. This is expected to be completed in the first half of 2014]

Fly-tipping Partnership Framework: Options Checklist Template

Note: The example bullet points given in this template are for illustration only. It is recognised that activity to deal with fly-tipping on both public and private land will vary from one authority/partnership/group to another and the template can be tailored according to local circumstances.

This template sets out the partnership approach taken by [add name of local authority/partnership/group] in dealing with fly-tipping on public and private land in its area.

Prevention

Actions around preventing fly-tipping on public and private land undertaken by [name of Local Authority/partnership/group] include:

- Awareness-raising around the waste Duty of Care requirements
- Publicising penalties for fly-tipping and successful prosecutions
- Ensuring access to suitable recycling and disposal facilities is available in the local area to avoid waste being fly-tipped in the first instance

In addition in respect of private land:

- Providing affected landowners with a copy of the “*Landowner Guide*”
- Advising landowners on actions that they can take to prevent future incidents

Reporting

Actions to encourage reporting of fly-tipping undertaken by [local authority/partnership/group] include:

- Being clear about how and what to report and providing a single point of contact via the local authority website or telephone
- Encouraging the use of Apps to report fly-tipping
- Reporting all incidents to the mandatory fly-tipping data reporting database

In addition, in respect of private land:

- Accepting reports of fly-tipping on private land to help build a fuller picture of fly-tipping in the area
- Reporting all incidents on private land to the mandatory fly-tipping data reporting database
- Recognising that landowners affected by fly-tipping are the victims of crime and, providing them with clear advice on the options for clearance and disposal available in their area (notwithstanding any direct assistance on these),
- Provide feedback to affected landowners on the result of investigations and the potential for prosecution

Investigation

Actions to investigate fly-tipping undertaken by [name of local authority] include:

- Being clear about the evidence required to trigger an investigation or take forward a prosecution
- Sharing data with surrounding authorities and the Environment Agency, local partnerships and other interested groups to understand the wider problem

In addition, in respect of private land:

- Making use of intelligence gathered from incidents on private land to understand the extent of the problem locally
- Promoting the “*Landowner Guide*” sections on accurately recording incidents to landowners to ensure that all necessary details are reported
- Where sufficient evidence as to the perpetrator is found, taking forward a prosecution on behalf of the victim

Clearance

Actions to assist in clearance of fly-tipping undertaken by [name of local authority/partnership/group] include:

- Clearing fly-tipped waste on public land within [x] days of reporting

In addition, in respect of private land:

- Providing landowners with an outline of the support available from the local authority/partnership/group including reduced cost access to disposal/recycling facilities subject to making an accurate report of the fly-tip
- Providing landowners with advice on how to deal with clearance and disposal including guidance on clearing waste themselves and their Duty of Care obligations
- Where the composition of a fly-tip is known, allowing landowners to dispose of small quantities of fly-tipped waste e.g. domestic material, through their existing waste collection as long as the collection covers the particular waste types concerned, the incident has been reported and it is safe to move the waste

National Fly-tipping Prevention Group

Aim

The National Fly-tipping Prevention Group (NFTPG) is a group of organisations working with a common aim to help prevent and tackle fly-tipping. We will do this by working in partnership to influence, advise and raise awareness in order to protect communities and the environment.

Objectives

1. To work in partnership with the member organisations, the Devolved Administrations, community groups and others to provide a national framework of authoritative approaches, guidance and best practice on the prevention, recording, investigation and clearance of fly-tipping in accordance with an agreed work-plan.
2. To continue to develop the evidence base of the nature and extent of fly-tipping through a national reporting system, collation of data and sharing and using intelligence to identify appropriate interventions
3. To encourage and promote local groups or campaigns made up of interested parties working in partnership to prevent and tackle fly-tipping.
4. To learn, share and use the findings of social research into why people fly-tip to influence others away from fly-tipping, and within the resource constraints support any further research to be undertaken.
5. To communicate widely with those seeking to prevent and tackle fly-tipping and in particular develop the content and promote the NFTPG website as the key source of information (a) for those affected by fly-tipping (b) those wishing to develop local campaigns and (c) to provide a window for sharing best practice, case studies, messages and material to support events and highlight 'hot topics'.
6. To seek to both draw on and influence Government policy and legislation to tackle fly-tipping and empower those involved with taking enforcement action or the administration of justice or deterrents such as sentencing of fly-tipping offences.

NFTPG Members

Department for Environment Food and Rural Affairs (Chair and Secretariat)

Canal and River Trust

Chartered Institution of Wastes Management

Country Land and Business Association

Countryside Alliance

Department for Communities and Local Government

Energy Networks Association

Environment Agency

Federation of Small Businesses

Fly-Tipping Action Wales

Forestry Commission

Keep Britain Tidy

Keep Scotland Beautiful

Kent Fire and Rescue

Kent police

Local authorities

Local Government Association

National Farmers Union

National Trust

National Resources Wales

Network Rail

Northern Ireland Environment Agency

Water UK

Welsh Government

Zero Waste Scotland