



Fly-tipping: Drivers, Deterrents and Impacts

Summary Document

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1. BACKGROUND

Fly-tipping is a significant problem in England. In 2020/21 English local authorities (LAs) dealt with 1.13 million fly-tipping incidents, an increase of 16% from the 980,000 reported in 2019/20. These operational metrics do not capture the full picture as they only include public land.

Keeping waste in legal waste streams is essential for achieving a circular economy and meeting recycling targets. If it is illegally handled and subsequently fly-tipped or dumped, it may fall out of the legitimate waste system and could be lost forever (e.g., if it goes into illegal landfills, is set on fire, or illegally exported), impacting on recycling and other recovery targets.

Fly-tipping can also pose risks to the environment and human/animal health. For example, there have been cases where dangerous waste has been deposited near water reservoirs in recent years. Those who fly-tip can impose clean-up costs on taxpayers and private landowners.

As well as being an environmental crime, fly-tipping is also an economic crime. The high landfill taxes that are in place in England have provided a strong incentive for some people and businesses to dispose of their waste via improper channels. The rule of law and payment of taxes are being avoided by those bypassing proper disposal and recycling channels and the financial strain of such activities can be substantial. The undercutting of legitimate waste businesses by the unprofessional waste sector is a serious problem.

Fly-tipping was forecast in an ESA report, published in 2021,¹ to have a significant financial impact. In 2015 the cost of fly-tipping in England was estimated to be £209 million, whereas in 2018/2019 the estimated cost had increased to be £391.9 million. This is an increase of 87% in only four years. Fly-tipping also accounts for 43% of the total cost of all waste crime in England, highlighting its economic seriousness.

Despite the considerable efforts of the Government, Local Authorities (LAs), National Fly-Tipping Prevention Group (NFTPG), the Environment Agency (EA), and charities in tackling the problem it appears more entrenched than ever. Under current approaches the problem isn't getting better.

Significant focus is still on stronger regulation, with a large reliance on tip-offs, or clues in the waste identifying the perpetrator. This approach has not been as effective as hoped because of the resourcing implications of regulation and enforcement, and more generally hasn't satisfactorily addressed the motivations and drivers behind fly-tipping.

This research was commissioned by the Department for Environment, Food and Rural Affairs in 2021 because it has become increasingly obvious to Government that a more detailed and systematic examination of the factors influencing fly-tipping was necessary, and the expectation is that such a review might help provide better evidence-based policy making and influence future strategies and interventions.

¹ Environmental Services Association & Eunomia , 'Counting the Cost of Waste Crime' (ESA, 2021).

2. METHODS

This project, undertaken over a six-month period in 2021, gathers important new data exploring five general themes, which will enable a better a more complete picture to be drawn of how to better tackle fly-tipping. These themes include:

- Why people fly-tip, and more generally how they decide what to do with their waste.
- The impacts of fly-tipping.
- What LAs in England, central government and landowners have been doing to tackle fly-tipping to date, the success of these existing interventions, and the scope for less conventional interventions.
- Why waste holders give their waste to potential fly-tippers.
- Risk factors and associated indicators of higher likelihood to engage in fly-tipping.

The key aims of this research are to shed light on the drivers, disincentives and impacts of fly-tipping and to provide data and solutions which might help LAs (and others) reduce fly-tipping through better detection, deterrence, prevention, and risk-based enforcement. Better understanding of the drivers will also enable sharper evaluation of what works/what doesn't in what contexts and aid intelligent replication of success stories and learning from failures.

The overall aim is for this research to create a significantly better understanding of systemic strengths and weaknesses of the current systems in place for tackling fly-tipping, which can aid the development of a series of interventions and wider recommendations – positive and practical solutions to enable policy change and for other stakeholders to raise their game and substantially reduce the numbers of fly-tips. It is hoped that this research will also enable the Government to have a more strategic roadmap towards better understanding fly-tipping, as well as combatting it, providing firm evidence for influencing Government spending decisions and helping to ensure that budgets are deployed as effectively as possible in tackling fly-tipping.

We used several quantitative and qualitative research methods to generate the evidence required when exploring each of the project key themes. These included:

- 1) An extensive literature review, resulting in a separate report.
- 2) A modelling exercise, resulting in a systems map which sought to understand the waste management system as a whole, to identify its vulnerabilities, and the possibilities and limitations of what can be done, before using that understanding to guide interventions. This also resulted in a spreadsheet which sets out a grid of civil roles (e.g., waste producer, carrier) and crime roles (e.g., offender, preventer, enforcer).
- 3) Two focus groups with members of the public who had recent experience of disposing of unwanted items waste that could not be put into regular waste and recycling bins. The second of these focused on people from low-income backgrounds to better understand if the residents of more deprived areas both tip more ('offenders'), and/or suffer more ('victims').

- 4) Four surveys eliciting perceptions around the reasons for, and impacts of, fly-tipping, targeted at:
 - a. The general public.
 - b. The business community.
 - c. Professionals from LAs.
 - d. Professionals from the waste and resources sector.
- 5) Semi-structured interviews with enforcement authorities, private landowners (victims and those intervening), and other bodies such as waste trade associations and charities.
- 6) Interviews with six fly-tipping offenders.

3. NEW RESEARCH FINDINGS

It seemed to us from discussions with stakeholders (and reading the literature) that there was often a strong belief that a focus on better enforcement and sanctions would be the key factor – the ‘missing ingredient’ in driving down the numbers of fly-tipping incidents. However, once we got past the recurrent theme of ‘getting tougher on fly-tipping’ our discussions with stakeholders and the results of the various surveys, interviews and focus groups conducted revealed that several other factors were significantly contributing to the high levels of fly-tipping. This was compounded by the many systems in place not working as well as they could.

Most of the findings in terms of what was not working that well are not new, but we do provide new data to support them and for Government to see the picture from the public, LA, business and offender perspectives. There were also some important original findings from this research.

Impacts and outlook

There has been quite a lot of research published on the economic impacts of fly-tipping, but there has been less analysis on how it is affecting people’s quality of life. As a form of anti-social behaviour, it can be a source of frustration for law-abiding residents. Fly-tips can affect people’s daily environment, both visually and olfactorily.

Our survey of the general public found that just over half (56%) of people reported that fly tipping in their neighbourhood affected them to a great extent or some extent. There was little difference between urban and rural areas in the proportion of people reporting they had been negatively affected by fly-tipping. The most commonly reported negative impacts were pollution - including smells and vermin (70%), it making the area seem unpleasant/in decline (61%) and the council having to divert funds to clean up (61%). Around half of people mentioned items not being recycled/reused as they should be as a negative impact of fly-tipping.

Businesses tended to be less affected by fly-tipping in the areas where they were located than residents. Only a quarter of businesses said that fly-tipping in the neighbourhood negatively affected their business to at least some extent. But other research shows that rural businesses are probably suffering more than urban ones. The National Rural Crime

Survey revealed that 57% of rural respondents to its survey were directly affected by fly-tipping on their properties, that 72% of fly-tipping went unreported, and that the average financial impact per annum for each business was approximately £1,000.²

The consensus from the interviews, surveys and focus groups undertaken during this research is that the fly-tipping problem has gotten worse and is strongly perceived to get worse in the future. 42% of LAs respondents believed that the fly-tipping situation in their local area was likely to deteriorate further in the next 3 years, compared to 26% who believed it would improve, and 32% who thought it would stay the same.

Very little optimism could be found. However, there is a strong consensus of stakeholder views – nobody we consulted has said fly-tipping doesn't matter, with almost everybody on board with the fact that it could be successfully reduced if tackled in a different way.

How people dispose of unwanted items

To examine perceptions of where fly-tips were occurring, LA survey respondents were asked to select the three types of fly-tips that were making up the highest proportion of incidents occurring in their areas. The majority of LA respondents believed that the highest proportion of fly-tipping incidents in their area comprises items left in non-residential areas (75% of respondents) and residential areas (73%). Almost half of respondents (47%) reported that bin bag waste left out is also common. Some other locations of perceived fly-tips included items left outside charity shops (7%), items left outside a public bin or skip (27%), and items left outside recycling banks (29%).

The statistics show that nearly two-thirds of fly-tipping incidents were classified as household waste. Commercial waste only amounted to 5% of all incidents in the same period.

To try to better understand why people fly-tip, or why certain types of waste items are more likely to be fly-tipped, or recorded as fly-tipped, we considered the different disposal/re-use/recycling routes that were being used by the public and businesses. We asked survey respondents from the general public and businesses how they got rid of unwanted waste items that they could not put in their regular waste and recycling bins. As can be seen in Figure 1 below the most common methods were to donate items to charity, visit household waste/recycling centre or to deposit items in a recycling bank.

² National Rural Crime Network, 'Living on the Edge: Why crime and anti-social behaviour is leaving rural communities and businesses frustrated, undervalued and isolated. Report & Recommendations from the 2018 National Rural Crime Survey (NRCN, 2018).

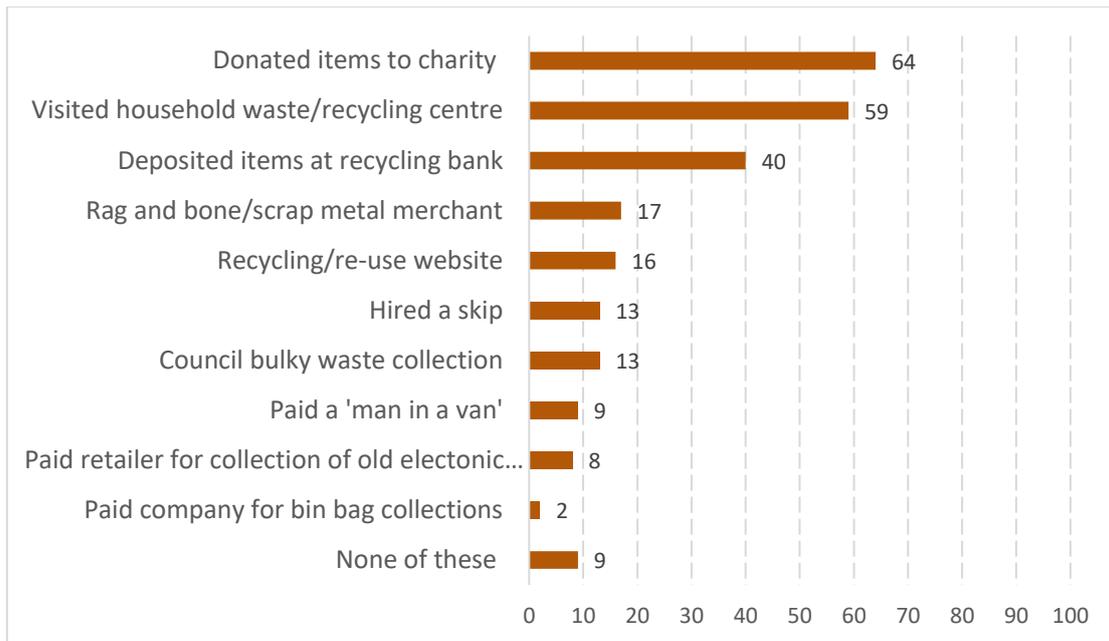


Figure 1: How people got rid of unwanted items (Public Survey: NatCen Panel)

Use of paid collections was less common than these unpaid measures. One new finding was that 2% of the population were paying for a private bin collection (presumably because of service frequency cuts to local authority collection).

Separately to the above we additionally asked the public if they had ever undertaken any of the following additional seven actions shown in Figure 2 below. All these methods can potentially be classified as fly-tipping under the current legal definitions.



Figure 2: How people got rid of unwanted items that could potentially be classified as fly-tipping (Public Survey: NatCen Panel)

The above shows that 0.4% of the population (about one in two-hundred people) might have deliberately fly-tipped waste items in the previous 12 months.

A further 20% of people had undertaken at least one of the actions listed above (which means that one in five of the population could be 'mistakenly' fly-tipping). The most common action of this type people had taken was to leave items on the street for others to take, closely followed by leaving items outside a charity shop.

Factors that influence choosing how to get rid of unwanted items

The general public and businesses were asked what factors were important to them when choosing how to dispose of unwanted items. The general public were most likely to say that reducing environmental impact was the most important factor in their decision making, with 92% of respondents reporting that it was very important or quite important. Other important factors included giving it to someone responsible (85%), ease (81%) and cost (77%). Very or quite important factors to business were reducing environmental impact (96%), giving it to someone responsible (91%), ease (72%) and cost (61%).

Two of the biggest barriers to people disposing of their waste – cost and ease – fall more heavily on those in low-income communities. In addition, people in deprived areas have living conditions that can be seen as facilitators or 'provocations' for fly-tipping (e.g., no storage facilities, no access to a vehicle).

Infrastructure

The data we collected show that there are multiple push and pull influences in getting rid of unwanted items. If the ease, or conversely the difficulty, of disposing of waste legally is considered to be a major contributing factor to fly-tipping volumes then having good public services is very important. However, there was recognition amongst most stakeholders that performance problems with infrastructure and services were influencing some people to fly-tip.

In respect to Household Waste & Recycling Centres (HWRCs) some LAs had started charging for householders to deposit certain types of unwanted items at HWRCs. Just over half (56%) of the general public using HWRCs in the past year had experienced difficulties using them. The most commonly mentioned difficulty was long queues (37%). Others included having to wait for an appointment (10%), inconvenient opening times (9%), unable to transport items there (9%) and difficult getting waste accepted (8%).

For LA bulky waste collections 40% of people who had used this service in the past 12 months had experienced difficulties. The most commonly cited difficulties related to delays in booking a collection (17%), difficulties moving items to the collection point (15%), difficulties in making a booking (12%), and the expense (10%).

Only 15% of businesses that were surveyed used commercial waste transfer stations. Instead nearly a third of all businesses (31%) reported that they (illegally) took waste items to HWRCs, which are provided for the recycling and disposal of household waste.

An interesting finding from the offender interviews was that many of the people who regularly fly-tipped (generally) wanted to dispose of waste legally and were calling for greater access / ease to legitimate routes of waste disposal.

Tackling the problem

It is, therefore, vitally important for Government to better understand the main causes and consequences of fly-tipping, and how effective (or not) existing methods are in successfully tackling it. LA survey respondents (90%) responded that they would find the publication of a national strategic assessment and more detailed guidance on how to tackle fly-tipping useful, with almost half saying that would be 'very helpful'.

There was poor knowledge of the rules. Our own survey of the general public found that many people were aware that waste carriers had to be licensed (57%). However, only just over 1 in 4 members of the public were aware there was an online database of waste carriers (28%) and only about 1 in 10 (11%) knew they themselves could receive a criminal conviction if their waste was not disposed of properly (i.e., if it was fly-tipped). The responses from the business community showed they were more informed than the general public (apart from their knowledge that there was an online database of waste carriers), but there was clear room for improvement.

There is an issue getting people to report fly-tipping to the authorities. Only around a quarter (23%) of respondents from the general public said they would always report people if they saw them fly tipping. The majority gave a variety of reasons as to why they might not report fly tipping. The most common reasons were not knowing who to report it to (43%) or not thinking anything would be done if they did report it (39%). 40% of business owners – victims – would also not bother reporting fly-tipping.

LAs were seen as very good at removing fly-tipped waste quickly. The logic was to act before other opportunists deposited more waste. But this reasonable response from LAs seemed from the focus group feedback to be creating a secondary problem, namely that some LAs had been so good at picking up fly-tipping that some residents considered them to be offering a "good free service" and fly-tipped more.

In terms of investigating fly-tipped waste for clues as to the wasteholder just over half (55%) of LA respondents reported that more than 50% of fly-tipped waste that they collected was examined to identify its origin. About 28% of LA respondents reported that only 'a small proportion' of fly-tipped waste (<25%), if any, was examined for potential evidence. LAs that did employ contractors to collect fly-tipped waste were asked whether these were closely monitored to ensure that they were examining the waste properly for evidence. Only one in five of LA respondents that were asked if there was close monitoring of private contractors agreed that this was the case.

Many LAs are proactive in trying to catch fly-tippers in other ways than just investigating the dumped waste for clues. The most widely used methods of LAs to pro-actively detect fly-tippers were the use of mobile cameras (69%) and stopping suspicious vehicles (66%).

One factor that is likely to be influencing fly-tipping incident numbers is that it can be profitable. At the one end of the scale are probably single carrier, broker and dealer (CBD) unregistered man and van businesses. At the other end of the scale are networks of unregistered waste carriers. Purdy and Crocker in a 2021 report suggested that there appeared to be large scale networks operating in England and that a network of 100 vans

could produce an estimated potential tax evasion profit range of between £5.4 million and £13.2 million per gang.³

Our research found that about a quarter of LA respondents (25%) considered that organised criminals contributed significantly to fly tipping in their area. About half of respondents (54%) consider organised criminals contributed moderately to fly-tipping, and a fifth of respondents (21%) consider that organised criminals were not responsible for it, or only for a small amount. Just over two thirds (69%) of respondents who answered that they thought there was organised criminality involved in fly-tipping in their area thought that there were fewer than 25 organised fly-tippers in their area. 23% of LA respondents thought that there were between 24 and 99 organised fly-tippers in their area, and a small number of LA respondents (8%) estimated that there were more than 100 organised fly-tippers in their area. The fact that about 1 in 12 LAs are perceiving such extreme levels of organised fly-tipping is troubling.

In terms of investigation and enforcement resources were a significant factor. Most LA respondents (73%) indicated that their ability to examine fly-tipped waste for evidence of origin was restricted by available resources. A significant majority of LA respondents (69%) reported that their authority has not been able to take the most appropriate sanction response due to a lack of resources (answering this had been an issue 'a great deal' of the time, or a 'moderate amount' of the time). Only about 10% of LAs thought that resources had not been a factor at all in their decisions on which sanctions to impose.

4. CONCLUSIONS

The evidence collected in this report demonstrates that significantly reducing fly-tipping is unlikely to work by seeking better enforcement and sanctions alone. We believe that by making improvements relating to several distinct areas then fly-tipping could be much better tackled in the future, and the numbers of incidents significantly reduced. The findings fall into the following broad areas:

- Data and understanding
- Strategy and direction
- Infrastructure and services
- Regulation
- Enforcement and sanctions
- Education and persuasion

Data and understanding

Good policy starts with good data. Underpinning the Government's understanding of the true extent of the problem, enabling it to better tackle fly tipping going forward, is the need

³ Ray Purdy and Mat Crocker, An Independent Study into Fly-tipping and Unregistered Waste Carriers in England (Material Focus, 2021).

for good quality and reliable data. There are a number of examples where fly-tipping data could be improved.

Our first recommendation is for Government to improve the quality of the data captured on fly-tipping to assist developing a better strategic response. There are a number of clear examples where data could be improved.

First, the current WasteDataFlow system has served a useful purpose over the years – but many LAs simply are not finding it to be useful or effective. Criticisms generally related to interface usability, data accuracy, consistency across LAs and the data publishing timeframe. Improvements to this might lead to better data which could provide a better understanding within Government of the effectiveness of actions and policies. It could also be beneficial to explore how the data being recorded on WasteDataFlow could be expanded.

Second, the key source of data regarding fly tipping is the annual fly-tipping statistics, but these do not accurately depict how much fly-tipping is happening as they omit incidents on private land and highways (i.e. the major road network). The annual cost of fly-tipping in the rural environment and the scale of the problem could clearly be significant, but Governments understanding of this are currently only reliant on rough estimates from rural stakeholders. Consideration could be given to how to gather more accurate data on the extent of fly-tipping on private land and how to make it easier/simpler to report these fly-tipping incidents.

Third, the reporting of fly-tipping incidents to LAs by the general public and businesses can play an important, maybe predominant, role in collecting data characterising the problem so it can be appropriately tackled. However, this research found that many people were not reporting fly-tipping that they had witnessed (only 23% of the general public and 28% of landowners), even if it directly affected them or their land. It appeared from our research that large numbers of people either didn't know who to report fly-tipping to or saw the reporting process as being too difficult.

Fourth, the public and businesses can help better police the sector by reporting any suspicious operators or people they witness fly-tipping. At the current time people can report crime (including waste crime) via Crimestoppers, and various private sector apps, but there is also no easily identifiable mechanism e.g. a countrywide reporting app for people to report rogue waste carriers.

Fifth, a small minority of the surveyed members of the public (0.4%) admitted to undertaking what is universally understood to be fly-tipping (e.g. disposing of unusable waste items by the side of the road, or in fields etc). This suggests one in two-hundred people are fly-tippers. An important and novel finding of this research is that 20% of the general public also appear to be involved in activities that can often be recorded as fly-tipping in the statistics. This includes leaving unwanted items on the street outside their house for others to take (informal recycling), or other more obvious forms of recycling, where something happened which prevented them achieving their goals, such as leaving items outside closed charity shops, or outside full recycling banks. It is also currently possible for domestic bin-bag waste which has been left out a few days early to be recorded as fly-tipping. Such accidental, unintentional, or even irritating actions, when

recorded as fly-tipping, are potentially having a large impact on the data going into the statistics and Government's understanding of the problem. One issue might be that different LAs have very different opinions on what is and what isn't fly-tipping and proportionate action to deal with it. Another is that the guidance is not clear enough. These definitions clearly mean different things to different LAs, business and the public – but it is treated in the data as one thing, which is arguably not that helpful.

Finally, Government may wish to consider further research on fly-tipping in the future. This will help monitor trends so Government can stay ahead of emerging problems before they become too embedded, and can also inform the design of future preventive interventions and (if repeated) contribute to evaluation of their implementation and impact. There are several examples where future research data could be valuable.

The surveys undertaken as part of this research, asking the general public and businesses where/how they disposed of unwanted waste items were valuable, both for determining where such items might be falling out of the legitimate waste and resource recovery sector, or being disposed of incorrectly, as well as better understanding the use of public infrastructure and services. Government might consider repeating the above surveys of the general public and businesses periodically to track changes. An annual, or biennial, survey similar to the EA's waste crime survey (or even linked where possible), could provide valuable insight into emerging waste route trends, as well as track the effectiveness of policy changes and interventions.

The survey of LAs that was undertaken in this research also assisted better understanding regarding how they were undertaking investigations and enforcement in relation to fly-tipping. Gaining insights into how much fly-tipped waste was being examined, what detection and intervention methods were being used, and what sanctions routes were taken against different categories of offender (and the LA perceptions of the success and failure of these) would help the Government better understand what was and was not working in tackling fly-tipping. Government might consider periodically repeating parts of the LA survey to evaluate interventions used and their effectiveness and appropriateness.

Strategy and direction

There are multiple actors involved in the prevention and tackling of fly-tipping. In Government this mainly falls to the Department for Environment, Food and Rural Affairs though the Department for Levelling up, Housing and Communities also have a role to play in overseeing local government funding. Other key bodies include the National Fly-tipping Prevention Group (NFTPG), EA, LAs and NGO's.

The waste crime landscape has changed since January 2020 since the Joint Unit for Waste Crime (JUWC) was launched and is the first multi-agency taskforce of its kind to formally bring together environmental regulators and law enforcement agencies to tackle serious and organised waste crime including serious fly-tipping. The JUWC is comprised of eight partners: the EA, Natural Resources Wales, the Scottish Environment Protection Agency, the Northern Ireland Environment Agency, the police, the National Crime Agency, HMRC and the British Transport Police. Through shared intelligence and enforcement, the JUWC is identifying, disrupting, and deterring organised criminal gangs and making them pay for the damage they have done to communities and the environment. As the

JUWC is new there was still some uncertainty amongst stakeholders as to how else it will contribute to tackling the fly-tipping issue.

There appears to be appetite among many LAs for closer cooperation and coordination across the various stakeholders. This appears to be a theme covering many levels from the strategic picture, information exchange and practical action.

Local authorities are also setting their own strategic direction towards tackling fly-tipping. 46% of LAs have published fly-tipping strategies though nearly two thirds of LAs who did have local strategies reported that these were having no impact, or not much impact, on fly-tipping in their area, suggesting many are currently ineffective. It could also be inefficient to duplicate strategies at a local level, and 90% of LA survey respondents felt that a national strategic assessment and more detailed national guidance – including a “national plan” – would be helpful to them. Several stakeholders also suggested the appointment of an independent fly-tipping “tsar/champion” to be a focal point in the strategic support in the fight against fly-tipping.

LAs also felt the current information exchange situation to be disjointed and wanted to see better dissemination of best practice and the provision of up-to-date information on good practices to tackle fly-tipping. 86% of LAs spoke to other LA about best practice, and about a half of all LAs also sought information on best practice from the NFTP. There was general consensus from those engaged with that improvements could be made to the NFTP. The NFTP was seen as a well-respected forum with a strong emphasis on informal networking, but this meets only a few times each year and is reliant on the goodwill of the membership. Our findings show that many stakeholders thought that in its current form it lacked clout. The NFTP could clearly do more if funded rather than relying on the goodwill of the membership. Consideration should be given to a review of what would be needed to refresh and improve the working of this group, in terms of working methods and representation. As one stakeholder summarised – “the NFTP should be professionalised”.

Finally, from engagement with LAs it would appear that some would benefit from support negotiating waste collection contracts with the private sector. The way that some of these contracts are written between LAs and commercial contractors seems to incentivise the recording and collection of materials and then counting them as fly-tipping. Some of the potential downsides to this approach reported by stakeholders were that some commercial contractors might be finding fly-tipping that isn't fly-tipped but just items temporarily placed outside, or the same overall quantity of waste was being collected, but potentially in larger recorded incident numbers. There could be an opportunity to provide LAs with more help, either advisory to those LAs who seek assistance, or assisting in developing a contract wording that might avoid the above pitfalls (where LAs can share details of contracts if they contain commercially sensitive information). A forum might even be established where performance could be evaluated and best-in-class LA contracts could be identified and shared, along with practice knowledge more generally.

Infrastructure and services

Good infrastructure and services offered by LAs will play a significant part in cutting fly-tipping at source. Any friction in the system relating to the use of HWRCs, bulky waste

collections or other public services, which have negative impacts on cost or convenience, can act as provocations for normally law-abiding people or businesses. This includes either fly-tipping themselves, giving their waste to someone else that could ultimately fly-tip or illegal disposing of it, or taking waste to a place that it should not be going to.

Problems with infrastructure/service provision, including cost, access, and convenience were highlighted as being pervasive issues affecting fly-tipping in the surveys and focus groups with the general public, and the interviews with offenders. There was also common recognition amongst many stakeholders, including LAs, that performance problems with infrastructure and services were encouraging some people to fly-tip. The management of public expectations of waste services, what is or is not collected by LAs, charging at HWRCs etc, is important, particularly when planning/implementing the introduction of changes.

The evidence seems to strongly point to infrastructure and service offerings not working as well as they might. The surveys showed that more people gave their waste to private sector man and vans than booked council bulky waste collections. A surprising finding was that nearly a third of all businesses reported that they took their waste items to HWRCs which they are not authorised to do. The reduced service collection of black bin bags, and changes to bin sizes, seems likely to be linked to fly-tipping incidents involving black bin bags, which comprise the largest overall category increase in fly-tipping incidents. Associated with this, our surveys found that 3% of the general public were leaving bin bags out on weeks when there were no collections (which could be being recorded as fly-tipping in some LAs), and 2% were paying private sector man and van companies to take their bin bag waste away on non-Council collection weeks. There is a greater chance of waste not going to the right place if the private sector is involved, particularly because of the significant numbers of unregistered/unprofessional carriers that are operational in England.

Defra have already been looking into greater use of public facilities, not just for waste but unwanted items for re-use. This good work should be broadened.

Our research suggests differences in service provision and infrastructure across different LAs may impact the levels of fly-tipping, and as such the following factors might be worth exploring :

- Charges for waste disposal services including HWRCs and bulky waste collections.
- Restrictions of disposing waste in LA facilities outside of where people live, and restrictions on the types of waste deposited.
- Access of LA services and waste facilities for both householders and businesses.
- Consequences of allowing HWRCs to be used for recyclables from businesses, because it appears 31% already do this.
- Improving the timeliness and convenience of bulky waste collections for the user. One aspect worth exploring could be the use of a “gig economy” type model with self-employed drivers / small businesses undertaking bulky waste collections on behalf of the LA (with certain checks). Perhaps these could even be given access

to take the waste to the local HWRC, since the waste is household waste and under other circumstances could legitimately be taken to the facility. By competing on price and service and harnessing the potential market for self-employed drivers a LA may be able to divert significant quantities of materials away from being fly-tipped.

- Drivers for fly-tipping sometimes being more frequent in deprived and low-income areas. What some people might label as a fly-tipping problem might actually be a waste management problem; further research would be beneficial to examine the specific needs of these groups of people in the context of affordability, transportation options, ability to store waste, and limited internet access (to access waste services).
- The types of fly-tipped wastes that are prevalent and use this to inform policy discussions of how the burden of those costs for some items can be shifted from LAs towards producers under new producer responsibility legislation. The Resources and Waste Strategy already makes commitments on some 'commonly fly-tipped' items, but better data would help support these policies.
- Why so many fly-tipping incidents occur each year arising from people who tried at least in part to do a good thing – but ultimately fail. The focus groups found that lots of people want their unwanted items to not go to landfill but to be used by other people. Nearly 1 in 10 of the general public that were surveyed leave bulky unwanted items on the street for others to re-use. There is an opportunity for the better promotion of external freecycling websites, or for LAs to consider providing a similar re-use/recycle service themselves. This might reduce fly-tipping, keep certain items out of the waste management system, whilst providing useable items for others (which could be especially welcomed by those in more deprived areas).

Regulation

The Government has recognised the system needs reform and are already planning on changes to the carrier, brokers and dealers (CBD) system. The number of apparently unregistered waste carriers is extremely high and there could be over a quarter of million unregistered carriers in England according to a 2021 published report by Purdy and Crocker.⁴ Many of those on the CBD register are supplying insufficient or false information, or are registered in an inappropriate tier for their activities. It is also common for many to be trading using different names or addresses to that which they have registered with. This is often not detected by the EA, meaning that they do not have good data or understanding of who they are registering. There should be greater scrutiny of individuals or businesses going on the register.

From the data collected in this project it was clear that most stakeholders thought the CBD system needed urgent changes. This has been recognised by Government and a consultation is currently in play to propose a permitting regime for CBD.⁵ This will

⁴ Purdy and Crocker (n.3).

⁵ Department for Environment, Food and Rural Affairs, 'Consultation on the reform of the waste carrier, broker, dealer registration system in England', 21 January 2022.

potentially allow the adoption of competence requirements, greater scrutiny of applicants and increased compliance inspections.

The CBD consultation might also want to consider other factors such as:

- How to identify rogue or unprofessional operators
- Avoiding cash payments
- Better rules on advertising
- The provision of receipts from carriers
- Evidence of insurance
- Registration for tax purposes
- Improved public register

The goal of the reforms is a better, tighter, more policed system where non-professional operators are quickly identified and either brought into compliance or eliminated; including marginalisation of persistent bad actors that should not be in the system. To have the biggest impact an enforcement agency could be charged with focusing on organised criminal networks first but, after that, work with a prioritisation system (e.g., targeting repeat offenders, cross country operations, those appearing to be making the most money from advertising spent and online activity).

Enforcement and sanctions

A common response to tackling fly-tipping is for people to suggest for greater resources to be made available for more “boots on the ground,” or to pay for more dynamic enforcement of those responsible for fly-tipping. This might increase the effectiveness of enforcement outcomes, but given the frequency with which people who receive sanctions seem to be able to continue operating in the waste sector it also seems unlikely that we can enforce our way out the fly-tipping problem without other more creative solutions.

This research has highlighted that there are organised and repeat regular offenders operating across the country, sometimes as part of substantial networks, that could be responsible for a lot of the fly-tipping occurring. Some of these offenders will be part of organised crime groups. These organised offenders should be the key focus of attention for law enforcement, and for the most serious offenders this would be more effective through multi-agency action.

A wide variety of techniques and approaches exist to enforcement being applied by LAs, which is understandable because the intention behind the fly-tipping and the size of fly-tipping incidents can vary widely. Some interventions/sanctions seemed appropriate, and others less so. For example, a frequently used approach to tackling repeat offenders seemed to be to take away their vehicles, but that did not appear to be working, because some offenders went straight back out and bought cheaper vehicles that would have little financial impact if confiscated. There was a perception that vehicle confiscation simply became a business cost for criminals to factor in. Some sanction routes were not effectively factoring in the economic gain of people breaking the law, did not enable the assessment of cumulative offending, and were not a sufficient deterrent. Additionally, there also seemed to be little attempt to stop offenders advertising, or other forms of creative sentencing - e.g., restraining orders about being involved in waste or advertising waste services.

Generally, there appeared to be little evidence, or formal evaluation, on the reasons behind or the effectiveness of enforcement interventions. Some LAs appeared to be either using inappropriate interventions, or not correctly utilising the powers that they had available. Local enforcement priorities also appeared to be often driven by local political priorities and not by effectiveness. Some LAs were using private contractors to tackle fly-tipping, but this had the potential to cause issues. There were examples of some contractors getting 100% of the money obtained from penalty notices who appeared to be focussing on easy wins, including surveillance of recycling banks to target people who were at least trying to do the right thing by bringing their recycling to the banks, but leaving bags outside them because they had not been emptied.

It may be beneficial to have some form of periodic national evaluation on what enforcement interventions and sanctions are being used where, why, and their effectiveness. The results of this can then be shared with LAs to inform their enforcement activity.

We also suggest the exploitation of various *crime science* and system approaches. These should help central and local authorities to generate innovative interventions which are context-appropriate, where possible evidence-based and otherwise theoretically/practically plausible measures; which are less likely to engender neutralising or adverse side-effects. Another promising avenue could be the exploration of a problem-oriented approach to fly-tipping. A typical way of exploring the potential of such an approach to fly-tipping would be through one or more *pilot or demonstration projects*.

Large numbers of LAs were concerned with the poor sentences that are being received at court. Many LAs also reported that they aren't taking cases to court that should go to court, because often the costs incurred will be more than the penalty given. Earlier guidance issued to LAs has said that FPNs are not appropriate for repeat offenders, but this is being ignored in some LAs according to our findings. Sentencing is entirely a matter for the independent courts. When deciding what sentence to impose for unlawfully depositing waste, the court will consider the circumstances of the offence and any aggravating and mitigating factors, in line with sentencing guidelines for environmental offences, issued by the independent Sentencing Council for England and Wales. There is a question arising from the stakeholder consultations as to whether the sentencing guidelines are being correctly applied by the courts in relation to fly-tipping offences, and if the Sentencing Council might want to review their effectiveness.

Enforcement action is also sometimes being undertaken against individuals who are 'accidental' fly tippers, who tried to do the right thing, but something went wrong. Issuing penalty notices for fly-tipping against such people may not be the most appropriate use of current enforcement tools, and counterproductive in the long term. There are other legislative provisions and interventions in some situations which could be more suitable.

Education and persuasion

The effectiveness of many of the measures/interventions in place that might help reduce or prevent fly-tipping depend on waste holders from the general public and businesses having knowledge of these. The fact that many operators manage to make a living undertaking waste collection apparently without registration suggests that large numbers

of waste holders do not know about these measures and are giving waste to people who then go on to fly-tip it.

A significant weakness in tackling fly-tipping is that many people and businesses don't understand what they should be doing. Similarly, many appear to have been reckless in not making the connection between cash payments for waste removal (two-thirds of them have recently paid in cash) and the fact this could potentially lead to fly-tipping. Stakeholders were frustrated with the prevalence of the cash-only economy for large parts of the waste sector and believed that those taking cash were more likely to be rogue traders who were more likely to be fly-tipping the waste. A concern is that cash transactions enable organised fly-tippers to be untraceable to the (tax and civil) authorities.

Nearly all LAs have information that can help guide the public make good decisions on their websites, and over three quarters undertake social media campaigns. There has also been a national 'Right Waste Right Place' campaign. These communication methods are welcomed but judging by the awareness of the rules in our surveys and elsewhere, it seems the right messages are not reaching large parts of the population.

Furthermore, not all fly-tipping is equal, and as mentioned above some of what is being recorded as fly-tipping are the actions of people trying to recycle and re-use (and trying to do the right thing), but due to certain circumstances failing (e.g., not placing materials in the recycling bank but on top of it). The fact that as many of 20% of the population in England appear to be inadvertently fly-tipping, suggests that there are probably large numbers of people who don't realise they are doing the wrong thing.

Government has already committed to share best practice on how best to promote the householder waste duty of care, as set out the Resources and Waste Strategy.⁶ They may wish to consider social media users and advertising platforms as part of that work.

There are practical limits on individual responsibility and presently it is difficult for people to identify the good operators and to do the right thing with their waste. Even if all the population are made aware of the need to verify businesses on the online CBD register, in practice the current search facility does not work well,⁷ which will hopefully be addressed following the CBD consultation.⁸ Ideally this should be a quick, easy, accessible consumer facing platform and one which uses more up-to-date and appropriate software automation solutions than the existing database appears to use.

Better education in conjunction with review of services could drastically reduce these number of incidents. 92% of the public and 96% of businesses reported that reducing environmental impact was an important factor in their decision making when getting rid of unwanted items. 85% of the public and 91% of businesses said that giving their unwanted items to somebody responsible was also important to them. These two factors were more important than cost or convenience, showing that there are lots of people who want to do the right thing and that engagement and persuasion of the accidental fly-tipper through campaign and education is likely to yield positive result

⁶ HM Government, 'Our Waste, Our Resources: A Strategy for England' (2018).

⁷ Purdy and Crocker (n.3).

⁸ Defra (n.5).