

# Local Government Association briefing

## Debate on reducing fly-tipping

House of Commons  
17 April 2018



### Key messages

- Fly-tipping is an environmental and public health hazard. It blights our streets and green spaces, and often rewards criminal activity. Local authorities want to work with the Government to strengthen deterrents to fly-tipping and ensure those who illegally dump waste are punished.
- Incidences of fly-tipping have been rising steadily across the country since 2013. The last annual figures show there were 1 million recorded incidences in 2016/17, which is the highest number since 2009.<sup>i</sup>
- Clearing up fly-tipping costs councils more than £57 million a year – money that could be spent on other services, like caring for the elderly, protecting children or tackling homelessness.<sup>ii</sup> This is unacceptable at a time when town hall budgets are under severe pressure.
- Despite increasingly stretched waste and recycling budgets, local authorities are determined to catch and punish fly-tippers. Councils carried out 474,000 enforcement actions in 2016/17, costing around £16 million. The number of fixed penalty notices (FPNs) issued increased by 56 per cent.<sup>iii</sup>
- We were pleased the Government responded to our call for councils to be able to apply FPNs to fly-tippers. This will help to deter offenders. When they take offenders to court, councils need a faster and more effective legal system which lands hard-hitting fines for more serious offences.
- The Government should consider asking manufacturers to provide more take-back services so people can hand in old furniture, white goods and mattresses when they buy new ones. Retailers and manufacturers must be part of the solution to preventing fly-tipping and avoiding waste more widely.

# Briefing

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## **Background information**

### ***The rise in fly-tipping***

Fly-tipping is an environmental and public health hazard. It blights our streets, and green spaces, and often rewards criminal activity. In addition, it undermines legitimate waste businesses, undercutting those businesses that responsibly manage and dispose of waste.

Incidences of fly-tipping have been rising steadily across the country since 2013. The last annual figures show there were 1 million recorded incidences in 2016/17, which is the highest number since 2009. Total incidents involving household waste increased by 8 per cent from 2015/16, and two-thirds (67 per cent) of fly-tips involved household waste.<sup>iv</sup> This trend demonstrates the need for a change of approach towards the deterrence and punishment of fly-tipping.

Clearing up fly-tipping costs councils more than £57 million a year, meaning it is a significant cost pressure for local government.<sup>v</sup> The increasing amount of money spent on clearing up illegal waste could be spent on other services, like caring for the elderly, protecting children or tackling homelessness. This is unacceptable at a time when town hall budgets are under severe pressure.

Local authorities have a duty to clear fly-tipping from public land. The Environment Agency is responsible for dealing with large-scale or serious illegal dumping incidents which present a threat to public health and the environment.

### ***Councils' enforcement work***

Despite increasingly stretched waste and recycling budgets, local authorities are determined to catch and punish fly-tippers. Councils carried out 474,000 enforcement actions in 2016/17, costing around £16 million.<sup>vi</sup> The number of FPNs issued increased by 56 per cent within the last recorded period.

We were pleased the Government responded to our call for councils to be able to apply FPNs to fly-tippers.<sup>vii</sup> This was a big step in the right direction, signalling that as with anti-social behaviour and littering, zero-tolerance would be shown to illegal waste dumping. The new FPN allows councils to be more efficient and proportionate in dealing with fly-tippers, and FPNs are now the second most common enforcement action (after investigations).<sup>viii</sup>

It is encouraging that the Government is considering different proposals to tackle crime and poor performance in the waste sector, and to introduce a new FPN for the waste duty of care for householders. We welcome the recent consultation on these proposals.

When they take offenders to court, councils need a faster and more effective legal system which lands hard-hitting fines for more serious offences. This must be accompanied by a better cost recovery process so that councils are not financially worse-off following a prosecution. Where fines are issued as a result of successful prosecutions, they are paid to the Court. Prosecuting authorities are forced to recover their costs as a separate process.

For many councils the funds recovered are often significantly less than the cost of investigation and prosecution. This is due to the fact councils cannot recover all the costs associated with an investigation, such as clear up costs. Consistent

receipt of significantly less than the cost of prosecutions provides a disincentive for local authorities to bring prosecutions, particularly in cases where a successful prosecution is not certain.

Owners of private property are responsible for clearing and disposing of any fly-tipping found on private land. Whilst councils will not clear waste dumped on private land free of charge, in some cases they will investigate the incident. In the event that a successful prosecution is brought by a landowner, the council can apply for the Court to order that the landowner's clean-up costs be reimbursed.<sup>ix</sup>

### ***Further measures to reduce fly-tipping***

Incidents of illegally-dumped white goods have been increasing each year since 2012/13. The latest annual rise was consistent with the previous year, with an increase of around 6,700 incidents, resulting in 55,000 white goods incidents, compared with 49,000 in 2015/16.<sup>x</sup>

Councils warn households to only use reputable operators who can prove they dispose of rubbish responsibly. This follows a significant rise in the so-called 'man with a van' phenomenon, where cold callers offer to 'dispose' of unwanted household goods like fridges, mattresses, and furniture for cash. Councils want to work with households so they can dispose of reasonable household waste easily and cost-effectively.

We would like the Government to consider asking manufacturers to provide more take-back services, allowing people to hand in old furniture, white goods and mattresses when they buy new ones. Retailers and manufacturers must be part of the solution to preventing fly-tipping. This could work in the same way as recent proposals for producer responsibility towards the disposal of coffee cups and plastic bottles.

Effective communication campaigns to inform residents how to responsibly dispose of their waste could play a key role in reducing fly-tipping. Keep Britain Tidy has found that 47 per cent of people are unaware they must check the waste-carrier license of the person taking away their waste, or they could face prosecution.<sup>xi</sup>

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<sup>i</sup> DEFRA, Fly-tipping statistics for England, 2016/17

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/652958/Flytipping\\_201617\\_statistical\\_release\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652958/Flytipping_201617_statistical_release_FINAL.pdf))

<sup>ii</sup> DEFRA, Fly-tipping statistics for England, 2016/17

<sup>iii</sup> DEFRA, Fly-tipping statistics for England, 2016/17

<sup>iv</sup> DEFRA, Fly-tipping statistics for England, 2016/17

<sup>v</sup> DEFRA, Fly-tipping statistics for England, 2016/17

<sup>vi</sup> DEFRA, Fly-tipping statistics for England, 2016/17

<sup>vii</sup> LGA media release, *LGA responds to Government announcement to tackle illegal waste*, January 2018

(<https://www.local.gov.uk/about/news/lga-responds-government-announcement-tackle-illegal-waste>)

<sup>viii</sup> DEFRA, Fly-tipping statistics for England, 2016/17

<sup>ix</sup> <http://www.tacklingflytipping.com/landowners/1500>

<sup>x</sup> DEFRA, Fly-tipping statistics for England, 2016/17

<sup>xi</sup> Keep Britain Tidy, *Reaching the Tipping Point*, 2016

([http://www.keeppbritaintidy.org/sites/default/files/resource/KBT%20Fly-tipping%20Action%20Plan%20four-page%20plan\\_0.pdf](http://www.keeppbritaintidy.org/sites/default/files/resource/KBT%20Fly-tipping%20Action%20Plan%20four-page%20plan_0.pdf))