



DEBATE PACK

Number CDP 2018/0087, 5 April 2018

Fly-tipping

This pack has been produced ahead of the debate to be held in Westminster Hall on Tuesday 17 April 2018 from 9.30-11am. The debate will be opened by Neil Parish MP.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Reducing fly tipping: Library summary

For more detailed information about fly tipping, the legislation surrounding it and the various penalties for it, see Library briefing paper, [Fly-tipping - the illegal dumping of waste](#).

1.1 What is fly tipping?

Fly-tipping is the illegal disposal of household, industrial, commercial or other 'controlled' waste without a waste management licence. The waste can be liquid or solid. Controlled waste includes garden refuse and larger domestic items such as fridges or mattresses. Fly-tipping is not the same as littering. More information on litter can be found in the [Library Briefing Paper on Litter](#).

1.2 How big is the problem?

The most recent Department for Environment, Food and Rural Affairs (Defra), [Fly-tipping statistics for England, 2016/17](#), dated October 2017, show that:

1. For the 2016/17 year, local authorities **in England** dealt with around **1 million (1,002,000) fly-tipping incidents**, a **7% increase** from the previous year.
2. **Two thirds** (67%) of fly-tips involved **household waste**. Total incidents involving household waste **increased by 8%** from 2015/16.
3. Consistent with previous years, the **most common place** for fly-tipping to occur was on **highways**, which accounted for **almost half (49%)** of total incidents in 2016/17. The number of highway incidents has **increased by 4%** from 2015/16.
4. As in the last few years, the **most common size category** for fly-tipping incidents in 2016/17 was equivalent to a **'small van load'** (33% of total incidents), followed by the equivalent of a **'car boot'** (27%).
5. The estimated **cost of clearance** for fly-tipping to local authorities in England in 2016/17 was **£57.7 million**.
6. Local authorities carried out **474,000 enforcement actions** in 2016/17, costing around **£16 million**, a **decrease of 20,000 actions and £0.9 million in cost** from 2015/16.
7. The number of **fixed penalty notices** issued **increased by 56% to 56,000** in 2016/17. This is now the second most common enforcement action

1.3 Responsibility for fly tipping

Local authorities

Local authorities are responsible for investigating, clearing and taking appropriate enforcement action in relation to small scale fly-tipping on

public land (including public roads and highways within their responsibility).

Environment Agency

The Environment Agency is responsible for dealing with larger-scale fly-tipping (more than a lorry load of waste), hazardous waste and fly-tipping by organised gangs.

Private landowners

On private land, it is the responsibility of the landowner to remove the waste and dispose of it legally. Landowners should ensure that they use an authorised waste carrier to remove the fly-tipped waste.

The National Fly-Tipping Prevention Group (NFPTG) has published a guide to assist landowners: [Tackling Fly-tipping: A guide for landowners and land managers](#).

1.4 Powers available to require the clearance of fly-tipped waste

Local authorities and the Environment Agency have legal powers to require landowners to clear fly-tipped waste from their land. They also have powers to enter the land and clear it, and may seek reimbursement for costs related to this. For further information about this legislation see section 4.4 of Library briefing paper, [Fly-tipping - the illegal dumping of waste](#).

In October 2009, Defra explained why it was the responsibility of landowners to deal with fly-tipped waste on their land:

Neither the local authority nor the Environment Agency is under any legal obligation to remove the waste. Placing a duty on the authorities to remove all waste from private land would simply encourage illegal dumping rather than tackle the problem. People would not pay the costs of legitimate disposal if they knew they could fly-tip it in the nearest field and the local tax payer would foot the clearance bill.¹

1.5 What are the penalties for fly-tipping?

Criminal prosecution

Fly-tipping is a criminal offence pursuant to section 33 of the Environmental Protection Act 1990 (as amended). It is punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court.

In addition to fines, those found guilty of fly-tipping may also have to pay legal costs and compensation, which can greatly increase the financial implications of illegal dumping.

Seizing property

From 6 May 2015, the [Control of Waste \(Dealing with Seized Property\) \(England and Wales\) Regulations 2015](#) have established the procedures

¹ Defra, [Flycapture fly-tipping national database background](#), 1 October 2009

which a waste collection authority, the Environment Agency and Natural Resources Wales must follow if they seize a vehicle or its contents because of the suspected involvement in fly-tipping.

Fixed penalty notices

Local authorities in England can issue fixed penalty notices between £150-£400 for small-scale fly-tipping offences pursuant to the [Unauthorised Deposit of Waste \(Fixed Penalties\) Regulations 2016](#).

In Scotland, fixed penalty notices can be used for any fly-tipping incidences under section 33A of the Environmental Protection Act 1990.

1.6 Calls for change

Concern has been raised about the costs involved to private landowners of clearing fly tipped waste from their land. For example, the NFU (National Farmers' Union) has called for a change in the law so that private land owners are not solely responsible for the cost of clearing it.² The NFU is also collating data on the extent of the fly-tipping problem on members' land.³

The CLA (Country Land & Business Association) has published a "5 point plan" on [tackling the blight on fly tipping](#). This stated that "almost two thirds of farmers and landowners are affected each year, with some targeted multiple times each month."⁴ The CLA's briefing made several proposals for reform, including, a removal of the landowner liability to clear up waste on private land and introducing a new scheme to allow any private landowner who did not cause or knowingly permit the fly-tipping to dispose of it at a waste disposal site free of charge.⁵

In April 2017 Farmers Weekly launched a campaign to tackle the illegal dumping of rubbish on farms with the strapline "Stop the Blot: Fly-tipping is ruining our countryside". For further information see Farmers Weekly article, [Farmers Weekly launches Stop the Blot fly-tipping campaign](#), 7 April 2017.

A later article from Farmers Weekly in December 2017 reported a letter received from Government in response to the campaign which indicated that there would not be a change in the law in relation to responsibilities of private landowners:

But responding to the CLA in a letter, Ms Coffey said she saw no reason to change the legislation.

"Landowners are currently responsible for dealing with waste that is dumped on their land and enabling fly-tipped waste to be disposed of free of charge would not provide the right incentive to secure land against fly-tipping," she wrote.

² National Farmers' Union, [Fly-tipping scourge of the countryside](#), 2 March 2017

³ For further information see NFU website, [Fly-tipping on your land?](#) [Downloaded on 27 March 2018]

⁴ CLA, ["5 point plan" on tackling the blight on fly tipping](#) [downloaded on 27 March 2018]

⁵ CLA, ["5 point plan" on tackling the blight on fly tipping](#) [downloaded on 27 March 2018]

Defra believes that placing an obligation on local authorities to remove illegal waste from private land would encourage illegal dumping rather than tackle the problem.

Cost recovery

Ms Coffey said Defra expected all local authorities to investigate fly-tipping incidents on private land. Councils should work with landowners to prosecute the fly-tipper and recover costs, she added.

Mr Breitmeyer told Farmers Weekly the CLA was encouraged that Ms Coffey had acknowledged the CLA's action plan and had stated Defra intends to take forward most of the points raised.

But he added: "We are disappointed that no effort has been made to look at how landowner liability could be reduced.

"There are alternatives the government and local authorities could explore to ease the burden of disposal costs for landowners. It is a cop-out not to look more closely at how to change the unfairness of this rule."⁶

Government's view

In response to a PQ on the issue of private landowners being charged for dealing with fly tipped waste, the Government set out (in October 2017), that:

All private landowners are responsible for dealing with waste that is dumped on their land. We expect all local authorities to investigate fly-tipping incidents on private land and prosecute the fly-tippers when there is sufficient evidence. On conviction, a cost order can be made by the court so that a landowner's costs can be recovered from the perpetrator. Through the National Fly-tipping Prevention Group we provide advice and guidance to landowners and businesses on measures they can take to prevent fly-tipping on their land. I will raise charging at local authority waste sites in my next meeting with the Local Government Association.⁷

In a January 2018 consultation on [proposals to tackle crime and poor performance in the waste sector & introduce a new fixed penalty for the waste duty of care](#), the Government set out that further proposals related to fly tipping would be set out in a forthcoming Resources and Waste Strategy (expected to be published later in 2018):

11. The Department for the Environment, Food and Rural Affairs (Defra) is also developing a strategic approach to waste crime and fly-tipping as part of the Resources and Waste Strategy. This will set out further measures to: 1) prevent waste crime happening in the first place, by driving up standards and ensuring everyone plays by the same rules, 2) detect waste crime and take swift action by using data and intelligence across agencies and 3) deter illegal activity by taking speedy and tough enforcement action.

⁶ "Defra snubs landowners' plea to change fly-tipping laws", [Farmers Weekly](#), 14 December 2017

⁷ [Fly-tipping: Written question – 108972](#), answered on 26 October 2017

2. News items

The Ecologist

Fly-tipping is on the rise - so what can we learn from government statistics?

4 April 2018

<https://theecologist.org/2018/apr/04/fly-tipping-rise-so-what-can-we-learn-government-statistics>

The Smallholder

CLA calls for more prosecutions to deter flytipping

30 March 2018

<http://www.smallholder.co.uk/news/16128136.quot-It-is-not-a-viceless-crime-quot-more-prosecutions-needed-to-deter-flytipping/>

CIWM (Chartered Institute of Waste Management) Journal

No Increase In Fly-Tipping Following Recycling Charges, Says Council

26 March 2018

<https://ciwm-journal.co.uk/no-increase-in-fly-tipping-following-recycling-charges-says-council/>

Times [subscription]

Households face big fines in fly-tipping crackdown

15 January 2018

<https://www.thetimes.co.uk/article/households-face-big-fines-in-flytipping-crackdown-3fqrtfjx5>

Farmers' Weekly

Defra snubs landowners' plea to change fly-tipping laws

14 December 2017

<http://www.fwi.co.uk/news/landowners-pay-clear-peoples-fly-tipping-says-defra.htm>

The *i*

On the frontline in the battle against fly-tippers: 'This is a dirty job, but someone has to do it'

27 October 2017

<https://inews.co.uk/news/environment/frontline-battle-fly-tippers-dirty-job-someone/>

BBC News Online

Fly-tipping costs taxpayers £58m in clean-up costs

19 October 2017

<http://www.bbc.co.uk/news/uk-england-41664941>

Telegraph

Council waste charges 'lead to increase in fly-tipping'

16 October 2017

<https://www.telegraph.co.uk/news/2017/10/16/council-waste-charges-lead-increase-fly-tipping/>

3. Press releases

Country Land and Business Association

Farmers call for more prosecutions to deter fly-tippers

26 March 2018

Farmers and landowners fed up with dealing with the aftermath of fly-tipping in the countryside are calling for a concerted campaign to educate householders not to use illegal waste carriers to dump their rubbish and more prosecutions to act as a stronger deterrent.

The CLA which represents landowners, farmers and rural businesses has responded to a government consultation on ways to tackle crime and duty of care in the waste sector. The organisation says its members reported an 200% increase in fly-tipping on private land in just three years and is supporting the government proposal to introduce fixed penalty notices for householders who do not dispose of their waste through proper legal channels.

CLA Legal Adviser Andrew Gillet said:

Fly-tipping is not a victimless crime. Almost two thirds of private rural landowners suffer from repeated fly-tipping incidents and are fed up with clearing away other people's rubbish and paying for the privilege.

Introducing a fixed penalty notice for householders who pass their waste on to unauthorised waste carriers would be a useful deterrent. However, to really tackle the crime, raising awareness of the risks of being caught and bringing forward more prosecutions are the right methods that will bring about a real change in behaviour.

Without better understanding from the public and the right legal deterrents in place, fly-tipping will continue to increase exponentially and further blight the countryside.

The CLA also proposes that victims of fly-tipping on private land should be allowed to dispose of the illegal waste free of charge at local tips.

Mr Gillett said:

It is a complete injustice that private landowners who experience fly-tipping are then subject to becoming a criminal themselves if they do not clear up and pay for the mess to be disposed of. If they must clear it up themselves they should not be charged for disposing of it legally.

Click [here](#) to read the CLA's action plan on how to tackle fly-tipping in the countryside.

Click [here](#) to read the Defra consultation on proposals to tackle crime and poor performance in the waste sector and introduce a new fixed penalty for the waste duty of care.

Country Land and Business Association

CLA secures commitment for inquiry in to fly-tipping

2 March 2018

The CLA brought together the chair of the Efra Select Committee, a former Environment Secretary and other MPs and Peers this week for a roundtable discussion with Environment Minister Therese Coffey on fly-tipping.

CLA President Tim Breitmeyer told Environment Minister Therese Coffey that farmers and landowners suffer a double injustice when their land is fly-tipped being both a victim and a potential criminal if the fly-tipped waste is not cleared. He asked for the minister to consider relevant sentencing for perpetrators and called for the UK Government to introduce – or at least pilot – a ticketing system that would allow private landowners to remove waste dumped on their land and take it to a local council tip free of charge.

Mark Mills-Bishop, who leads on fly-tipping for the Local Government Association, said he supported much of the [CLA's five-point action plan](#) published in August last year.

Dr Coffey said:

I appreciate the difficulty and financial burden that fly-tipping poses to landowners, which is why tackling waste crime is a priority for this government.

We have given local authorities in England the power to issue fixed penalty notices for small-scale fly-tipping, and have worked with the Sentencing Council to strengthen guidelines for environmental offences.

However, she said Defra has no plans to introduce a scheme that would allow private landowners to remove waste dumped on their land for free at council waste recycling centres.

She said:

I think the concern about providing free clear-up is that just gives more incentive to more illegal dumping and aspects like that, and reducing incentives for landowners to protect their land.

Neil Parish, Chair of the Efra Select Committee committed to holding a short inquiry and publishing a report to present to Government on the issue with help from the CLA.

He said:

There is a limited amount of what landowners can do in the face of lorry loads of waste and without spoiling the countryside that we try to look after.

Former Environment Secretary Caroline Spelman said the countryside was being turned into a fortress by landowners trying to protect their property. She sees education as the way forward with householders made an example of to reduce domestic waste being handed over to illegal waste carriers.

[Click here to read the CLA's five-point action plan on how to tackle fly-tipping](#)

[Should landowners be allowed to remove fly-tipped waste dumped on private land and deposit it at council tips free of charge? Click here to have your say in the Farmers Weekly online poll.](#)

DEFRA and Environment Agency

New steps to tackle illegal waste and fly-tipping announced

15 January 2018

New steps have been announced to tackle problem waste sites, while a consultation will further help deal with crime and poor performance in the waste sector

New powers to tackle the serious problem of waste crime will be granted, and further action opened for consultation in a crack-down on illegal sites, Environment Minister Therese Coffey announced today following the recent launch of the 25 Year Environment Plan.

Waste crime cost the English economy more than £600m in 2015, including lost landfill tax revenues and clean-up costs, and creates severe problems for people who live or work nearby with odour, dust, litter, vermin, fly infestations, pollution and fires blighting lives. Waste criminals also undercut genuine businesses who dispose of waste responsibly.

New powers will therefore be introduced for the Environment Agency (EA) to lock the gates or block access to problem waste sites to prevent thousands of tonnes of waste illegally building up. The powers will also enable the EA to force operators to clear all the waste at a problem waste site, not just the illegal waste.

The government has also launched [a new consultation to tackle crime and poor performance in the waste sector](#). Proposals include raising the bar required to hold EA waste permits, and putting a stop to criminals hiding their illegal activities by requiring them to register low-risk waste operations which are currently exempt from the need to hold a permit.

The consultation proposes improving awareness amongst householders, so people can check on the EA website to see if the recipient of their waste is licensed to take their waste, or their duty to pass waste to legitimate carriers.

It also suggests providing local authorities with the option of fining those whose waste ends up fly-tipped or illegally dumped rather than having to pursue them through the courts. Latest statistics show that some of the worst hit areas include London which saw over 360,000 fly-tipping incidents last year and the North West of England which saw 128,000 incidents in 2016/17.

Environment Minister Therese Coffey said:

Waste crime and fly-tipping blight our communities and spoil our countryside, and we need determined action to tackle it.

These new powers for the Environment Agency will curb the rise of waste sites that continue to operate outside the law.

But we must all take responsibility for our waste to make sure it does not end up in the hands of criminals who will wilfully dump it. Our new consultation looks more widely at the waste sector and we are keen to hear from industry and the public how we can improve performance, tackle illegality and protect our precious environment.

More than 850 new illegal waste sites were discovered by the EA in 2016-17. While an average of two illegal waste sites are shut down every day, they continue to create severe problems for local communities and business as well as posing a risk to key national infrastructure.

In 2013, for example, a fire at a waste site in Stockport resulted in the closure of the M60 motorway and three weeks of disruption to traffic, residents and businesses. By empowering the EA further, these measures will help prevent such disruption.

Household waste is also a problem and makes up nearly two thirds of fly-tipped waste. Currently local authorities can only prosecute householders in court but a new fixed penalty notice would be less costly to enforce for local authorities, and more proportionate for householders.

The government is clear however that new fixed penalty notices should not be abused simply as a means of raising money. Guidance on how the fines should be applied will therefore be issued to councils.

Emma Howard Boyd, Chair of the Environment Agency, said:

We take tough action against anyone involved in illegal waste activity and last year, the Environment Agency >closed down two illegal waste sites every day. We welcome these new powers, which will enable our teams to block access to problem sites, preventing illegal waste building up and becoming even more serious.

This will allow us to take faster action against criminals and will make a real difference to communities, but >everyone has a role to play. We all need to check our waste is going to the right place and is handled by the right people.

The new powers for the EA to tackle problem waste sites will be introduced by spring 2018, subject to parliamentary approval. This follows a public consultation in which an overwhelming majority (90%) of respondents were in favour of allowing regulators to take physical steps, such as locking the gates to an illegal waste site, to prevent operators from accepting more illegally dumped waste and enabling the EA to require all the waste to be removed.

Notes:

- [The responses to the 2015 public consultation on increasing EAs powers is available online](#)

- Current rules are already clear that action against those who litter the streets and cause harm to their local communities must be fair and proportionate. We do not expect anti-social behaviour legislation, for example, to be used as a backdoor fine to penalise a householder for not closing a bin lid nor for putting a bin out for collection a few hours too early. In addition, the Government will work with WRAP and local authorities to review current guidance to make clear what can and cannot be charged for waste at HWRCs (including in respect of DIY waste) and the Government believes it should be free for residents to dispose of DIY household at a civil amenity site.
- The cost of waste crime to the English economy being over £600m in 2015 is from the Environmental Services Association 2017 report 'Rethinking waste crime'
- Householders can check on the EA website that a waste carrier is licensed to take their waste.
- [The government's 25 Year Environment Plan is available to read online](#)

Local Government Association

LGA responds to fly-tipping statistics

19 October 2017

Responding to the Government's latest data on fly-tipping, Cllr Martin Tett, the LGA's Environment spokesman, said:

Litter and fly-tipping is environmental vandalism – it's unpleasant, unnecessary and unacceptable. Not only does fly-tipping create an eyesore for residents, it is also a serious public health risk, creating pollution and attracting rats and other vermin.

Clearing up fly-tipping is costing 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. It is unacceptable that they are having to spend vast amounts each year tackling this scourge.

The Government has responded to our call for councils to be able to apply Fixed Penalty Notices for small scale fly-tipping – and this is a big step in the right direction. When they take offenders to court, councils need a faster and more effective legal system which means fly-tippers are given hard-hitting fines for more serious offences. Manufacturers also need to provide more take-back services so people can hand in old furniture and mattresses when they buy new ones.

Keep Britain Tidy

One million reasons to tackle fly-tipping now; Fly-tipping statistics top one million

19 October 2017

The news that fly-tipping has topped one million fly-tips in 2016/17 is shocking but perhaps not surprising. That is why we are calling for more cash for councils to tackle this national epidemic.

We believe it is time to give councils the resources they need to educate the public on their responsibilities, keep household waste recycling centres open, offer an affordable bulky waste collection service and investigate and prosecute fly-tippers.

Keep Britain Tidy Chief Executive Allison Ogden-Newton said:

Enough is enough. It is time to give councils the resources they need to tackle this problem head-on, using some of the proceeds of the landfill tax.

We also need the people of Britain to stop treating our country like one giant tip, to take responsibility for their unwanted stuff and make sure that, if they give their waste to someone else to dispose of, they are going to dispose of it legally. There is no excuse for fly-tipping, it is illegal and those who do it must be held to account.

The associated clean-up costs are now £58 million (up from £50 million last year). Two-thirds of these incidents come from household waste, with a third being a small van-load size of waste dumped – potentially from “facebook fly-tippers.”

Our recent research found a staggering lack of understanding about people's responsibilities when it comes to their waste, with more than a third thinking it was ok to do things that are actually fly-tipping.

Our message is simple - "Your rubbish, your responsibility" and it's why we have launched our #CrimeNotToCare campaign for local authorities.

4. Parliamentary material

PQs

[Farms: Fly Tipping](#)

Asked by: Baroness Kennedy of Cradley

To ask Her Majesty's Government what plans they have to tackle the dumping of waste on farmland.

Answering member: Lord Gardiner of Kimble | Department: Department for Environment, Food and Rural Affairs

The Government is committed to tackling fly-tipping in rural and urban areas. Local authorities and the Environment Agency (EA) have a wide range of enforcement powers to tackle fly-tipping and we have recently strengthened these. In 2016 we gave local authorities the power to issue fixed penalty notices for small scale fly-tipping and enhanced the local authorities and EA's ability to search and seize the vehicles of suspected fly-tippers. We have also worked with the Sentencing Council to strengthen the Sentencing Guideline for environmental offences. The maximum penalties for fly-tipping are imprisonment of up to five years or a potentially unlimited fine.

We are currently consulting on proposals to introduce a new fixed penalty notice of up to £400 for householders who fail in their duty of care and whose waste is fly-tipped. As two-thirds of fly-tipped waste originates from households, the introduction of this penalty along with educational awareness for individuals will help reduce fly-tipping on public and private land.

HL Deb 08 March 2018 | PQ HL5835

[Fly Tipping: Prosecutions](#)

Asked by: Parish, Neil

To ask the Secretary of State for Environment, Food and Rural Affairs, how many fly tipping prosecutions there were in (a) 2016 and (b) 2017; and how much was raised in fines from such prosecutions in each of those years.

Answering member: Dr Thérèse Coffey | Department: Department for Environment, Food and Rural Affairs

In 2015-16 there were 2,135 prosecutions by local authorities for fly-tipping offences with a total of £677,000 raised in fines. In 2016-17 the figures were 1,571 prosecutions and £723,000 in fines. 98% of prosecutions result in a conviction. Additionally in 2015-16 there were 36,000 fixed penalty notices issued for fly-tipping offences which increased to 56,000 in 2016-17.

The statistics are published annually by Defra and are available here:
<https://www.gov.uk/government/statistics/fly-tipping-in-england>

HC Deb 05 March 2018 | PQ 130184

[Recycling: Chinese Import Ban](#)

Asked by: Lord Cormack

My Lords, what are we doing to increase and enforce penalties on those who dump household goods and other things in the countryside and, in the process, spoil some of the most beautiful parts of Britain?

Answering member: Lord Gardiner of Kimble

My Lords, I agree with my noble friend that fly-tipping is a terrible blight, whether in towns or the countryside. That is why we have introduced stronger powers for local authorities and the Environment Agency—for example, to seize and search vehicles involved in suspected crime. We have also introduced the power for local authorities to issue fixed-penalty notices and we have just published the waste crime consultation, which proposes providing local authorities with the option of issuing fixed-penalty notices to those whose waste ends up being fly-tipped.

HL Deb 05 February 2018 | vol 788 c1791

[Fly-tipping](#)

Asked by: Chishti, Rehman

What steps his Department is taking to reduce rates of fly-tipping.

**Answering member: Dr Thérèse Coffey | Department:
 Department for Environment, Food and Rural Affairs**

The penalties for fly-tipping are on summary conviction: imprisonment for a term not exceeding 12 months or a fine or both; and on conviction on Indictment: imprisonment for a term not exceeding five years or a fine or both. The removal in 2015 of the £5,000 cap for maximum fines that magistrate's courts can impose, means that magistrates can hand down a potentially unlimited fine for a fly-tipping summary offence. In May 2016 we introduced fixed penalty notices of up to £400 for small-scale fly-tipping. This provides local authorities with an alternative to prosecutions and take a more proportionate enforcement response.

In 2014 the Sentencing Council introduced new sentencing guidelines for environmental crimes, including fly-tipping. The guidelines were published to ensure a consistent approach to these offences is taken by courts in England and Wales. Requests for further guidance were received by the Sentencing Council from the National Fly Tipping Prevention Group, chaired by Defra, and the Environment Agency. This was due to concerns that the fines were not high enough to reflect the seriousness of the offences committed or to have a deterrent effect, and that there was an inconsistency in fine levels across the country. The

guidelines encourage magistrates to make more use of the highest levels of fines for some of the more serious offences that come before the courts. It also helps sentencers more easily pitch a fine that is proportionate to the means of the offender.

The Sentencing Council reviewed the effectiveness of the guidelines in 2016. The assessment showed that the level of fines for organisations has risen, but fines for individuals have not seen the same increase. We are looking into this and intend to work with the appropriate people in the court system for a consistent application of the guidelines.

HC Deb 26 January 2018 | PQ 903551

[Fly-tipping](#)

Asked by: Peacock, Stephanie

To ask the Secretary of State for Environment, Food and Rural Affairs, what assessment his Department has made of the effect of fly-tipping on local environments and wildlife.

Answering member: Dr Thérèse Coffey | Department: Department for Environment, Food and Rural Affairs

Tackling all waste crime, including fly-tipping, is a government priority. Fly-tipping involves the illegal deposit of different types of waste, from the small scale deposit of single items to the larger scale deposit of multiple items. Fly-tipping incidents therefore can have different impacts on the environment depending on the type of waste being fly-tipped. The types of waste being fly-tipped can be found here:

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

The Environment Agency has recently published the Waste Crime Interventions and Evaluation Project which included an estimation of the environmental cost of illegal waste sites. The report can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662841/Waste_crime_interventions_and_evaluation_-_report.pdf

HC Deb 15 January 2018 | PQ 121132

[Fly-tipping](#)

Asked by: Peacock, Stephanie

To ask the Secretary of State for Environment, Food and Rural Affairs, what assessment he has made of the effectiveness of the powers of local councils to prevent fly-tipping.

Answering member: Dr Thérèse Coffey | Department: Department for Environment, Food and Rural Affairs

The Government is committed to tackling fly-tipping on a number of fronts. We work closely with local authorities and the Local Government Association is a member of the Defra chaired National Fly-tipping

Prevention Group (NFTPG). Local authorities and the Environment Agency have a full range of enforcement powers to tackle fly-tipping which have recently been strengthened. Following consultation in 2016 we gave local authorities the power to issue fixed penalty notices for small scale fly-tipping, and enhanced their ability to search and seize vehicles of suspected fly-tippers. It is the responsibility of local authorities to use the powers available to them. The NFTPG has published guidance which sets out clearly the powers available to local authorities and other partners when tackling fly-tipping.

HC Deb 10 January 2018 | PQ 121131

[Fly-tipping](#)

Asked by: Peacock, Stephanie

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps his Department is taking to prevent industrial fly-tipping.

Answering member: Dr Thérèse Coffey | Department: Department for Environment, Food and Rural Affairs

The Environment Agency's (EA) specialist crime unit uses intelligence and a range of technology to track down waste criminals, working with the police, partners and local councils. It also has powers to revoke licences and seize vehicles from people involved in waste crime. It inspects businesses to make sure their waste is managed lawfully. The EA has the power to prosecute individuals, businesses and companies who fly-tip.

The EA leads on large scale fly-tipping. This means incidents of:

- More than 20 tonnes (about 20 cubic metres);
- More than 5 cubic metres of fibrous asbestos or 75 litres of potentially hazardous waste in drums or containers;
- Possibly linked to criminal business activity or organised crime.

Fly-tipping not falling within these criteria is the responsibility of local authorities.

HC Deb 10 January 2018 | PQ 121129

[Fly-tipping](#)

Asked by: Knight, Sir Greg

To ask the Secretary of State for Environment, Food and Rural Affairs, how many successful convictions there have been for fly tipping in the past 12 months; and how many vehicles used in fly tipping have been seized and crushed in the past five years.

Answering member: Dr Thérèse Coffey | Department: Department for Environment, Food and Rural Affairs

The fly-tipping statistics for England show there were 1,571 successful prosecutions for fly-tipping by local authorities in 2016/17. The table below shows how many vehicles involved in fly-tipping have been seized by local authorities in the past five years.

Year	2012/13	2013/14	2014/15	2015/16	2016/17
Vehicles seized	45	85	71	129	197

HC Deb 06 December 2017 | PQ 116776

[Budget: Reduction of Waste](#)

Asked by: Baroness Bakewell of Hardington Mandeville

My Lords, given the nearly 40% cut in local authority funding this year, can the Minister say what incentives he intends to implement to encourage householders to increase recycling to assist councils to meet their recycling targets and reduce expensive landfill and fly-tipping?

Answered by: Lord Bates

In terms of landfill, of course it was the landfill tax introduced by the Conservative Government in 1996 that has reduced the amount going into landfill by some 70%. On local authorities, it is not just about money; it is actually about ambition and determination. We have neighbouring local authorities with varying recycling rates. Lewisham has a recycling rate of 18% but Southwark has a recycling rate of 35%, while Trafford has a recycling rate of 60%. We think that it is not just about money; it is about learning and the political leadership that will ensure that we deliver this.

HL Deb 28 November 2017 | vol 787 c597

[Fly-tipping](#)

Asked by: David T. C. Davies

What steps the Environment Agency is taking to prevent illegal fly tipping on farms.

Answered by: The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey)

Fly-tipping on farmland is a serious antisocial crime that damages the environment, human health and farm businesses, so tackling it is a priority for this Government. So far, we have strengthened the ability of the Environment Agency and local authorities to seize the vehicles of suspected fly-tippers. We have also given local authorities the power to issue fixed penalty notices. We are working with the National Farmers Union to increase reporting and to better target enforcement. I also recognise that this is a devolved issue, so my hon. Friend will be working with Natural Resources Wales.

David T. C. Davies

Is my hon. Friend aware of the excellent campaign by *Farmers Weekly* to bring in much tougher penalties across the UK for the criminal gangs responsible for fly-tipping on farms in Britain?

Dr Coffey

Minister Coffey is a bit coughy this morning, Mr Speaker.

My hon. Friend is absolutely right to stress the importance of tackling such criminality, so we are working closely with the Environment Agency to investigate further ways of doing that. We will continue not only to work with the police, but to create new powers so that we can get rid of criminals from the waste industry entirely.

Mr Barry Sheerman

Fly-tipping is a curse not only on farmland in Huddersfield, but up and down this country. It is usually associated with people who operate just above the law. They hire out skips, and then take the money, evade landfill duty, and tip the waste everywhere. We must have an Environment Agency with the powers and resources to do something about that.

Dr Coffey

The hon. Gentleman is absolutely right. We do work closely with the police in making fly-tipping a focus for the Environment Agency. I also draw to the attention of the House the fact that we are continuing to do more to help councils to tackle litter more widely. As we announced yesterday, we have plans not only to double fines, but to make it easier to tackle motorists who throw litter out of cars. The Government are very focused on this, and we are working with councils to make progress.

Neil Parish

I support the views of my hon. Friend the Member for Monmouth (David T. C. Davies). The trouble is that the fines are not heavy enough, which makes it easier to tip on farmland than to go to a waste disposal site. Unless we get some teeth and impose really heavy fines, we will not stop these people, who leave farmers with the huge problem of getting rid of the waste.

Dr Coffey

I recognise what my hon. Friend says. It is key that we continue to do more to work with farmers at a local level to ensure that their farms have better barriers against such access. Nevertheless, this is about targeting, getting intelligence, ensuring that we follow up people who are dumping, and using the full force of the law to deter such behaviour.

Jim Shannon

The Minister has outlined the importance of the issue and the role of the local councils. Will she indicate what incentives local councils can

make available to homeowners to encourage them to use waste recycling centres, rather than harming agricultural land and farmers?

Dr Coffey

This matter is devolved in Northern Ireland. We are issuing new guidance with the Department for Communities and Local Government to try to clarify what councils should and should not be charging when people want to use the recycling centre. I know that councils want to do the right thing. Some £800 million is spent every year on tackling litter and fly-tipping, which is why we want to work with councils and the Environment Agency to make improvements.

Dame Caroline Spelman

The Warwickshire NFU convened a roundtable on this matter last month after a terrible spate of fly-tipping. It has two asks of the Minister: can we provide more briefing for magistrates so that fines are proportionate to the crime; and can we extend fixed penalty notices to the statutory duty of care for the disposal of waste on households?

Dr Coffey

We are looking carefully at the issues that my right hon. Friend raises, particularly the second one. I will take them away and speak to one of the Justice Ministers about potential sentencing guidance.

John Mc Nally

Zero Waste Scotland estimates that Scotland's deposit return scheme will save Scottish councils around £13 million a year in fly-tipping, litter-picking and kerbside recycling costs. Has there been any attempt to conduct a similar analysis in England?

Dr Coffey

We have issued a call for evidence on reward and return schemes for things such as plastic bottles. An independent committee will be looking at that. I know that the Scottish Government have asked our Department to work with them on their proposals. We are looking carefully at the report that came out a couple of weeks ago, but trying to extrapolate economic benefits on the basis of a handful of councils is not necessarily a straightforward exercise.

HC Deb 26 October 2017 | vol 630 cc415-7

Debate

Commons debate: Fly-Tipping in Rural Areas

HC Deb 21 November 2017 | Volume 631 c 1016-

<https://hansard.parliament.uk/commons/2017-11-21/debates/7395C69B-98C6-4FF6-996D-EF3EBFF24AAD/Fly-TippingInRuralAreas>

5. Useful links and further reading

House of Commons Library briefing paper *Fly-tipping - the illegal dumping of waste* June 2017

<https://researchbriefingsintranet.parliament.uk/ResearchBriefing/Summary/SN05672>

DEFRA and Government Statistical Service *Fly-tipping statistics for England, 2016/17* 19 October 2017

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652958/Flytipping_201617_statistical_release_FINAL.pdf

DEFRA closed consultation *Consultation on proposals to tackle crime and poor performance in the waste sector & introduce a new fixed penalty for the waste duty of care* 15 January – 26 March 2018

<https://consult.defra.gov.uk/waste/crime-and-poor-performance-in-the-waste-sector/>

Country Land and Business Association *Tackling the blight of fly-tipping: the CLA's five-point plan* September 2017

http://www.cla.org.uk/sites/default/files/CLA_flytipping%20action%20plan_FINAL.pdf

MHCLG, DEFRA and DfT *Litter Strategy for England* April 2017

<https://www.gov.uk/government/publications/litter-strategy-for-england>

National Fly-tipping Prevention Group

<http://www.tacklingflytipping.com/home/1508>

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