

## Debate Pack

Number CDP 2022/023

By ,  
Louise Smith,  
Agnieszka Suchenia  
31 January 2022

# Criminality within and regulation of the waste industry

<b>1</b>	<b>Summary</b>	<b>3</b>
1.1	What is waste crime?	3
1.2	The scale of the problem of waste crime	3
1.3	The impact of waste crime	3
1.4	Waste crime during the pandemic	4
1.5	Government measures to tackle waste crime	5
	2015 call for evidence on measures to tackle waste crime	5
	New regulations 2018	6
	2018 Independent Review of Serious and Organised Crime in the Waste Sector	6
	2018 Resources and Waste Strategy	6
	January 2020: establishment of the Joint Unit for Waste Crime	7
	Environment Act 2021	7
1.6	Future changes	7
1.7	Comment on the Government's actions	9
<b>2</b>	<b>Parliamentary material</b>	<b>10</b>

2.1	Debates	10
2.2	PQs	10
<b>3</b>	<b>News items and related material</b>	<b>21</b>
3.1	News items	21
3.2	Related material	22

# 1 Summary

A debate has been scheduled in Westminster Hall on Tuesday 1 February at 4.30pm on criminality within and regulation of the waste industry. The debate will be opened by Aaron Bell, the Conservative MP for Newcastle-under-Lyme.

## 1.1 What is waste crime?

The Government's Resources and Waste strategy for England defines waste crime as anything that intentionally breaks the law relating to the handling and disposal of waste.<sup>1</sup> Waste crime activities include illegal exports of waste, fly tipping, illegal burning of waste, illegal operation of waste sites, non-compliance with the waste duty of care, misdescribing waste and falsifying records.

## 1.2 The scale of the problem of waste crime

The true scale of waste crime is, by its nature, difficult to fully quantify. Those participating in illegal activities are unregulated and actively seek to evade detection. In October 2021 the Environment Agency (EA), in its report [National waste crime survey report 2021 - findings and analysis](#), estimated that 18% of all waste is illegally managed, equating to approximately 34Mt (megatonnes). This is the equivalent of enough waste to fill Wembley Stadium 30 times.<sup>2</sup>

## 1.3 The impact of waste crime

The impacts of waste crime are widespread, with adverse effects on individuals, businesses, public services, the environment and the economy. For example, illegal waste sites can pollute the environment through the release of noise, dust, surface or groundwater contamination or through unauthorised fires and burning. These sites do not necessarily treat the waste in compliance with environmental best practice. They divert waste from legitimate businesses, reducing their potential income streams, viability and competitive advantage. The cost of remediation of fly tipped waste falls to

---

<sup>1</sup> HM Government, [Resources and waste strategy for England](#), December 2018, p86

<sup>2</sup> Environment Agency, [National waste crime survey report 2021 - findings and analysis](#), October 2021, p7

public services and/or private landowners. For the public sector, tax revenue is lost if the waste would otherwise have been sent to landfill.

The Environment Agency's report stated that waste crime costs the economy in England an estimated £1 billion per year. This represents a 55% increase since its last estimate made in 2015 of £604 million per year.<sup>3</sup>

The Environmental Services Association and consultants Eunomia published a report in July 2021, [Counting the Cost of UK Waste Crime](#). It broke down the estimated financial impact of waste crime from 2018/19 as follows (from a total figure of £924m):

- Fly-tipping - £392m
- Illegal waste sites - £236m
- Misclassification - £120m
- Exemption breaches - £87m
- Illegal exports - £42m
- Waste fires - £22m

There is also the additional cost of enforcement of the EA, which had a budget for tackling waste crime of £25.5m in 2018/19. Combined, this results in a total cost of waste crime of £924m.<sup>4</sup>

The report also highlights that this figure is probably an underestimate, as it only covers known offences, does not cover all types of waste crime and it may not include other impacts, such as increased administrative costs on legitimate businesses.<sup>5</sup>

## 1.4

## Waste crime during the pandemic

The Environment Agency's report noted a perception, by those who responded to the National Waste Crime Survey 2021, that waste crime had increased during the pandemic. The EA stated however, that this was in contrast to its own data on verified reports that showed that at the end of March 2021, the number of active illegal waste sites was the lowest it had ever recorded.<sup>6</sup> In

---

<sup>3</sup> Environment Agency, [National waste crime survey report 2021 - findings and analysis](#), October 2021, p5

<sup>4</sup> Environmental Services Association and Eunomia, [Counting the Cost of UK Waste Crime](#), July 2021, p24

<sup>5</sup> Environmental Services Association and Eunomia, [Counting the Cost of UK Waste Crime](#), July 2021, p24

<sup>6</sup> Environment Agency, [National waste crime survey report 2021 - findings and analysis](#), October 2021, p7

2020/21 the Environment Agency stopped illegal activity at 722 sites, contributing to a 14% reduction in known illegal sites from the previous year.<sup>7</sup> The EA conceded that several factors will explain this difference, including the impact of COVID-19 on its own operational ways of working.<sup>8</sup>

There have been some concerns raised that the EA has not been able to undertake as many investigations into waste crime over the course of the pandemic.<sup>9</sup> The Environment Agency publishes a Corporate Scorecard for each quarter. In the [latest scorecard](#), published in December 2021 for Q2 (2021 to 2022 quarter (Q) 2 starts 1 July 2021 and ends 30 September 2021), the EA highlighted that the number of recorded high risk illegal waste sites in England rose for the first time in over a year, by 24 to a total of 479. In relation to this rise, the EA stated there should be caution in interpreting this number:

We are unable to be certain of the affect that the pandemic has had on our ability to record and manage illegal waste sites. The rise in number is in line with our expectations that we would see an increase once our officers were able to return to more field based activity. We should remain cautious in interpreting these numbers because:

- we continue to experience significant resource pressures which is resulting in a large backlog of unsubstantiated reports of illegal waste sites
- the picture ‘on the ground’ may be considerably worse than these figures suggest and it is likely the true figure is greater<sup>10</sup>

## 1.5

## Government measures to tackle waste crime

The Government has made various changes to the waste management regime over the last few years, with a view to tackling waste crime. Some of the key consultations, reports, reviews and changes made are set out below.

### 2015 call for evidence on measures to tackle waste crime

In 2015 the Government published a [call for evidence on other measures to tackle waste crime and entrenched poor performance in the waste management industry](#). This sought views on proposals to enhance

---

<sup>7</sup> [Waste Disposal: Crime: UIN 56445](#), tabled on 15 October 2021

<sup>8</sup> Environment Agency, [National waste crime survey report 2021 - findings and analysis](#), October 2021, p7

<sup>9</sup> National World, “[Waste dumpers ‘getting away with it’ as Environment Agency investigations plummet by a third in one year](#)” 24 January 2022

<sup>10</sup> Environment Agency, [Environment Agency corporate scorecard 2021 to 2022 - quarter two](#), 15 December 2021

enforcement powers for the Environment Agency, Natural Resources Wales and local authorities. The [Government response](#) (PDF) contained details of the next steps and also set out future proposals, such as the introduction of fixed penalty notices (FPNs) for fly-tipping.

## New regulations 2018

The Waste Enforcement (England and Wales) Regulations 2018 (SI 2018/369) provided for two new powers:

- the power for waste regulation authorities (the Environment Agency and Natural Resources Wales) and waste collection authorities (local authorities) to serve a notice on an owner or occupier to remove waste that is unlawfully kept or disposed of, irrespective of whether it was initially lawfully deposited.
- the power for waste regulation authorities to restrict access and importation of waste into premises that are, or were, a regulated or an exempt waste facility for up to 72 hours by issuing a restriction notice.

## 2018 Independent Review of Serious and Organised Crime in the Waste Sector

In 2018, Defra commissioned and published an [independent review of serious and organised crime in the waste sector](#). The final report set out a number of recommendations for a more strategic approach to serious and organised waste crime.

The recommendations included the establishment of a Joint Unit for Waste Crime (JUWC) led by environmental regulators with law enforcement agencies, HMRC and waste industry to tackle the most serious cases. It also recommended new and reformed waste legislation. This included new investigatory and disruptive powers for the Environment Agency, a tightening of the registration and duty of care requirements for carriers, brokers and dealers, mandatory electronic tracking of waste and a national database of registered brokers.

## 2018 Resources and Waste Strategy

The Government's December 2018 Resources and Waste Strategy contained a chapter on waste crime which also set out the ambition for a more strategic approach to waste crime, in line with many of the recommendations from the independent review. This included intention to:

- Improve the transportation, management and description of waste by reforming existing regulations
- Strengthen intelligence sharing and engagement to tackle illegal activity

- Prevent illegal activity being hidden through waste exemptions by reforming the existing regime
- Mandate the digital recording of waste movements, subject to consultation
- Create a Joint Unit for Waste Crime
- Toughen penalties for waste criminals
- Increase awareness of waste regulations and publicise positive work of enforcement bodies as they tackle waste crime.<sup>11</sup>

## January 2020: establishment of the Joint Unit for Waste Crime

In January 2020, the government announced that it had set up the Joint Unit for Waste Crime (JUWC).<sup>12</sup> The JUWC is comprised of eight partners: the Environment Agency (EA), Natural Resources Wales, the Scottish Environment Protection Agency, the Northern Ireland Environment Agency, the police, the National Crime Agency, HM Revenue & Customs (HMRC) and the British Transport Police.<sup>13</sup> A press release set out that the new unit would conduct site inspections, make arrests and prosecutions and, upon conviction, push for heavy fines and custodial sentences.<sup>14</sup>

## Environment Act 2021

The [Environment Act 2021](#) contains provisions that will provide waste regulation authorities with stronger powers of entry and access to evidence in prosecuting waste crime (section 66 and schedule 10). It also provides powers to allow the government to introduce an electronic system to track waste movements (section 58).

## 1.6 Future changes

In January 2022 the Government published two new consultations relevant to waste crime issues.

One of these is a [Consultation on the reform of the waste carrier, broker, dealer registration system in England](#). This consultation sets out concerns that waste brokers, (i.e. someone who arranges for other businesses' controlled waste to be handled, transported, disposed of or recovered) and

---

<sup>11</sup> HM Government, [Resources and waste strategy for England](#), December 2018, p85

<sup>12</sup> GOV.UK, [Clock is ticking for waste criminals as new taskforce launched](#), 16 January 2020

<sup>13</sup> GOV.UK, [Successful first year for waste crime taskforce despite pandemic](#), 18 January 2021

<sup>14</sup> GOV.UK, [Clock is ticking for waste criminals as new taskforce launched](#), 16 January 2020

waste dealers (i.e. someone who takes waste from another business to sell on), can operate almost out of sight of the regulator. In addition, the current registration process allows anyone to set up and register as a waste carrier, broker or dealer without any check on their competency or background.

To address these concerns, the Government wants increased checks to ensure waste is managed by authorised persons only and in a safe manner, making it harder for unregistered operators to find work in the sector. Specifically, the Government is seeking views on:

- The move from a registration to a permit-based system and the levels of permits available
- What activities should be covered by permits, what should be covered by exemptions and what activities should not require either a permit or registration
- The introduction of a technical competence element required for permits; the level required and how it can be demonstrated through the workforce.<sup>15</sup>

The other consultation is on the [introduction of mandatory digital waste tracking](#). This is a joint consultation from the UK Government, the Scottish Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, who are working together to develop a central digital waste tracking service. Such a system would require those who produce, handle, dispose of or make products from waste, to enter information onto it. The aim of this is to address concerns that there is currently no comprehensive way of tracking waste produced in the UK, with various existing fragmented systems using a mixture of electronic and paper-based systems.

The consultation follows on from powers provided in the Environment Act 2021 to allow such a service to be established. The consultation seeks views on how the system will work in practice, covering areas such as what sort of waste will be tracked, what information will be recorded and how, who will have access to the service and how it will be enforced.<sup>16</sup> A Government press notice stated that this will, “enable regulators to better detect illegal activity and tackle waste crime, including fly-tipping, illegal waste sites, and illegal waste exports.”<sup>17</sup>

---

<sup>15</sup> HM Government, [Consultation on the reform of the waste carrier, broker, dealer registration system in England](#), January 2022

<sup>16</sup> HM Government, [Introduction of mandatory digital waste tracking](#), January 2022

<sup>17</sup> GOV.UK [Government unveils plans to crack down on waste](#), 21 January 2022



## 1.7

# Comment on the Government's actions

In its October 2021 report, [National waste crime survey report 2021 - findings and analysis](#), the Environment Agency stated that the headlines from the National Waste Crime Survey were clear; “The waste industry perceives waste crime to be endemic, they believe it is on the rise, and that the deterrents for active and would-be waste criminals are not strong enough.”<sup>18</sup> The Environment Agency also highlighted “threats” to its enforcement budget:

As the scale and cost of criminality within the waste sector rapidly increases, the Environment Agency continues to see threats to its enforcement budget. Without appropriate funding, the challenge of fighting waste crime will grow, the impacts will increase, and those trying to operate within the regulations will find it increasingly difficult to do so.<sup>19</sup>

In a report published in July 2021, (before publication of the Government's latest January 2022 consultations), the Environmental Services Association (ESA), an industry body, had expressed concern about slower than anticipated progress made in this area by the Government:

We are of the view that a lack of understanding of the scale and impact of waste crime is a contributing factor to the slower-than-anticipated progress being made to address this issue, as well as to the ever-growing estimated cost of waste crime within England. Therefore, we urgently recommend that a new waste crime reporting framework is introduced to aid Defra's and the EA's efforts in overcoming waste crime.<sup>20</sup>

Responding to publication of the Government's January 2022 consultations, the ESA said that it was supportive of the proposals and that they “should help to make life difficult for criminals infiltrating our sector and making a fast buck at the expense of legitimate operators and the environment.”<sup>21</sup>

Similarly, also commenting on the new consultations, the chief executive of the Chartered Institute of Wastes Management, said that, “Correctly implemented, these developments will provide assurance for both waste producers and managers that they are dealing with responsible collectors while directly reducing the impact of waste crime on society and the environment.”<sup>22</sup>

---

<sup>18</sup> Environment Agency, [National waste crime survey report 2021 - findings and analysis](#), October 2021, p16

<sup>19</sup> Environment Agency, [National waste crime survey report 2021 - findings and analysis](#), October 2021, p6

<sup>20</sup> Environmental Services Association and Eunomia, [Counting the Cost of UK Waste Crime](#), July 2021, p25

<sup>21</sup> “Defra unveils ‘crackdown’ on waste crime” [Let's Recycle](#), 21 January 2022

<sup>22</sup> “UK government proposes digital tracking to crack down on waste crime” [Circular](#), 21 January 2022

## 2 Parliamentary material

### 2.1 Debates

Adjournment debate

[Fly-tipping: Penalties](#)

HC Deb 1 October 2020 | Vol 681 cc579-687

Westminster Hall debate

[Litter Strategy](#)

HC Deb 18 Jul 2018 | Vol 645 cc152-160WH

### 2.2 PQs

[Skips](#)

Asked by: **Sheerman, Mr Barry**

To ask the Secretary of State for Environment, Food and Rural Affairs, how many incidents of illegal dumping of waste from skips were recorded in 2020-21.

Answering member: **Jo Churchill | Department for Environment, Food and Rural Affairs**

Waste site operators and anyone who transports waste must hold an appropriate environmental permit or registration, which can impose conditions on operators about how waste is handled. Today we are launching a consultation on the reform and strengthening of the waste carrier, broker, and dealer regime, and on introducing mandatory digital waste tracking. Taken together, these two reforms will significantly strengthen the powers available to tackle rogue waste operations.

A detailed breakdown of the flytipping incidents reported by local authorities available at: <https://www.gov.uk/government/statistics/fly-tipping-in-england>. While illegal dumping specifically from skips is not separately recorded flytipping incidents can be filtered by size.

More widely we have given the Environment Agency £60 million extra to tackle waste crime since 2014 on top of the wider funding it receives from Defra. We have also set up the Joint Unit for Waste Crime to disrupt serious and

organised waste crime and reduce its impact on the economy, the environment and local communities.

**HC Deb 21 Jan 2022 | PQ 103521**

### [Fly-tipping](#)

Asked by: **Baroness Jones of Whitchurch**

To ask Her Majesty's Government how many incidents of fly tipping were reported to the Environment Agency in each of the last five years; and how many of these cases resulted in a successful prosecution.

Answering member: **Lord Goldsmith of Richmond Park**

The Environment Agency tackles a wide range of waste crime including illegal dumping, responding to those incidents which pose the most significant threat to the environment due to their scale, impact or the involvement of organised crime groups. It is the role and responsibility of local authorities to handle smaller scale fly-tipping incidents. Any caller to the Environment Agency who identifies fly-tipping at the scale or nature that we do not handle is directed to the appropriate local authority.

In terms of illegal dumping and other waste crime, in 2020/21 the Environment Agency secured 25 successful prosecutions which resulted in total fines of £475,796 and seven custodial sentences. It is everyone's responsibility to check they only use properly licensed waste carriers – if they do not, they risk a fine if that rubbish ends up being fly-tipped.

**HL Deb 10 Dec 2021 | PQ 4375**

### [Waste Disposal: Crime](#)

Asked by: **Bell, Aaron**

To ask the Secretary of State for Environment, Food and Rural Affairs, what recent progress his Department has made on tackling waste crime.

Answering member: **Jo Churchill | Department for Environment, Food and Rural Affairs**

Despite the challenges posed by the Covid-19 pandemic, in 2020/21 the Environment Agency stopped illegal activity at 722 sites, contributing to a 14% reduction in known illegal sites from the previous year. In the same period, they prosecuted 12 individuals and companies – leading to over £417,000 of fines. They also prevented the export of more than 11,000 tonnes of illegal waste.

Going forward, the government is preparing significant reforms to continue to increase the pressure on illegal waste operators. Our planned electronic

waste tracking reforms will make it harder than ever to mis-identify waste or dispose of it inappropriately. Planned changes to the Carriers, Brokers and Dealers licensing regime will modernise licensing and make it harder still for rogue operators to escape detection. This will come in addition to measures in the Environment Act 2021 which gives agencies stronger powers of entry and access to evidence in prosecuting waste crime.

**HC Deb 11 Nov 2021 | PQ 56445**

### Waste Disposal

Asked by: **Mahmood, Shabana**

To ask the Secretary of State for Environment, Food and Rural Affairs, what recent estimate his Department has made of the number of rogue operators within the waste collection sector.

Answering member: **Jo Churchill | Department for Environment, Food and Rural Affairs**

The department does not produce estimates of the numbers of rogue operators in the waste collection sector. The Environment Agency recently published a survey of waste crime which provides useful information (<https://www.gov.uk/government/publications/national-waste-crime-survey-report-2021-findings-and-analysis>)

**HC Deb 02 Nov 2021 | PQ 62695**

### Waste Disposal: Crime

Asked by: **Mahmood, Shabana**

To ask the Secretary of State for Environment, Food and Rural Affairs, what assessment his Department has made of the effectiveness of the regulatory powers afforded to local councils to clear dumped rubbish and waste on shared land that has no defined legal ownership or occupation and is not public land.

Answering member: **Jo Churchill | Department for Environment, Food and Rural Affairs**

Waste crime damages the environment and blights communities. The Government is committed to tackling this criminal activity and has significantly bolstered local authority enforcement powers in recent years as a result. Councils now have powers to issue fixed penalty notices for fly-tipping and stronger powers to seize and destroy vehicles involved in waste crime. Waste collection authorities can require the occupier or owner of land to remove any illegally deposited controlled waste or to take steps to eliminate the effects of the waste.

We will go further - including measures in the Environment Bill to combat waste crime through better access to evidence and improved powers of entry. Our new electronic waste tracking measures and our planned reform to waste carriers, brokers and dealers licensing will make it harder than ever for waste criminals to escape responsibility for their actions.

Defra has made no further assessment of the effectiveness of the powers afforded to local authorities in this respect.

Local authorities are responsible for keeping land in their control clear of waste. Crown authorities and others have similar responsibilities while landowners are responsible for the land they own. HM Land Registry publish ownership information on most registered land.

**HC Deb 02 Nov 2021 | PQ 62694**

### [Fly-tipping](#)

Asked by: **Evans, Dr Luke**

To ask the Secretary of State for Environment, Food and Rural Affairs, what progress his Department is making on developing a fly-tipping toolkit to support local authorities and other parties to tackle fly-tipping.

Answering member: **Jo Churchill | Department for Environment, Food and Rural Affairs**

The development of the fly-tipping toolkit was delayed as a result of the department switching focus to deal with the Covid-19 pandemic. It remains an important piece of work and we expect to complete the first element on 'presenting robust cases to court' early next year, following the conclusion of additional research we commissioned in this area.

We are taking further steps to clamp down on waste crime such as taking powers to introduce electronic waste tracking; consulting on reforms to the waste carrier, broker, and dealer regime; and strengthening powers to detect and prosecute waste criminals through the Environment Bill.

**HC Deb 01 Nov 2021 | PQ 60518**

### [Waste Disposal](#)

Asked by: **Lord Hylton**

To ask Her Majesty's Government how many (1) prosecutions, and (2) convictions, have been obtained in each of the last five years for discharging (a) general garbage, (b) plastic materials, and (c) fishing nets, into natural waters in England.

Answering member: **Lord Goldsmith of Richmond Park**

The Government's 25 Year Environment Plan sets out our ambition to eliminate all avoidable plastic waste. In December 2018, we published the Resources and Waste Strategy, which sets out how we want to achieve this and move towards a circular economy while stamping out waste crime. We also committed in the Strategy to consult on measures such as Extended Producer Responsibility for fishing gear.

The number of prosecutions and convictions on discharging (a) general garbage, (b) plastic materials, and (c) fishing nets, into natural waters in England are not centrally held in the court proceedings database as these specific offences are not separately defined in legislation. Identifying prosecutions and convictions for such actions would require a manual search of court records, which would incur disproportionate costs.

Under the Environmental Protection Act 1990 it is an offence to litter or to knowingly cause or permit the unauthorised or harmful deposit, treatment or disposal of waste.

Published figures for prosecutions and convictions for these offences are available in the Home Office code principal offence tool at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/987731/HO-code-tool-principal-offence-2020.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987731/HO-code-tool-principal-offence-2020.xlsx)

It is important to note that these numbers include all prosecutions and convictions that fall within each offence category, beyond those specifically requested and beyond just natural waterways.

Defra also publishes annual statistics for fly-tipping, which include enforcement actions. These are available at: <https://www.gov.uk/government/statistics/fly-tipping-in-england>

Under the Merchant Shipping Regulations on the Prevention of Pollution by Garbage from Ships (2020), the discharge of all garbage into the sea is prohibited with very limited exceptions. In all cases the discharge of plastic is prohibited. These regulations bring the International Convention for the Prevention of Pollution by Garbage from Ships (MARPOL Annex V) into UK law. No data has yet been collected for these regulations.

**HL Deb 26 Oct 2021 | PQ 3016**

### [Fly-tipping](#)

Asked by: **Holloway, Adam**

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps he has taken to coordinate (a) Police and Crime commissioners, (b) the Environment Agency and (c) local police forces to ensure that they are adequately responding to fly-tipping.

Answering member: **Rebecca Pow | Department for Environment, Food and Rural Affairs**

Defra is committed to working with partners to stamp out the menace of fly-tipping wherever we can. Our 2018 Resources and Waste Strategy set out our strategic approach to tackling waste crime, including fly-tipping. Our focus is on enabling local action by providing a clear legal framework of rights, responsibilities and powers and setting national standards.

Local authorities and the Environment Agency are encouraged to work in partnership with national and local police bodies in carrying out their enforcement functions against fly-tipping. Defra are working with a wide range of interested parties through the National Fly-Tipping Prevention Group (NFTPG) to raise awareness of fly-tipping and to develop a fly-tipping toolkit. Members of the NFTPG include local authorities, the National Police Chiefs Council and the Environment Agency. The toolkit will support partnership working, intelligence sharing, dealing with fly-tipping associated with unauthorised encampments and the use of technology to report fly-tipping.

In the Environment Bill, we are bringing forward measures to go further, giving agencies and authorities enhanced powers of entry and access to evidence to strengthen their ability to tackle waste crime, and enhancing our ability to track waste and to crack down on rogue operators.

**HC Deb 29 Sep 2021 | PQ 52432**

### [Fly-tipping](#)

Asked by: **Costa, Alberto**

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps the Government is taking to tackle fly-tipping.

Answering member: **Rebecca Pow | Department for Environment, Food and Rural Affairs**

Our 2018 Resources and Waste Strategy set out our strategic approach to prevent, detect and deter waste crime. This included a commitment to strengthen sentences for fly-tipping and develop a fly-tipping toolkit. The toolkit, which will be developed with the National Fly-tipping Prevention Group, will be a web-based tool to help local authorities and others work in partnership to tackle fly-tipping.

In recent years we have also bolstered local authorities' powers to tackle fly-tipping. We have introduced the power to issue fixed penalty notices of up to £400 to both fly-tippers and householders who pass their waste to an unlicensed waste carrier. We have also provided local authorities with powers to stop, search and seize vehicles of suspected fly-tippers.

In April 2021 we commissioned a research project considering the drivers, deterrents and impacts of fly-tipping. This research project is due to be completed before the end of this year and will support informed policy making. We are exploring additional funding opportunities, including the role of digital solutions.

We are also preparing a number of legislative reforms to tackle waste crime, which should help to tackle fly-tipping. We are taking forward the commitment in the Resources and Waste Strategy to develop proposals for the reform of the waste carrier, broker, and dealer regime. We are working with industry and the regulator and we intend to consult later this year. We also intend to consult on the introduction of mandatory electronic waste tracking. Digital records of waste movements will allow regulators to detect when waste doesn't reach the next stage, which may indicate illegal activity including fly-tipping.

We are bringing forward several measures in the Environment Bill to ensure agencies and authorities can work more effectively to combat waste crime through better access to evidence and improved powers of entry. These new powers will help ensure waste criminals, such as illegitimate waste operators reliant on fly-tipping for income, are held accountable for their actions.

**HC Deb 14 Sep 2021 | PQ 43552**

### [Fly-tipping: Rural Areas](#)

Asked by: **Afolami, Bim**

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps his Department is taking to (a) tackle the increase in fly-tipping in rural communities and (b) prosecute the perpetrators of fly-tipping.

Answering member: **Rebecca Pow | Department for Environment, Food and Rural Affairs**

The Government is committed to tackling fly-tipping wherever it takes place, including in rural communities.

Defra chairs the National Fly-Tipping Prevention Group (NFTPG), through which we work with a wide range of interested parties such as the National Farmers Union, Campaign to Protect Rural England, Countryside Alliance and the Country Land and business Association, to promote and disseminate good practice with regards to preventing fly-tipping, including on private land.

In April 2021 we commissioned a research project considering the drivers, deterrents and impacts of fly-tipping tipping, which will include consideration of rural areas. This research project is due to be completed before the end of this year and will support informed policy making. We are exploring additional funding opportunities, including supporting digital solutions.



Fly-tipping investigation and enforcement is the responsibility of local authorities, and the Environment Agency in certain circumstances. We expect enforcing authorities to investigate all incidents of fly-tipping and make use of the enforcement powers available to them where there is sufficient evidence; such as by issuing a fixed penalty notice or prosecuting fly-tippers and recovering investigation, enforcement and clearance costs where possible. We also encourage councils and others to publicise their enforcement activity.

Through the Environment Bill we are seeking powers to introduce an electronic waste tracking system. A comprehensive digital waste tracking system will help regulators detect when waste doesn't reach the next stage, which may indicate illegal activity. This, along with other measures being introduced as part of the Bill (for example amendments to the section 108 powers of entry) will help to tackle waste crime, including fly-tipping.

We are working with the NFTPAG to develop a fly-tipping toolkit which will help local authorities, landowners and others work in partnership to tackle this crime. The toolkit will cover, among other things, how to present robust cases to the courts to support suitable sentences.

**HC Deb 10 Sep 2021 | PQ 41164**

### [Fly-tipping: Crime Prevention and Sentencing](#)

Asked by: **Bridgen, Andrew**

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps his Department is taking to prevent fly-tipping on private land; and whether the Government plans to review sentencing guidelines for perpetrators of fly-tipping.

Answering member: **Rebecca Pow | Department for Environment, Food and Rural Affairs**

We appreciate the difficulty and cost that fly-tipping poses to landowners and we are working with a wide range of interested parties through the National Fly-Tipping Prevention Group, including the National Farmers' Union (NFU) and the Country Land and Business Association (CLA), to promote and disseminate good practice.

Our 2018 Resources and Waste Strategy set out our strategic approach to prevent, detect and deter waste crime. This included a commitment to develop a fly-tipping toolkit. The toolkit will be a web-based tool to help local authorities and others work in partnership to tackle fly-tipping.

Budget 2020 allocated up to £2 million to support innovative solutions to tackle fly-tipping. In April 2021 we commissioned a research project considering the drivers, deterrents and impacts of fly-tipping. This research project is due to be completed before the end of this year and will support

informed policy making. We are exploring additional funding opportunities, including the role of digital solutions.

We are also preparing a number of legislative reforms to tackle waste crime, which should help to tackle fly-tipping. We are taking forward the commitment in the Resources and Waste Strategy to develop proposals for the reform of the waste carrier, broker, and dealer regime. We are working with industry and the regulator and we intend to consult later this year. We also intend to consult on the introduction of mandatory electronic waste tracking. Digital records of waste movements will allow regulators to detect when waste doesn't reach the next stage, which may indicate illegal activity including fly-tipping.

We are bringing forward several measures in the Environment Bill to ensure agencies and authorities can work more effectively to combat waste crime through better access to evidence and improved powers of entry. These new powers will help ensure waste criminals, such as illegitimate waste operators reliant on fly-tipping for income, are held accountable for their actions.

Sentencing guidelines are issued by the independent Sentencing Council for England and Wales, which decides its own work plan for developing/revising sentencing guidelines. The Sentencing Council has issued guidelines for environmental offences, which cover fly-tipping and other waste crimes. The Resources and Waste Strategy includes a commitment to work with the Sentencing Council to support any updates to the Environmental Offences Definitive Guideline should a review be undertaken.

In recent years we have bolstered local authorities' powers to tackle fly-tipping. We have introduced the power to issue fixed penalty notices of up to £400 to both fly-tippers and householders who pass their waste to an unlicensed waste carrier. We have also increased local authorities' powers to stop, search and seize vehicles of suspected fly-tippers.

**HC Deb 07 Jul 2021 | PQ 24184**

### [Farmers: Fly-tipping](#)

Asked by: **Henderson, Gordon**

What steps he is taking to help protect farmers from fly-tipping.

Answering member: **Rebecca Pow | Department for Environment, Food and Rural Affairs**

We are preparing new legislation to tackle waste crime, such as fly-tipping. This includes reforming how those transporting waste are regulated and introducing mandatory electronic tracking of waste, subject to consultation. The Environment Bill will also ensure authorities have better access to evidence and improved powers of entry. The Defra-chaired National Fly-

Tipping Prevention Group works with the National Farmers Union and others to share advice on how to prevent fly-tipping on private land.

**HC Deb 17 Jun 2021 | PQ 901419**

[Waste Disposal: Crime](#)

Asked by: **Jones, Mr Kevan**

To ask the Secretary of State for Environment, Food and Rural Affairs, whether Government agencies in addition to the Joint Unit for Waste Crime conduct separate investigations into waste crime.

Answering member: **Rebecca Pow | Department for Environment, Food and Rural Affairs**

In England the Environment Agency is responsible for the regulation of the waste management sector. This includes the investigation of, and enforcement against, criminal activity in the sector.

Waste crime includes a broad spectrum of illegal activity, including large-scale illegal dumping of waste, avoidance of Landfill Tax, deliberate misdescription of waste, and fly-tipping. Bodies other than the Environment Agency may take responsibility for investigating and taking action against criminal activity as well. For example, Her Majesty's Revenue and Customs (HMRC) undertakes investigations into illegal activity regarding Landfill Tax, while local authorities also have powers to tackle certain types of waste crime, such as fly-tipping.

The Joint Unit for Waste Crime (JUWC) brings agencies together in partnership, including HMRC, to investigate and take enforcement action against criminal activity in the waste management sector. The JUWC has developed intelligence links and sharing arrangements with a wide range of organisations in the public and private sectors including law enforcement agencies, infrastructure providers and the financial services sector.

**HC Deb 14 Jun 2021 | PQ 10184**

[Waste Disposal: Crime](#)

Asked by: **Jones, Mr Kevan**

To ask the Secretary of State for Environment, Food and Rural Affairs, what recent assessment he has made of the adequacy of the Environment Agency's surveillance powers in respect of tackling waste crime.

Answering member: **Rebecca Pow | Department for Environment, Food and Rural Affairs**

No recent assessment has been made of the adequacy of the Environment Agency's surveillance powers in respect of tackling waste crime, nor is one planned. The Environment Agency considers its existing authority to conduct directed surveillance adequate.

**HC Deb 14 Jun 2021 | PQ 10183**

## 3 News items and related material

### 3.1 News items

The Independent

[Waste-handling firms face tougher background checks in crackdown on crime](#)

21 January 2022

BBC New Online

[Fly-tipping: Government plans to tackle 'new narcotics' of waste crime](#)

21 January 2022

The Independent

[Worst polluters 'should face big fines and jail terms for bosses'](#)

18 January 2022

The Telegraph

[Cancelled bin collections blamed for surge in fly-tipping during Covid lockdown](#)

8 December 2021

MRW

[ESA warns of spiralling cost of waste crime](#)

22 July 2021

The Guardian

[Filthy business: who will stop Britain's illegal waste-dumping mafia](#)

24 November 2021

The Times

[Fly-tipping cases rise to 1m as rogue operators flout weak rules](#)

24 February 2021

The Guardian

[UK landfill tax seems to have incentivised fly-tipping, says watchdog](#)

12 February 2021

Circular

[Fly-tipping 'on the rise' as BBC exposes waste licence 'failure'](#)

24 February 2021

## 3.2

## Related material

Press release GOV.UK

[Government unveils plans to crack down on waste](#)

21 January 2022

Press release GOV.UK

[Successful first year for waste crime taskforce despite pandemic](#)

18 January 2021

Department for Environment, Food & Rural Affairs

[Fly-tipping statistics for England, 2020 to 2021](#)

8 December 2021

Environment Agency

[National waste crime survey report 2021 - findings and analysis](#)

October 2021

Eunomia

[Counting the Cost of UK Waste Crime](#)

22 July 2021

Environmental Services Association

Report: [Counting the cost of UK waste crime](#)

July 2021

Press release GOV.UK

[Clock is ticking for waste criminals as new taskforce launched](#)

16 January 2020

Department for Environment, Food & Rural Affairs

[Serious and organised waste crime: 2018 review](#)

14 November 2018

Environment Agency:

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

National Fly-tipping Prevention Group (NFTPG):

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

Keep Britain Tidy Charity: <https://www.keepbritaintidy.org/home>

### Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

### Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at [commonslibrary.parliament.uk](https://commonslibrary.parliament.uk). If you have general questions about the work of the House of Commons email [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk).

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on [commonslibrary.parliament.uk](https://commonslibrary.parliament.uk).

Get our latest research delivered straight to your inbox. Subscribe at [commonslibrary.parliament.uk/subscribe](https://commonslibrary.parliament.uk/subscribe) or scan the code below:



 [commonslibrary.parliament.uk](https://commonslibrary.parliament.uk)

 [@commonslibrary](https://twitter.com/commonslibrary)