



Department
for Environment
Food & Rural Affairs

Fly-tipping Toolkit

February 2024

Joe Minns
Local Environment Quality - DEFRA



- The National Fly-tipping Prevention Group (NFTPG) is a group of organisations working together to tackle fly-tipping.
- It is chaired by Defra and includes representatives from central and local government, enforcement authorities, the waste industry, the police and fire service, private landowners and the devolved administrations.
- The group's objective is to find ways to prevent or reduce fly-tipping by influencing, advising, supporting and promoting best practice as well as raising awareness of the potential environmental damage fly-tipping can cause.
- You can find more information on the group including various materials it has produced here: [National Fly-tipping Prevention Group | Keep Britain Tidy](#)

The fly-tipping toolkit

- Defra's 2018 Resources and Waste Strategy set out our strategic approach to prevent, detect and deter waste crime.
- We committed to developing a web-based fly-tipping toolkit with the NFTPFG to help share best practice on a range of issues.
- Each toolkit piece has been co-designed by a subgroup of NFTPFG members, taking expert advice from outside the group.
- Once complete, the toolkit will cover a wide range of topics including;
 - **How to present robust cases to court (June 2022)**
 - **Setting up and running an effective fly-tipping partnership (March 2023)**
 - **Examples of existing good practice to prevent fly-tipping (August 2023/ongoing)**
 - **Promoting the waste duty of care for individuals and businesses (coming soon)**
 - Intelligence sharing within a partnership and with other partnerships
 - How to use new technology to report fly-tipping
 - Dealing with fly-tipping associated with unauthorised encampments

Toolkit: Presenting robust cases to court

What's the issue? Local authorities feel sentencing in court is inconsistent, and financial penalties are too low to be an effective deterrent

- Sentencing is a matter for the independent judiciary
- The sentencing guidelines help to inform magistrates to reach appropriate sentences, considering a range of factors, for example:
 - Culpability
 - Harm, or risk of harm
 - Aggravating/mitigating factors
 - Offender's means

Toolkit: Presenting robust cases to court

What does the toolkit do? Provides tools to help LAs prepare and present cases which maximise opportunity for tougher sentences. Advised by legal practitioners.

- Main document is a **guide through the 12 steps in the sentencing guidelines**, giving typical fly-tipping scenarios. For example:
 - fly-tipping offences generally involve the offender actively depositing waste, the prosecution may wish to consider presenting the offence as a deliberate act.
 - If considered a deliberate act that has caused minor (Category 3) harm, the starting point for a is a Band F fine (600% of relevant weekly income).
 - Aggravating or mitigating factors can increase/reduce the starting point
 - When a defendant is claiming to have little or no income, the onus is on them to prove this. The court may conclude that the offender can pay any fine, or has an income of average national earnings, if evidence not provided.
 - There are also a range of ancillary orders available such as compensation or confiscation orders

Toolkit: Presenting robust cases to court

What does the toolkit do? Provides tools to help LAs prepare and present cases which maximise opportunity for tougher sentences. Advised by legal practitioners.

- Practical tools, including a **checklist for enforcement officers** and a **template charging decision form**, were also developed. These are available on request only as the information is sensitive.
- The average court fine LAs report increased from £466 in 2021/22 to £526 in 2022/23.
- Work is ongoing, in 2023 research 30% of LA participants said that improvements to sentencing guidance and/or higher court fines would increase effectiveness of fly-tipping enforcement.

Toolkit: Setting up and running an effective fly-tipping partnership:

What's the issue?

- LAs, police, EA, landowners, landlord and tenant associations and community groups all have a role to play in preventing fly-tipping.
- Fly-tippers are unlikely to work within the boundary of a single land manager or LA
- Excellent examples of partnership work exist, but could be more widespread. A lack of knowledge and experience sharing can make it harder to tackle fly-tipping.

What does the toolkit do?

- The document provides a roadmap for prospective new fly-tipping partnerships and sets out good practice operating procedures for existing partnerships.
- The document also updated the 2014 NFTPAG 'Framework for tackling fly-tipping through local partnerships'
- Supporting example documents: business plan, terms of reference, communications plan, action plan and information sharing agreement.

Toolkit: Examples of good practice

What's the issue? Lack of data on effectiveness of interventions means LAs can struggle to get resources to trial new interventions or identify those which would be most successful.

What does the toolkit do? Starts to build a repository of evidenced trials in different hotspots which can be referenced by LAs and other landowners before they invest

- Since 2021 Defra have awarded nearly £1.2m to help more than 30 councils purchase equipment to tackle fly-tipping at known hot-spots, with a further £1m to be distributed in 2024.
- Many projects are centred on the use of CCTV. Other measures include target hardening and beautification of hotspot areas. This year we have added programme funding for projects which aim to raise awareness of household waste duty of care.
- Projects run for around 6 months, councils must submit monitoring information and a final report which are turned into case studies for the fly-tipping toolkit
- More information at <https://www.keepbritaintidy.org/fly-tipping-intervention-grant-scheme>

Examples of existing good practice

Case Study – Durham County Council – CCTV & Signage

- Durham County Council installed CCTV and signage in four hotspot locations.
- They sourced CCTV units that were suitable to be deployed onto existing lighting columns and utilise their power source to reduce costs and increase redeployment ability.
- Signs were installed in prominent locations at the entrance to CCTV zones and were clearly visible and readable; containing details of the organisation operating the system, the purpose for using CCTV and who to contact.
- Several fly-tipping investigations were conducted due to footage of residents within the project areas dumping their waste.
- In total, across all intervention areas there was a **64.8% reduction in fly-tipping incidents**.



Examples of existing good practice

Case Study – Dover District Council – Beautification of Urban Hotspots

- Dover District council worked with community groups and volunteers to place informative signs, household waste duty of care banners and planters at hotspots to prevent fly-tipping from reoccurring and to transform these spots into areas that are valued and respected.
- This project targeted the fly-tipping of household black bags that were dumped in carboot sized loads.
- Once waste had been cleared from the hotspot the team installed wooden planters filled with hardy plants and shrubs together with large informative banners to draw attention and provide information on householder responsibilities in relation to waste.
- The results show a great success, and **no further fly-tipping has occurred at the hotspots post intervention.**
- By having a significant reduction in the number of fly-tips that occurred at the hotspot in turn has meant that officer time has been increased to investigate other incidents of fly-tipping across the district.



Toolkit: Promote the waste duty of care

What's the issue? 'Household waste' accounts for 60% of all fly-tipping LAs deal with, with the most common incident size is equivalent to a small van load (31% of all incidents)

What does the toolkit do? Assists local authorities and others to raise awareness of household and business waste duty of care using cost-effective solutions

- Provides guidance from objective-setting through to monitoring and evaluation.
- Top tips document – six steps to consider when choosing from existing campaigns or developing your own
- Existing campaigns directory – examples that could be utilised in your area and contacts to speak to for further advice about setting up your own campaign.
- Monitoring and evaluation survey template - an example survey that can be used to monitor householders' awareness of their waste duty of care.

Other NFTP G Material

Fly-tipping advice for individuals, landowners and businesses

- **Individuals** are legally responsible for any household waste produced on their property; the NFTP G have created an advice guide for householders arranging for waste to be removed by promoting the SCRAP code.
- **Businesses** are legally responsible for its waste from the date it is produced until it is recycled or disposed of; the NFTP G have produced a guide for businesses when arranging disposal of commercial waste.
- **Landowners** are responsible for the land that they own and therefore for clearing and disposing of any fly-tipping found on that land; the NFTP G have created a guidance document highlighting several steps landowners can take to prevent fly-tipping on their land such as physical improvements, site management improvement and deterrence methods.
- The NFTP G have produced a guide highlighting the responsibilities of **local authorities** and the Environment Agency's responsibilities for dealing with fly-tipping

Campaign materials

- A communications toolkit for **raising awareness of the household waste duty of care** with content and guidance to help local authorities write and promote their own local messages. Accompanied by ready-to-use materials.

Other Defra fly-tipping work in 2024

Anti-Social Behaviour Action Plan:

- Delivery continues under the Prime Minister's Antisocial Behaviour Action Plan
 - New FPN upper levels came into force on 31st July 2023
 - League tables with LA enforcement data, highlighting use of FPNs, now incorporated into the annual statistics
 - Following consultation, laid regulations Jan 10th to ringfence the use of FPNs for enforcement and clean up only. Due to come into force 1st April 2024
 - Statutory litter enforcement guidance

National Rural Crime Unit:

- As part of the government's commitment to unleash rural opportunity, we are currently funding a post within the new National Rural Crime Unit to explore how the police's role in tackling fly-tipping can be optimised, with a focus on rural areas.