

The National Fly-Tipping Prevention Group

**Fly-Tipping Partnership Framework:
How local authorities can set up and
run an effective partnership to tackle
fly-tipping**

**NATIONAL
FLY-TIPPING
PREVENTION GROUP**

The National Fly-Tipping Prevention Group (NFTPG) is made up of a number 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, Keep Britain Tidy and the Devolved Administrations.

A full list of members plus the aim and objectives of the Group is provided in Annex A and Annex C. The Group meets quarterly and seeks to find ways to prevent or reduce fly-tipping.

This guide has been developed by the NFTPG and is the second part of the Fly-tipping Toolkit. The Toolkit will help share best practice on a range of issues, namely:

- How local authorities [can present robust cases to court](#).
- How local authorities can set up and run an effective fly-tipping partnership.
- How to best share intelligence within a partnership and with other partnerships.
- How to best promote the duty of care for individuals and businesses.
- Examples of existing good practice to prevent fly-tipping.
- How to use new technology to report fly-tipping.
- How to deal with fly-tipping associated with unauthorised encampments.

This update to the Fly-tipping Partnership Framework has been developed by the NFTPG. The Framework is branded in the name of the NFTPG but does not necessarily reflect the official view of each member.

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1. Introduction

1. Fly-tipping is a significant blight on our environment; a source of pollution; a potential danger to human health and hazard to wildlife; and a nuisance. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.
2. Fly-tipping is the illegal deposit of waste on land. It can be liquid or solid in nature. It differs from littering in that it usually involves items equal to or bigger than a single bin bag. Fly-tipping is covered by the offences set out in Section 33 of the Environmental Protection Act 1990.
3. The waste Duty of Care is set out in Section 34 of the Environmental Protection Act 1990. It applies to any person or business that produces, imports, carries, keeps, treats or disposes of controlled waste (household, industrial and commercial waste) or as a broker has control of such waste. Householders have a reduced Duty of Care however they must ensure their waste is only given to someone authorised to receive it.
4. The Environmental Services Association's 2021 report into the cost of UK waste crime estimated that the overall cost of fly-tipping was £391.8 million a year in 2018/19 ¹, making it the costliest form of waste crime.
5. A total of 1.09 million fly-tipping incidents of fly-tipping in England were reported to the national WasteDataFlow database by local authorities in 2021/22, a decrease of 4% from the 1.14 million incidents reported in 2020/21. It is worth noting the 2020/21 reporting period covers the first year of the coronavirus (COVID-19) pandemic and that the COVID-19 pandemic may have impacted on the levels of fly-tipping reported in 2020/21.
6. Highways (pavements and roads) were the most common place for fly-tipping to occur accounting for over two fifths (43%) of total incidents in 2021/22. Whilst some incidents from private land may be included in local authority reports on WasteDataFlow, the majority are unlikely to be reported.
7. The types of waste fly-tipped range from 'black bag' waste to organised crime involving industrial wastes, tyres, construction waste and liquid wastes. However, around 61% of fly-tips in 2021/22 dealt with by local authorities were made up of household or household-type waste.
8. Both local authorities and the Environment Agency (EA) have powers to tackle fly-tipping. Local authorities are responsible for clearing waste from public land only. Local authorities may investigate incidents on private land but have no obligation to clear fly-tipped waste from private land. The Environment Agency investigates the 'big, bad and nasty' illegal dumping incidents i.e. incidents of fly-tipping which involve: more than 20 tonnes, 20 cubic metres, or a tipper load of waste; organised crime; or waste that has the potential to damage the environment (such as hazardous waste or

¹ https://www.esauk.org/application/files/3716/2694/1872/ESA_Cost_of_Waste_Crime.pdf

75 litres or more of liquid waste). The Environment Agency will only clear up waste where there is an immediate risk to the environment or human health.

9. The role of central government is to enable and support local action on fly-tipping by providing a clear legal framework of rights, responsibilities and powers and setting national standards. Current proposals (as of December 2022) from the government which should help tackle fly-tipping include:

- Providing £450,000 to local authorities in 2022 for interventions to tackle fly-tipping at hotspots.
- The reform of the waste carrier, broker and dealer regime which will make it harder for un-registered operators to find work in the sector.
- Mandatory digital waste tracking which will require all relevant waste holders to digitally record details about the waste they manage. This will allow the Environment Agency to detect waste that does not reach the next stage, which may imply it has been illegally dumped.
- Consulting on preventing charges for disposing of DIY waste at household waste recycling centres.

10. The causes of fly-tipping are many and varied, as are the motivations of the perpetrators. Defra have published an external research report, conducted in 2021, on the Drivers, Deterrents, and Impacts of Fly-Tipping² which outlines the main causes and consequences of fly-tipping in England. Additionally in 2022, Keep Britain Tidy released their report 'Beyond the tipping point: insights to tackle householder Fly-Tipping'³ which examines eight key insights into the behavioural drivers behind householder fly-tipping and offers potential interventions to tackle them.

11. Defra's Resources and Waste Strategy, published in 2018, developed a new strategic approach to prevent, detect and deter waste crime, including fly-tipping. It explained that:

"Adopting good practice and collaborating with others can make a big difference to preventing, detecting, disrupting and deterring waste crime. Local authorities, police, EA, landowners, landlord and tenant associations, and community groups all have a role to play in preventing fly-tipping, and working together locally makes it more likely to succeed... Evidence suggests that a lack of knowledge and experience sharing is contributing to the problem. The fly-tipping toolkit will help share best practice."

12. This document is both an update to the previous 2014 framework for Tackling Fly-tipping through Local Partnerships and represents the second part of the fly-tipping toolkit focusing on "How local authorities and others can set up and run an effective fly-tipping partnership". It is a combination of voluntary and non-binding principles, potential actions, best practice and case studies that can be applied directly or adapted by local partnerships working to combat fly-tipping in their local setting. It also provides a

²<http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=20941&FromSearch=Y&Publisher=1&SearchText=ev04101&SortString=ProjectCode&SortOrder=Asc&Paging=10>

³ <https://www.keepbritaintidy.org/beyond-tipping-point>

roadmap for a prospective partnership to be established. The *Framework* will not prescribe where it should be applied. Fly-tipping whether on private or public land is all part of the same problem and action on one type of land can easily displace the problem elsewhere.

13. At the time of publication, the NFTP G website (<http://www.tacklingflytipping.com/>) contains a wide range of case studies and other useful information. We would encourage readers to check the NFTP G website from time to time for the latest information. We would also encourage anyone with useful information of their own which they would like to share to contact the NFTP G Secretariat at flytipping@defra.gov.uk with details.
14. The NFTP G Secretariat would like to acknowledge the collaborative efforts of members of the NFTP G and others for sharing their experience and expertise to produce this document.

National Fly-Tipping Prevention Group

March 2023

2. Why work in partnership?

1. Fly-tipping occurs across the country. While national action continues to be one route to tackle the issue, local action remains essential. It is recognised however that perpetrators do not always work within the boundary of a single land manager or local authority.
2. A partnership can help identify the local, and regional, actions required to tackle fly-tipping. At its simplest, it is an arrangement that brings together all the different organisations involved in tackling fly-tipping for a defined geographic area, to build a mutual understanding of the scale of the problem and develop ways of reducing or deterring the problem. The arrangement can be particularly beneficial as a way of bringing together those affected by it (such as landowners) and those involved in tackling it (such as local councils, Environmental Agency and Police).
3. Fly-tipping partnerships have a range of structures and can exist in their own right or as a subgroup or theme within another formalised structure. If there is no partnership activity in addressing fly-tipping in your area, then you may wish to consider setting one up.

Understanding the issue and membership

4. An advantage of partnership working is the shift away from any perceived hierarchies or individual responsibilities. There are often different perspectives on how best to tackle the issue and the rich mix of experience and insight that a fly-tipping partnership can bring together will help to build a more informed picture of the scale and impact of fly-tipping locally and enable more effective strategies for responding to fly-tipping to be developed.
5. Member organisations are likely to differ significantly in their size, resource and experience. A partnership should encourage a range of partners to come to the table and be a more attractive solution to tackling fly-tipping locally as a result, but it is important for all parties to recognise different views.
6. In time a partnership will develop greater mutual understanding of roles and responsibilities, creating better working relationships between organisations and create better communication between members and wider networks. Partnerships can also encourage or facilitate the sharing of resources, equipment or costs amongst members, which can assist with allowing all members to contribute positively. This could be the provision or sharing of meeting venues, secretariat, speakers, or in a more structured way e.g., printing, design work and media, pooled funding for projects and joint commissioning.

Working towards a more effective and consistent approach

7. A fly-tipping partnership can enable a greater level of consistency to be applied across a larger geographic area. Consistency, in areas such as land management, data collection or categorisation practices, can help define the fly-tipping issue. Consistency can be a natural consequence of sharing best practise across similar partners (e.g. Waste Collection Authorities, or land owners) but is also something that should be a specific

aim for a partnership, as the alternative is that success for one area or member could simply displace fly-tipping to another member or neighbour.

8. Partnerships enable consistent and collective action and achievements in a wider geographic area to be proactively communicated by all members. External communications across a whole partnership can deter perpetrators, educate residents (e.g. those unwittingly using unlicensed carriers), and reassure the public frustrated by the nuisance that fly-tipping causes. The development of shared messages allows for:
 - Wider reach - Communications can be cascaded through multiple networks using the channels available through all partners.
 - Stronger messaging – Collective action by multiple organisations sends a stronger and more coordinated message. Individual organisations can still tailor their messaging to their respective networks.
 - Communication of successes – Enforcement action or other outcomes from any part of the partnership can be communicated across the whole area as a positive outcome for the partnership and create a greater deterrent.
 - Advocacy – members can have a shared voice across member organisations and collectively, a stronger voice in other forums.

3. Key stakeholders in a partnership

What are stakeholders?

1. Stakeholders are individuals, organisations, or groups of any kind who are (or could become) involved in or affected by the partnerships' activities or decisions and more widely, affected by fly-tipping in general. Conducting a stakeholder analysis exercise will help determine the partners to include in a partnership and their level of involvement. Recommended stages to take:

- i. **Stage one** - list all stakeholders according to categories
- ii. **Stage two** - refine your stakeholder list
- iii. **Stage three** - capture information about stakeholders
- iv. **Stage four** - identify knowledge gaps

Stage one – list all stakeholders according to categories

2. You might find it useful to categorise your stakeholders. You could do this according to:
 - Sector (enforcement, public, private, voluntary, community);
 - Function (user, service provider, regulator, landowner, decision-maker, influencer); or
 - Affect (directly affected, indirectly affected, able to affect fly-tipping).

At this stage the purpose is to be as inclusive as possible. In drawing up this list it may help to think about the following issues, so that you don't miss anybody:

- Who will the work of the partnership affect (positively and negatively)?
- Who might think that the partnership work will affect them (even if you don't)?
- Who could be interested in the partnership work?
- Who is likely to support or object to the partnership?
- Whose input or knowledge do you need?
- Who has been involved in tackling fly-tipping in the past and what has been learnt?
- Who could influence the work (opinion formers and leaders such as MPs, councillors, media representatives and interest groups)?
- Are there people or groups who are difficult to reach or work with, who should be involved? For example, vulnerability, diversity, age, interest, geographic areas, deprived areas, ethnicity?
- Who has the ability to deliver your desired environmental objectives?
- Who can help fund projects?

- Who will have an impact on the environment?

We have compiled a list of potential stakeholders in Annex B.

Stage two – refine your stakeholder list

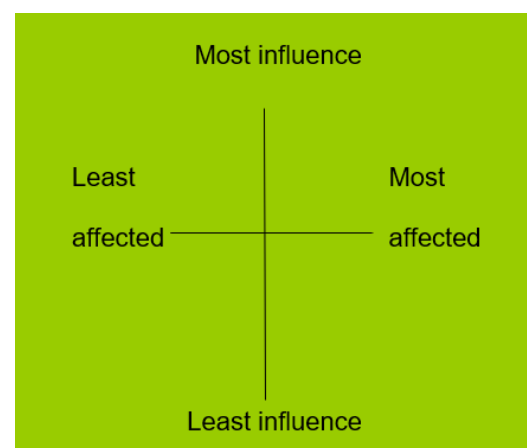
- To help you identify the most relevant stakeholders, you need to agree on the most important criteria for involving them. We recommend that you **choose up to three criteria**. Look back at what you are trying to achieve with your stakeholders, as this will help you select your criteria. Examples of criteria include:
 - Influence: who can influence others or have an influence on the decision or work (positively or negatively)?
 - Affected: who will be affected (positively or negatively) or may think that they are affected?
 - Interested: who could be interested?
 - Environmental impact: who will have an impact on the environment (positively or negatively)?
 - Reputation: who will affect reputation of the partnership (positively or negatively)?
 - Supporters/objectors: who is likely to support or object to the work?
 - Funding: who can help fund the initiative?
- Now you've chosen your criteria, you need to use this to refine your list of stakeholders. There are many different ways of doing this, see two examples below:

Example one – scoring method

- You can use numeric scores to help refine your list of stakeholders. This is a way of assessing the relative importance of each stakeholder based on the criteria you have chosen. For each stakeholder, score them against each criteria you have chosen (for example, 0, 1, 2, or 3 where 0=low and 3=high).
- Add up the total score for each stakeholder. You can use these scores to help you assess where to focus your effort. For example, which stakeholders will require a greater level of involvement?
- You must think carefully about the meaning of the scoring. Scores can sometimes be misleading and you should consider them in the context of your project and its objectives.

Example two – axis method

- Put your chosen criteria on an axis on flip charts. The example on the right uses the 'affected' and 'influence' criteria.
- Write the name of each stakeholder on a post-it note and place it where appropriate on the flip chart axis. This is a practical way of identifying stakeholders who are particularly important based on your objectives.



Stage three – capture information about stakeholders

5. To help you work with your key stakeholders (as identified in Stage 2), you will need to know much more about the groups you've identified. Importantly you will want to identify the level of involvement that is desired:
 - i. **INFORM** – Is this stakeholder just required to be supplied information
 - ii. **INFORM & RECEIVE** – Do you want to both supply AND receive information from this stakeholder
 - iii. **COLLABORATION** – Do you want to collaborate with this partner on projects, i.e. days of action with local authority, EA, police, HMRC and Trading Standards.

6. You can use and expand upon the example template below to record the results of your analysis. Be as specific as possible about each stakeholder (include names and contact details if possible). This table will help inform your initial plans in working with the different stakeholders but remember to be flexible. Stakeholders will all have their own objectives and preferences about how they want to be involved. Think about how you will find out what these are and consider how you can incorporate their needs in your plan as well as your own.

Ref	Stakeholder (contact name and contact details)	Organisation	Type	Function	Impact on Fly-Tipping	Likely level of interest	Level of involvement desired	Score (High Enhanced Standard)
	xxxxx	Office of Police & Crime Commissioner	Community	Influencer	Can affect	Medium	Collaboration	High
	Xxxxx	Fire & Rescue Service	Safety	Enforcement	Indirectly affected	High	Inform/Receive	Standard
	Xxxxx	DVSA	Enforcement	Enforcement	Can affect	Medium	Collaboration	Standard

Stage four – identify knowledge gaps

7. It is likely that you will have gaps in your knowledge about some of the stakeholders. For example, are you clear about who the key contact is for each stakeholder, what are their objectives and how do they want to be involved? You can address these gaps in many ways, for example by talking to the stakeholders or people who have worked with them in the past, or by using desk research (using the internet) or conducting market research.

4. How to set up and run a fly-tipping partnership

1. Partnership working is a common approach that can be used to tackle a range of issues. As a starting point it is worth considering why existing partnerships are not already looking specifically at fly-tipping. Fly-tipping may not be relevant to the majority of parties in existing partnerships and therefore not considered a priority. Where this is the case, a sub-group of an existing partnership might be more appropriate as it has the benefit of utilising an existing structure. If this isn't a solution, then the creation of a new partnership should be considered.
2. Focussing specifically on fly-tipping will enable the right stakeholders to be identified and attract organisations who want to get involved. In initial conversations the proposed membership of the partnership may want to consider if the partnership should accommodate other related issues, such as other waste crime or littering, which can be reflected in the partnership's name.

Coming together

3. Once key stakeholders have been identified, as outlined in the previous chapter, and some initial discussions have taken place, consideration will need to be given on how to bring your stakeholders together for the first time and what you want to achieve at that first meeting. Suggested best practice includes designing the first meeting as a workshop. The purpose of a workshop would be for partners to jointly shape the structure of the partnership, agree definitions, shape the Terms of Reference, identify existing problems and prioritise them and agree the aims and objectives.
4. If the decision is made to hold the initial meeting as a workshop, sending a poll to attendees ahead of the workshop may be worthwhile. Responses to the poll would then be worked through. Ideas for a poll could include but are not limited to:
 - I. What do you believe should be the main aims of the group?
 - II. Which definition of fly-tipping do you think should be adopted by the group/enforcing authorities for consistency? This question could be followed by choices to vote on. Ideas for these could include:
 - a. "the illegal deposit of any waste on to land that does not have a license to accept it". (Keep Britain Tidy).
 - b. "the illegal disposal of household, industrial, commercial or other 'controlled' waste. The waste can be liquid or solid, controlled waste includes garden refuse and larger domestic items such as fridges and mattresses" (HoC Briefing Paper).
 - c. "the illegal deposit of (liquid or solid) waste on land contrary to section 33 of the Environmental Protection Act 1990" (Fly-tipping Responsibilities Guide for Local Authorities and Land Owners by the National Fly-tipping Prevention Group)
 - III. What specific types of fly-tipping should the partnership look to target?
 - IV. What would you consider as a fly-tipping hotspot? For example,
 - a. 'A hot spot location is an area where 3 or more incidents of fly-tipping has occurred in the same locality within a one month period, reported by more than one person'.

- b. 'A hot spot location is an area where 3 or more incidents of fly-tipping have occurred in the same locality within a one month period, reported by more than one person, within a specific geographical area or location.
 - c. Other
 - V. Alongside flytipping, what other environmental crime could this partnership approach cover?
 - VI. What is the best way information (including information relating to enforcement and active investigations regarding environmental crime) effectively?
 - VII. Considering your own/your organisations involvement with fly-tipping, what improvements could be made?
 - VIII. What issues do we need to identify as a partnership and raise awareness of among decision makers? (Some partner agencies may not be able to put their name to any future lobbying, the Environment Agency for example are restricted from lobbying).
 - IX. What would the key change or action be to support a reduction in fly-tipping?
5. These are suggestions only and have been taken from previously successful inaugural partnership workshops. Existing partnerships may want to also consider running a workshop to evaluate what has and has not been achieved so far, including looking at past successes, future plans, any changes to governance or Terms of Reference that may be required.
6. An Action Plan would be of benefit following an inaugural meeting/workshop or review meeting/workshop if it is an existing partnership.

Governance

7. Governance is concerned with the way in which decisions are taken and implemented to realise a collective goal. Legitimacy is regarded as essential for good governance. This is dependent on several interlinked factors related to:
- **Accountability and transparency**
 - **Participation and representation**
 - **Fairness**
 - **Evidence-based decision making**
8. The following guidance on governance is adapted from guidance for partnership journey planning produced as a result of two research projects for Flood and Coastal Erosion Risk Management and an internal Environment Agency project on water governance and catchment partnerships. The projects identified governance challenges encountered in partnerships and conditions for successful partnership working. These were combined to create practical guidance on effective partnership governance, which have been adapted here for this Framework.
9. This is not intended to provide a definitive or prescriptive view on good practice, but to offer suggestions for overcoming common governance challenges and establishing stronger, more effective and legitimate partnerships.
10. The governance mechanisms through which these are achieved will vary between different types of partnerships. Advice for these factors includes:

Accountability and transparency

11. Mechanisms should be available to hold key actors accountable for decisions and actions taken. Transparency is a pre-requisite for this and means that the decision-making process (not just the outcome of this process) should be visible, and important information accessible and understandable to others. Partnerships should be open to an appropriate degree of internal and external scrutiny to ensure accountable decision making.
12. Accountability and assurance mechanisms are not only essential for legitimate governance, but by ensuring responsibilities and commitments have been met, can help realise more outcomes and facilitate coordinated, joined-up approaches.
13. Internal scrutiny is fundamental. All partners should be able to understand how decisions have been reached and have the ability to ask questions and challenge the process. The following points should be considered to ensure sufficient internal scrutiny is in place:
 - **Assigning roles and responsibilities**, either with the support of governance mechanisms such as Terms of Reference, collaboration agreements or clearly outlined in strategy document. Related to this, partners need to understand the wider governance structures within which individual partners are operating and where certain decisions/actions agreed within the partnership might require additional approval/sign-off from partner organisations.
 - **Enhancing the democratic process** –Where appropriate and proportionate, efforts should be made to embed democratic principles within partnership governance. Democracy-enhancing devices could include elected roles, fixed-term roles, specifying a minimum number for important decisions or establishing formal arrangements for independent review.
 - **The chair** –The chair of the partnership can play an important role in ensuring accountable and legitimate governance practices. In this regard, an independent chair is advantageous. By being free from conflicts of interest, an independent chair may have more credibility and trust, and be in a better position to manage potential conflicts, ensure accountable action and fair deliberation. Where this is not possible consideration should be given to who will act as the chair and what impact this might have on the power dynamics of the group. Rotating the role of chair is a useful strategy.
 - **A road map for action** – Committing to specific outputs and timelines is essential for monitoring progress and ensuring the accountability of partners' (and partnership) implementation.
 - **Transparency** – Partnership documents should be made publicly available where possible, including meeting minutes, reports, plans and strategies. The partnership's aims and details of its members should be transparent and publicly visible.
 - **External scrutiny and reporting** – Consideration should be given to how external scrutiny and accountability might be supported. For example, the partnership could establish a reporting relationship with another partnership or organisation or establish formal arrangements for independent review.
 - **The potential value of an outsiders perspective** – It may be useful to seek the advice of an 'outsider' to the partnership; this is sometimes referred to as a 'critical friend'. This should be a person/organisation who is independent from the partnership and does not have a stake in the decision-making process. A critical friend could be employed on an ad hoc basis to undertake a review of activities at a specific points in

time, or embedded within the partnership on a more permanent basis to provide on-the-ground 'eyes' on the effectiveness of partnership working. Their role is to challenge and ask questions of the process, while also reinforcing positive actions.

14. Good practice includes establishing **Terms of Reference** where these are clearly outlined and subject to periodic review (e.g. every 2 years). This short document should outline the purpose and scope of the partnership, alongside governance matters related to partnership membership, internal processes and internal/external reporting. The responsibilities of partnership members are clearly explained and expectations established on a range of issues, such as the timely sharing of data and communication activities. An example Terms of Reference document is provided in Chapter 6.

Participation and representation

15. The interests of all relevant stakeholder groups, including the public, should be represented to an appropriate degree within the decision-making process. Representation can take many forms; for instance, stakeholder representatives may be active members of the partnership.
16. Alternatively, partnerships may rely on consultation and engagement processes, at various or specific stages of the decision-making process.

Internal representation (within the partnership itself)

17. All relevant stakeholder groups should be represented within decision making in some form. Diversity of membership should be appropriate to the partnership's aims and goals.
 - **Getting to know each other**—This is essential for effective partnership working. Members need to understand each other's roles, remits and crucially the constraints within which they are working.
 - **Understanding the representativeness of partnership members** – It is important to clarify the relationship between stakeholder representatives and those they represent. For instance, it cannot be assumed that a community representative will have the skills, resources or networks to engage with their wider community.
 - **Absentees and substitutes** – It may not always be possible for individual partners to attend every meeting; therefore steps need to be in place to ensure that their views are still considered, particularly when important decisions are being made. This might include establishing consistent 'substitutes' to minimise disruption and repetition in discussions. Where this is not possible, the absentee should be fully briefed and given the opportunity to input into the decision-making process. Detailed agendas should be shared ahead of time and clearly indicate where certain decisions will need to be made to alert partners in advance. Partners who are unable to attend (themselves or via a substitute) should give notice so that the partnership can consider the impact of this on its ability to deliberate in an inclusive way and reorganise the agenda accordingly if necessarily.
 - **Prioritising partners** – For particularly complex partnerships (for example dealing with complex issues or operating over a large geographical area), it may be necessary to prioritise the involvement of critical stakeholders (those with authority to act). The composition of the partnership should be fully justified and transparent to others. A clear strategy should be outlined early for engaging other stakeholders who may not be in the partnership itself.

- **Conflict management within partnerships** – Conflicts and differences in opinion are an inevitable part of partnership working. Strategies for dealing with conflicts fairly are therefore essential. It is important to consider the position of the chair and how this might affect this process. An independent chair may inspire more trust and be in a better position to manage potential conflicts and ensure fair deliberation. Alternatively, an independent broker or mediator could be brought in to help facilitate group discussions.
- **Understanding power dynamics** – It is important to be aware of differences in power between partners, which often result from the formal distribution of roles and responsibilities, and corresponding distribution of resources. Third sector, voluntary and non-statutory groups in particular may be less able to act and potentially feel disempowered by public actors. It is important to be mindful of these differences and understand how this may influence deliberation and resulting decisions taken by the partnership.
- **Inclusivity** – It is important to be aware of Equality, Diversity and Inclusion (EDI), in terms of the representativeness of the partnership and deliberative processes, as well as the outcomes/impact of decisions that are made. Steps should be taken to ensure that the principles of EDI are embedded in the partnership's identity, ethos and practices.
- **Managing diverse partnerships**– In highly diverse partnerships, there is a need to strike a balance between listening to the different perspectives of different members, while equally safeguarding against the partnership becoming a 'talking shop'. A useful approach is to establish working groups related to specific activities.
- **Managing internal expectations** – It is essential to manage expectations of partnership members to sustain shared buy-in and momentum. Establishing a shared vision early on is crucial, alongside clear goals and realistic timelines for implementing partnership activities.

Internal Representation good practice example – Representing different stakeholders in the Lincolnshire Environmental Crime Partnership

Established in 2020, the partnership spans Lincolnshire and North and East Lincolnshire (South Humberside). Importantly, members include a range of relevant sectors, links to other partnerships and appropriate professional representation:

- A County Council, two Unitary authorities and all District Councils for the area.
- The Environment Agency.
- Representatives of the two Police and Crime Commissioners for the area.
- The two Police Forces for the area.
- The area water company.
- The NFU County Adviser.
- The Ministry of Defence. Relevance - *The area has a large number of military bases and MoD owned land, is a large landowner with large numbers of professionals.*
- Fire and Rescue.
- DVSA.
- County Landowners Association East.
- Forestry England.
- Drainage Boards.

There are clear links to other partnerships. Several partners also attend the Lincolnshire Multi Agency Intelligence Network, where serious organised crime is addressed which is cross cutting with waste crime, and The Rural Community Safety Gold Group which maintains an overview of all issues which impact on rural community safety.

The Environment Agency representative also attends several partnerships and groups in the neighbouring area, Northamptonshire. Through this link best practice is easily shared between both areas. They are also linked in with the five counties of the East Midlands through direct engagement with the Government Agency Intelligence Network regional co-ordinator.

The DVSA representative has the link to the Traffic Commissioners Office, this offers the ability to refer holders of HGV Operators Licences committing waste crime, including skip operators, to be referred to the Traffic Commissioner for public hearings.

External engagement (outside of the partnership)

18. Engagement processes should strive to be representative and proportional and appropriate to the scope of decision making. Even where representatives of key stakeholder groups (such as community groups) are active partnership members, representativeness cannot be assumed and engagement activities remain vital.

- **Engagement planning** – A stakeholder engagement plan should be established early on and clearly outline when, how and with whom engagement will be sought. This should be informed by a stakeholder mapping exercise to help identify all relevant groups. Engagement planning should take into account potential practical, financial or legal constraints to participation and how these may be mitigated.
- **Carrying out meaningful engagement** – Efforts should be made to communicate and engage external stakeholders, including the public, in meaningful ways. This includes thinking about the way information is presented/framed and translating technical terminology.
- **Place sensitivity** – The importance of place-based decision making and taking a place-based approach is well recognised. From an engagement perspective, this means i) eliciting the views of those residing and/or deeply invested in place; ii) taking steps to capture a representative sample of opinions, reflecting the diversity of the area; iii) appreciating how people's connections and attachments to place influence their willingness to engage and their views for the future; and iv) incorporating the above into the decision-making process.
- **Managing expectations** – It is essential to be clear to all involved how their engagement will inform decision making in order to manage expectations.
- **Being inclusive** – Advocates/independents may be needed to assist those who are less visible or able to contribute to ensure that their interests are represented. This may involve going through local 'gatekeepers' (such as religious leaders or local community groups) and community champions.

External representation good practice - Being visible in the community – Days of Action and communications

When conducting intelligence led, well planned and targeted days of multi-agency action to prevent and disrupt fly-tipping, an equal amount of thorough preparation should be put towards the visibility of these to the community. Each agency should ensure it is as visible as possible by the use of badged vehicles and corporate clothing.

Planning ahead with post-event communications and press releases will ensure messages achieve their objectives. At the outset of planning such joint activities it is good practice for each agency to have a communications officer involved ensuring the communications staff are engaged with each other ahead an event. Post-event communications would be best be designed to not only warn fly-tippers that if they continue they are likely to be stopped but equally to reassure the community that partners are working together to successfully disrupt fly-tipping.

For example, if conducting roadside vehicle inspections, locations must be carefully selected to avoid impeding and disrupting other road users but also where the activity will be highly visible. The final decision for this will always be made between the two agencies empowered to stop vehicles, the police and DVSA.

Fairness

19. The principle of fairness should be embedded into the decision-making process and outcome(s) of this process; this is often described as essential for ensuring *procedural* and *distributive justice* in governance. Accountability mechanisms and participation are particularly important for procedural justice. Consideration should also be given to the impacts of specific decisions and how these will be distributed across different groups.

- **Procedural fairness** – The fairness of the decision-making process should be fully considered. Steps should be taken to ensure that relevant stakeholders have been fairly represented within deliberations and have had the opportunity to participate to an appropriate degree. Furthermore, the decision-making process should be transparent and open to scrutiny, with mechanisms in place to hold actors to account.
- **Distributive fairness** – Full consideration should be given to the fairness of different decision options when determining and justifying the preferred course of action. This should be made transparent to all.
- **Perceptions of injustice** – Perceptions of unfairness/injustice can have negative impacts for the (perceived) legitimacy of the partnership and acceptance of decisions that have been made. A crucial way to mitigate this, is to involve those directly impacted within the decision-making process through appropriate forms of participatory engagement. It is essential that real or perceived injustices are openly and honestly discussed in this process.
- **Sequencing decisions** – Real and perceived fairness and justice issues may manifest because of the sequence of decisions, activities and outcomes (for example some District Council areas may get prevention and disruption activity before others). Therefore, it is important for partnerships to be clear and transparent about their sequence of activities.

Evidence-based decision making

20. Underpinning decisions with the best available evidence and drawing from different sources of evidence (for example fly-tipping hotspot data, local knowledge, seasonal activity, vulnerable land identification), is an important part of building trust and enhancing the acceptability of decisions and actions taken.

- **Reviewing evidence and establishing a shared evidence base** – It is vital that evidence is transparent and clearly understood (including assumptions, uncertainties and limitations) for it to be trusted and to help reach a consensus on the appropriate course of action. Critical questions should be asked and addressed collectively, either by the full partnership or by a specific task group (and fed back), such as;
 1. What is the source?
 2. How reliable is the evidence? Are there any assumptions and uncertainties in the evidence? Is this clearly explained?
 3. What aspect of the problem does it focus on?
 4. Are there gaps in the evidence that limit the ability to understand the whole problem at hand?
- **Knowledge transfer** – Maximising opportunities for sharing knowledge with and between relevant organisations and other partnerships is important for evidence gathering, especially when resources may be stretched. A useful

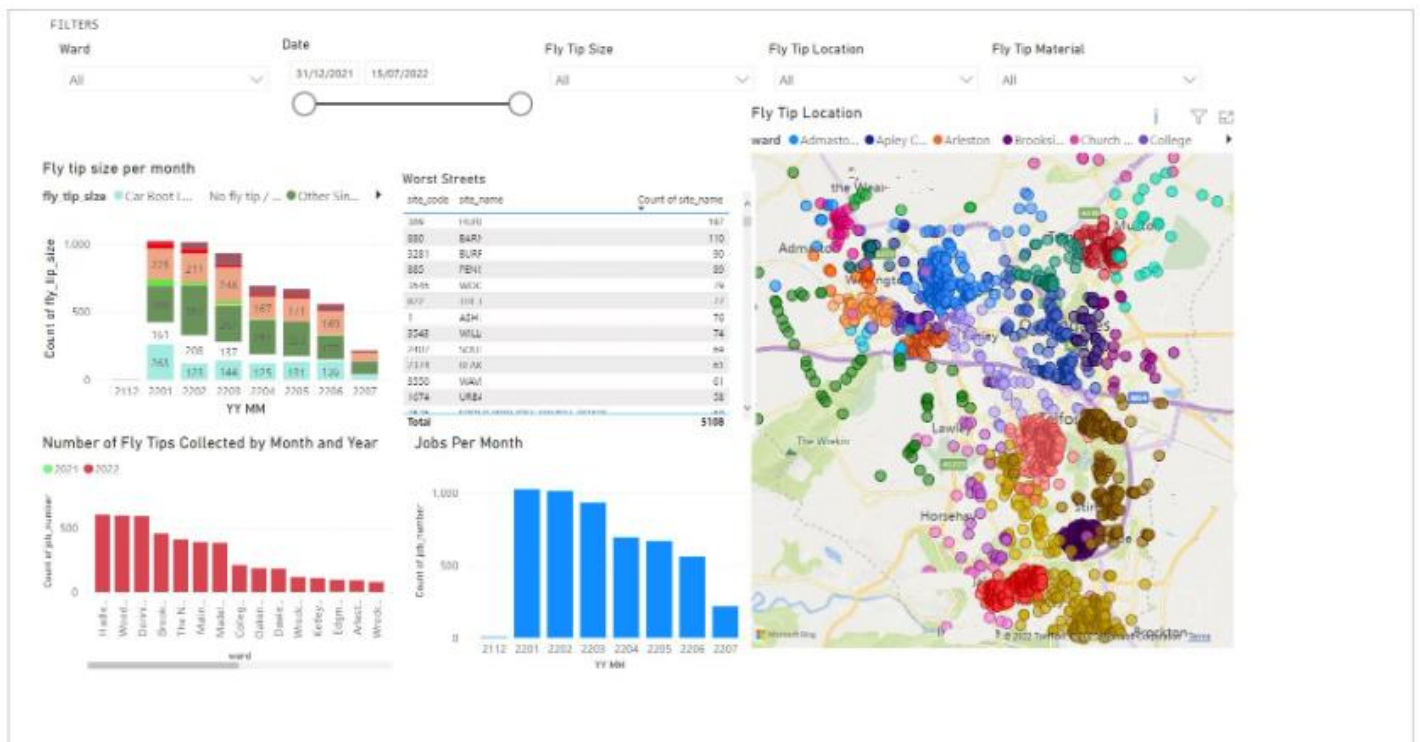
strategy is to utilise members who sit on other relevant partnerships (cross-membership). This may in turn facilitate coordinated working.

- **Data sharing** – Protocols for data sharing should be established early on to facilitate collaboration and efficient use of resources. These can rely on formal or informal agreements. An example information sharing agreement is listed in Chapter 6
- **Living documents** – Establishing strategies and plans as ‘living documents’ where possible, can allow new data to be integrated and for revisions based on emerging trends, new evidence or problem changes.
- **Local knowledge** – Communities can be an important source of evidence. Effective engagement processes need to be established to be able to access and use local knowledge.
- **Citizen science** – In some situations it may be appropriate to actively involve citizens in data collection and evidence gathering, with the support of mobile apps for data capture. Engaging with local groups of litter pickers and ‘Womble’ groups. This can have added benefits for fostering participation and shared responsibility.

A partnership is more likely to be perceived as legitimate and accepted if each of the factors above are addressed.

Data Collection

21. Accurate data can assist in narrowing down the type(s) of fly-tipping occurring in the area your partnership covers, for example by location, seasonality, item type or item size, and help to identify what prevention efforts are needed.
22. The existing Defra WasteDataFlow system for fly-tipping incident reporting is only available to local authorities and there are currently limits to the level of detail on incidents that can be provided. Partnerships are in a unique position to collect data on fly-tipping incidents from a range of public and private organisations. Partnerships should consider:
 - Collecting data on fly-tipping incidents from both public and private land. Whilst it may be challenging to encourage all private individual landowners to report incidents on their land, large private landowner organisations such as housing organisations should be engaged with.
 - Requesting that all members collect important metadata – such as the date and coordinates – of individual fly-tipping incidents.
 - More granular categories for item types fly-tipped based on consultation with collection crews for items which aren’t being accurately captured by current options.
 - Mapping fly-tipping incidents across the whole partnership using an application such as PowerBI. All members should have access to fly-tipping maps and sharing this with neighbouring partnerships should be considered too. See below for an example of what mapping fly-tipping incidents on PowerBI looks like.
 - Application Programming Interface (API) integration with fly-tip reports to allow for live incident reporting and mapping which could enable serious fly-tipping to be tackled more proactively.



Mapping Fly-Tipping incidents on data visualisation software (PowerBI)

5. Activities Fly-Tipping Partnerships May Undertake

The following chapters provide more detail and examples of possible activities fly-tipping partnerships can undertake around prevention, reporting & investigation and clearance.

5.1 Prevention (stopping fly-tipping at source)

Key challenges

- Helping householders and businesses to understand their obligations to dispose of waste legally i.e. raising awareness of the Waste Duty of Care.
- Accidental or inadvertent fly-tipping has emerged as a problem area where actions which the public don't consider fly-tipping, such as leaving waste next to recycling banks or outside charity shops, are legally considered so.
- Limited public understanding of the penalties available for fly-tipping.
- Limited public awareness of alternative, legal disposal options.
- Some landowners are required to provide access to their land under the Countryside and Rights of Way Act 2000, which leaves them vulnerable to fly-tipping.
- Not collecting granular enough data, in terms of detail on individual fly-tips and equal coverage of public and private land, to gain a more accurate picture of the scope of fly-tipping locally.

Assessing the problem

1. When considering prevention, there are many factors to take into consideration that influence the likelihood and type of fly-tipping and what options are therefore available to deter it. Examples include:
 - a) Population density and the capacity to store waste at premises or compost green waste at home.
 - b) What proportion of the surrounding area is classed as rural or urban.
 - c) The local population e.g., high student populations, language barriers, significant commercial activity, seasonal tourists etc.
 - d) The nature and frequency of normal and bulky waste collection systems.
 - e) The availability of disposal outlets for householders and commercial waste producers in the area, including opening times and distances.
 - f) Existing data that indicates the most prevalent types, sizes and locations of fly-tipping.

Existing best practice on prevention

2. The NFTPAG have also produced a range of guidance on preventing fly-tipping for different stakeholders. See listed below:
 - Advice for Householders⁴
 - Advice for Landowners⁵
 - Advice for Businesses⁶
 - Fly-tipping responsibilities: Guide for local authorities and land managers⁷
 - Tackling Fly-tipping, a guide for landowners and land managers⁸
3. The NFTPAG guide *Tackling Fly-tipping, A guide for landowners and land managers* includes a section on tips for preventing fly-tipping including the creation of physical barriers, site management and monitoring such as CCTV. The NFTPAG website also contains a range of historical case studies which cover different aspects of prevention from the erection of physical barriers to community led initiatives. One of these case studies is a comprehensive guide on the use of CCTV which can be an effective deterrent alongside securing evidence⁹.
4. Zero Waste Scotland have produced a guide outlining key steps to consider for the prevention of fly-tipping¹⁰.
5. The first round of Defra's fly-tipping intervention grant has closed and case studies from projects that have had success in preventing or reducing fly-tipping will be publicised on the NFTPAG website. An upcoming part of the fly-tipping toolkit will also examine good practice to prevent fly-tipping in a range of scenarios and locations.

Education

Raising Awareness

6. Education and promotion to the public of alternative options for repairing or disposing of waste items can help to prevent fly-tipping at source whilst also contributing to the circular economy.
7. The repair of faulty items prevents them from becoming waste. The UK introduced "Right to Repair" legislation in 2021 which improves access to spare parts for dishwashers, washing machines & dryers, fridges, televisions and other electronic displays. All items which can commonly be found fly-tipped. Manufacturers are

⁴ <https://www.tacklingflytipping.com/Documents/NFTPAG-Files/NFTPAGAdviceforHouseholders.pdf>

⁵ <https://www.tacklingflytipping.com/Documents/NFTPAG-Files/NFTPAGAdviceforLandowners.pdf>

⁶ <https://www.tacklingflytipping.com/Documents/NFTPAG-Files/NFTPAGAdviceforBusinesses.pdf>

⁷ <https://www.tacklingflytipping.com/Documents/NFTPAG-CaseStudies/Fly-tipping-responsibilities-Guide-for-local-authorities-and-land-manage....pdf>

⁸ Tackling Fly-tipping: A guide for landowners and land managers – National Fly-Tipping Prevention Group
https://drive.google.com/file/d/1PpQDNMMO5MjdH5s3qFAVEmlTq_Zb08yL/view?usp=sharing

⁹ <https://www.tacklingflytipping.com/Documents/NFTPAG-CaseStudies/MEL%20Research%20CCTV%20gpg.pdf>

¹⁰ https://www.zerowastescotland.org.uk/sites/default/files/ZWS%20guide%20booklet_FlytippingPrevention_AW2.pdf

obliged to make these spare parts available within two years of an appliance going on sale and up to 10 years after the product has been discontinued. Spare parts and repair instructions for trickier repairs, will only be available to 'professional repairers', however parts and information for simpler fixes will be available to all¹¹. The above could be further promoted through the running of repair cafes or demonstrations of easy fixes to common items.

8. The promotion of legal disposal routes to the public can be an effective way of deterring fly-tipping. This includes bulky waste collections and Household Waste and Recycling Centres (HWRCs) where there may be a presumption that the public are already well aware of their existence. It may be a matter of promoting a particular aspect of a service such as that bulky waste collections are free or the wide range of items accepted at HWRCs. On a similar note, consistency is key. If councils across a partnership are all able to offer a similar service, this can further aid promotion efforts.
9. Other legal disposal routes include charities collecting resalable items for free or the use of online platforms to pass on usable items. It is acknowledged that these routes are only viable for items that have reuse or resale value, therefore they are less likely to apply to fly-tipping across the board, but still have a role to play.
10. Take back schemes offer another legal disposal route for electrical and electronic waste items. Retailers must offer to take back waste of the same type as the electrical item that customers purchase from them, regardless of the brand of the item, or if the purchase is online or in-store. Additionally, unless they have joined the Distributor Takeback Scheme (DTS), all retailers with an electrical and electronic equipment sales area greater than 400 square metres must take back all items of 'Very small waste electrical and electronic equipment' (less than 25cm on longest side) for free, regardless of whether the returner has purchased anything from their store¹².
11. Educating the public on the breadth of actions that can constitute fly-tipping may also be an effective way to prevent incidents. Figures from a public survey¹³ in 2021 indicate that up to 20% of respondents have engaged in "accidental fly-tipping" over the last year. Examples include leaving items by recycling banks, outside charity shops or on the pavement outside their home. As many of these individuals may be unaware that what they are doing constitutes fly-tipping, they are likely to be more receptive to education efforts and behaviour change.
12. Local partnerships can also use education and other publicity as a powerful tool with young people of school age to develop a respect for the environment and become involved in local environmental initiatives. Local groups are often well placed to make links with schools, colleges or youth groups and develop suitable educational material.

¹¹ <https://researchbriefings.files.parliament.uk/documents/CBP-9302/CBP-9302.pdf>

¹² <https://www.gov.uk/electricalwaste-producer-supplier-responsibilities/take-back-waste-in-store>

¹³ <http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=20941&FromSearch=Y&Publisher=1&SearchText=ev04101&SortString=ProjectCode&SortOrder=Asc&Paging=10>

Household waste duty of care awareness

13. Defra statistics show that around 61% of reported fly-tips in 2021/22 involved household waste and the most common incident size was equivalent to a 'small van load' (32% of total incidents). This suggests that a significant part of the problem may be household waste getting into the hands of someone with a van.
14. Awareness of the household waste Duty of Care is poor. A recent survey of the public found 51% were unaware that they had a duty of care; 90% were unaware that they could receive a criminal conviction for not complying with it; and 72% were unaware of the online database of registered waste carriers⁸. There is already good practice by many local authorities and others to promote the Duty of Care and partnerships should look to replicate these efforts for instance by:
- Informing householders that waste must only be given to a registered waste carrier and recommending that they record the details of any vehicles being contracted to remove their waste;
 - Informing businesses that waste must only be given to a registered waste carrier and that a written description of the waste needs to be completed on transfer and retained for two years;
 - Working with local partners such as DIY stores to promote awareness of the Duty of Care e.g. to those carrying out building work to help reduce the opportunity for unauthorised carriage of waste that is often the precursor to illegal deposit.
15. Raising awareness of the Duty of Care can prevent fly-tipping and promote responsible handling of waste. Partnerships can do this in a variety of ways that reflects the target population. The approach should consider which subsections of the public promotion efforts will have the most impact on. The demographics of the local area should also be considered.
16. There are a range of free and paid for comms kits available. These include the SCRAP toolkit, free to local authorities, produced by the Hertfordshire Waste Partnership¹⁴, Fly-tipping Action Wales's free comms bank for the household duty of care¹⁵ and materials provided by Defra to help local authorities raise awareness of the household duty of care.¹⁶¹⁷

Deterrence

17. Fly-tipping is an offence, and councils have legal powers to take enforcement action against offenders. Anyone caught fly-tipping may be prosecuted. The penalty for fly-tipping on summary conviction is a fine and/or up to twelve months imprisonment, and on conviction in a Crown Court a fine and/or up to five years imprisonment. However, there is limited understanding of these sanctions amongst the public.

¹⁴ <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/recycling-and-waste/wasteaware-campaigns/lets-scrap-fly-tipping.aspx#>

¹⁵ <https://www.flytippingactionwales.org/en/Resources>

¹⁶ <https://sciencesearch.defra.gov.uk/ProjectDetails?ProjectId=20290>

¹⁷ <https://randd.defra.gov.uk/ProjectDetails?ProjectId=20158&FromSearch=Y&Publisher=1&SearchText=duty%20of%20care&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

18. Publicity around successful prosecutions by the Environment Agency, local authorities or others could also help raise awareness that fly-tippers are caught and punished and help deter others from the activity. To emphasise deterrence, the total amount that an offender is ordered to pay by court including compensation paid and community service served should be publicised by partnerships, not just the fine they have been issued. Additionally, all members should promote successful prosecutions within a partnership including from other members.
19. Instead of prosecuting, local authorities can issue a Fixed Penalty Notice (FPN) of up to £400 to someone caught fly-tipping. They can also issue an FPN up to the same amount to a householder who hasn't upheld their waste Duty of Care. It is recommended that all local authorities in a partnership agree on the highest suitable amount for the fly-tipping FPN and apply this consistently. Enforcing authorities should also publish, promote and explain their enforcement policies openly, so that the public can understand their approach.
20. For private land, the laws on trespass can sometimes be used to tackle fly-tipping. Section 61 of the Criminal Justice and Public Order Act 1994 states that a senior police officer present at the scene can use powers to evict trespassers, where the owners have taken reasonable steps to ask the occupier to leave, and where those trespassing "...caused damage, disruption or distress" to the land, which includes damage to the environment through "litter or deposits of waste".

Disposal

21. Waste disposal authorities are under an obligation to provide facilities for residents in their areas to take household waste that are free at the point of use. Many civic amenity or Household Waste Recycling Centres will, depending on their size and location, also be suitable for use by businesses to deposit the similar range of waste delivered by householders. Waste collection and disposal authorities are encouraged to consider whether such facilities should be used to allow businesses to bring their waste (subject to a charge) and the cost/benefits to be derived from reducing fly-tipping and increasing recycling rates. Businesses wishing to take advantage of such arrangements will need to ensure they have the appropriate waste carrier registration if they normally and regularly transport their own waste.

22. In summary, example measures to encourage **prevention** could include:

- **Implementation of more detailed and integrated data collection on fly-tipping incidents across a partnership to better define the problem;**
- **Promotion of the range of legal disposal channels for waste available to the public;**
- **Promotion of the Duty of Care by local authorities and others to householders and businesses. Similarly promotion by business associations and landowner groups among their members;**
- **Promotion of relevant case studies and guides on the NFTP website;**
- **Promotion by local authorities of the prevention advice and ideas from the sources highlighted in this chapter to landowners when incidents are reported to them;**
- **Publicity around successful prosecutions by the Environment Agency, local authorities and other groups and sentences handed down at court, including all elements of a conviction for fly-tipping;**
- **Consideration by local authorities and commercial waste operators of opening up the waste disposal sites they operate, or are operated on their behalf, to businesses for a reasonable cost; and**
- **The use of local educational initiatives to promote environmental awareness and responsibility by all interested parties;**
- **Consistent communications and messaging using all partners and publishing all the above information including publicising successful enforcement action.**

5.2 Reporting and investigation

Key challenges

Reporting

- Not all fly-tipping is immediately reported;
- For those that do report fly-tipping there is confusion about who to report to;
- Lack of understanding that fly-tipping may be liquid as well as solid in nature. Prompt reporting is crucial as liquid fly-tipping on watercourses may need a quicker response;
- Private landowner organisations have raised concerns that they do not have sufficient resources to devote to co-ordinating the reporting of fly-tipping on their members' land. Similarly, local authorities may not be able to accept reports of fly-tipping on private land. Direct reporting to local authorities by landowners would be preferable;
- Encouraging increased reporting may lead to higher fly-tipping figures for local authorities – thought needs to be given to communicating this effectively and positively;
- The obligation on the landowner to clear fly-tipped material once they have reported it puts some off reporting at all, as well as cases where landowners have been prosecuted for moving fly-tipped material;
- Some landowners consider clearing fly-tipping as 'business as usual' and would not generally think to report it; and
- Low number of prosecutions/lack of feedback from local authorities on action taken can be a strong disincentive to reporting. There is a perception that reporting is pointless leading to a negative feedback cycle. Where landowners or others realise their reports are making a difference, they are more likely to continue to report.
- Not all local authorities allow for the reporting of fly-tipping on private land because they do not have a duty to clear it. Therefore there is some disparity between different local authority areas and also confusion to those who wish to report it.

Investigation

- Lack of clarity about circumstances/types of evidence required by a local authority to trigger an investigation/take forward a prosecution; and
- Low levels of compensation awarded by courts, and levels of fines following conviction, and not understanding why the courts have come to these decisions, can be a barrier to take forward future prosecutions;
- Many local authorities may not be able to resource investigations for all relevant cases of fly-tipping.

Potential solutions

1. There should be consistency around the approach taken to encourage the reporting of fly-tipping by the public on both public and private land, with a clear, easy to follow route

to reporting and recording incidents via local authorities. Local authorities should be able to advise those reporting fly-tipping when they need to contact the Police e.g. for a crime number for insurance purposes, or the Environment Agency in respect of 'big, bad and nasty incidents'.

2. Local authorities should encourage major local landowners to report incidents so these are incorporated into local authorities' mandatory reporting. Such information helps provide a more accurate picture of the scale of the problem, identify hotspots, identify common trends e.g. on the types of waste being fly-tipped in a particular area, and enable local authorities and local partnerships to target their efforts to tackle the problem in a more cost-effective way. Local authorities should outline to private landowners the benefits of reporting fly-tipping cases to them. For example, if waste is dumped on private land and a prosecution is made successfully, the private landowner may be able to reclaim compensation to cover cleaning up costs.
3. Local authorities should be aware that whilst increased reports of fly-tipping on private land may have resource implications – these will be balanced by gains in intelligence and provide evidence for an additional level of resource to deal with the issue.
4. The NFTP guide "*Tackling Fly-tipping, A guide for landowners and land managers*" includes details of what to record if you find a fly-tip or actually witness fly-tipping taking place. The guide also includes a reporting pro forma, which can be used to ensure all the right questions are captured when residents report a fly-tip. It is particularly important that witnesses to fly-tipping incidents or those who report them subsequently are assisted and encouraged to accurately describe what they have seen, the details of the waste etc. in order to help local authorities decide whether to investigate or not, or the priority for arranging removal if it is their role to do so. Additionally, encouraging those reporting a fly-tip to leave their contact details is important as it enables the investigating officer to follow up with them where a case is suitable for prosecution.
5. Local partnerships, local authorities and others should consider encouraging the use of mobile apps to report fly-tipping. In particular, they should consider apps that allow the user to photograph the fly-tip and automatically record the location of the incident, sending a report to the relevant local authority.
6. Encouraging increased reporting can be expected to result in higher fly-tipping figures being recorded by local authorities which will subsequently be published in official statistics. Some thought should be given to proactively communicating this to residents and the local press and explaining the strategic benefits of gathering this information.

Information Sharing Case Study

North Kesteven District Council investigated two fly-tips linked to a sole trader called “City Construction”. The witness had seen a flatback vehicle with the “City Construction” logo but couldn’t take down a vehicle number.

The company City Construction was operating from Facebook and had a website claiming various building memberships and certificates. These were identified to be false claims and were passed to the **Environment Agency** to close the page as a disruption tactic under Op Cyber Guardian.

The vehicle details were obtained by liaison with a counterpart in a **neighbouring district council** who visited the home address of the subject and photographed a flatback vehicle parked on the street. This was eased by being part of Practitioners working group, which is a subgroup of the **Environmental Crime Partnership (ECP) for Lincolnshire**. The ECP has an *information sharing agreement* which allows this type of information to be shared and supports partnership working in these cases. The vehicle details were then passed to the **local Police force** who assisted with ANPR data which matched the times of the fly-tips to nearby ANPR camera activations.

The subject did not engage with the investigating officer, however, the circumstantial evidence case presented resulted in him pleading guilty to allowing his vehicle to be used in fly-tipping.

The details of the subject/ company were also shared in the main ECP meeting. **HMRC** were interested and details of his company were passed to them also. **Trading Standards** were also sent the intelligence for any future action / intelligence.

The owner of City Construction pleaded guilty to two offences of fly-tipping, on the basis that they were in control of the business and had failed to ensure that the waste was properly disposed of. They received a £2,133.00 fine (reduced from £3,200.00 for guilty plea), legal costs of £816, clean-up costs of £385.00, contribution to legal costs of £476.00 and a victim surcharge of £181. Total costs incurred by the defendant were **£3,981.00**.

7. Local partnerships are essential in providing rapid communication about suspect activities and vehicles that may be associated with rural crime in particular. These networks should be encouraged to pass on details of vehicles involved in fly-tipping so others are alerted to potential recurrences from the same perpetrator. All partnerships should look to have an information sharing agreement in place between all partners, to facilitate the sharing of key information as seen in the case study below. A template information sharing agreement is also available in Chapter 6.
8. Intelligence sharing across administrative borders is important to gain a more regional picture of the pattern of offending. Engaging with the Environment Agency e.g. to provide information about vehicles used by persistent fly-tippers is important, and checks on the status of registered keepers in respect of registration as a waste carrier.
9. Local authorities should provide feedback to those reporting fly-tipping on the action taken, particularly in respect of successes (e.g. prosecution) but also on the reasons why action could not be taken, (e.g. lack of evidence). This equally applies within local authorities and partnerships.
10. It is also important that those responsible for investigating fly-tipping are sufficiently trained to be able to gather evidence and present a case for appropriate enforcement

action. For the first part of the fly-tipping toolkit, a guide on how to present robust fly-tipping cases to court¹⁸ was produced to support local authorities to present strong sentences against fly-tipping. As part of the guide, a checklist that investigating officers can use at the scene of a fly-tip is available on request via the contact form on the NFTP G website or by emailing flytipping@defra.gov.uk.

11. Investigation of incidents should be linked to an assessment of the likelihood of repetition and advice should be given to landowners and land managers in respect of optimum prevention measures.

12. In summary, example measures to **encourage reporting and investigation** could include:

- **Recording of all fly-tipping on public and private land via local authorities;**
- **Encouraging the use of apps to record fly-tipping by all interested parties;**
- **Encouragement from landowner bodies to their members to report fly-tipping to local authorities;**
- **Introducing an information sharing agreement between partnership members to encourage greater internal reporting and information sharing;**
- **Provision of feedback by local authorities to those reporting fly-tipping about action taken;**
- **Developing intelligence network groups to share information about rogue operators and known offenders;**
- **Usage and promotion of the first part of the fly-tipping toolkit – a guide on how local authorities can present robust cases to court.**

¹⁸ <https://www.tacklingflytipping.com/Documents/NFTP G-Files/FlyTipping-Toolkit-Cases.pdf>

5.3 Clearance

Key challenges

- The optimum waste collection and street clearance frequency to keep streets clean without further encouraging fly-tipping;
- Determining if the provision of free bulky waste collections decreases fly-tipping;¹⁹
- Cost of disposal;
- Uncertainty about the support local authorities can offer private landowners and if so what charge will be made to clear fly-tipped waste;
- Confusion around the legality of landowners transporting fly-tipped waste to a disposal site;
- Special considerations around certain waste types e.g. liquid fly-tipped waste and bulk material such as soil;
- Due to the costs involved and the number of landowners in an area, it is more difficult to promote a consistent approach around the collection or removal of fly-tipped waste to a permitted facility for recovery or disposal.

Potential solutions

Public land

1. Local authorities must remove and dispose of all fly-tipped waste on public land. It is important that this is clearly set out to those in its area. The nature and timing of a response should be made clear to those reporting fly-tipping incidents.
2. Many local authorities have regular patrols to pick up fly-tipped waste and a report may only necessitate a response from the normal clearance service. Where it is clear an incident merits investigation, it will be important that this takes place prior to clearance and thus clear communication between teams is needed.
3. Regular fly-tipping in particular problem areas can quickly lead to an ugly build-up of waste. Clear definition and identification of hotspots should be undertaken so that subsequent reports can better identify the cumulative effect on an area and the scale of the response needed, including better preventative measures.
4. The optimum frequency with which to clear streets of dumped rubbish to ensure they are clean should be considered. Whilst clean streets should always be a priority, there are cases where extremely frequent clear-all collection services could unintentionally be encouraging fly-tippers by providing the most convenient way to dispose of their waste and inadvertently deter use of legal disposal methods.

¹⁹ <https://www.letsrecycle.com/news/councils-explore-bulky-waste-collections-to-cut-fly-tipping/>

Private land

5. Local authorities working in partnership with local landowners and others should identify whether they can offer assistance to landowners or land managers that are the victims of fly-tipping.
6. Advice on finding convenient options for the collection or removal of fly-tipped waste would be helpful to landowners and land managers as the victims of crime, whether this is from local authorities, landowner groups or via local partnerships.
7. Local authorities should be pragmatic and do all they can to facilitate landowners removing waste from their land. It is not for this guide to advise exactly what this may look like but we encourage local authorities and partnerships to engage with landowners who are victims of fly-tipping and consider any common sense solutions that will ease the burden of disposal.
8. In cases where the landowner or land manager may be willing, able and licenced to remove the fly-tipped waste themselves, and the waste is safe to move, they should be encouraged to do so (depending on the type of waste). It will be for local authorities to assess whether, subject to capacity, permitting conditions being met, and the necessary safeguards being in place to prevent abuse, waste management sites operated by the local authority, or on their behalf, can be used. Equally, commercial waste site operators may be able to offer a disposal service. In making those judgements local authorities and commercial waste operators should be sensitive to the fact that landowners are the victims of a crime and are making efforts to assist with proper disposal.
9. Encouraging private landowners to remove fly-tipped waste should be made as 'hassle free' as possible. Many landowners will already be registered waste carriers in respect of their own businesses and be familiar with the Duty of Care. However, others will not and local authorities, landowner groups or local partnerships can assist landowners who are willing to remove fly-tipped waste by providing information to help complete waste information notes (transfer notes) and advise on appropriate places for the disposal of the waste to be removed.
10. Local authorities may offer to collect fly-tipped waste on private land themselves. While there is no obligation to do this, local authorities may wish to weigh up the advantages of doing so. Such an approach might include a local voluntary 'model' for action whereby;
 - The local authority helps with first instance of clearance.
 - The local authority provides advice on preventative measures for the future.
 - The landowner puts in place preventative measures e.g. CCTV, barriers, lights, signage.
11. Local authorities help investigate future instances of fly-tipping where there is sufficient evidence to do so and will look to prosecute if a potential case passes the Full Code Prosecution Test. Local authorities and commercial waste operators may opt to charge less than commercial rates to landowners for the collection of fly-tipped

waste, or its acceptance at a waste management site operated by or on behalf of the local authority, to encourage a sustainable solution.

12. In providing a solution for clearing fly-tipping on private land, local authorities should provide guidance on the options on offer and the level of assistance private landowners can expect from them, the Police, (Environment Agency in the case of big, bad or nasty incidents); whether there will be a fee and the factors and circumstances to be taken into consideration in a decision to assist.
13. Landowners or local partnerships should consider taking out private insurance to cover the costs of the removal of fly-tipping, particularly for those wastes which are more difficult or expensive to dispose of. Insurance may come with conditions around the measures to be undertaken to secure the land and/or be subject to an excess.
14. Existing partnerships and local authorities could consider approaching their local Police Crime Commissioner (PCC) to set up a scheme where landowners and farmers who are victims of fly-tipping can apply to have dumped rubbish cleared free of charge. Similar schemes have been set up in other local authorities²⁰ using funds generated by the Proceeds of Crime Act (POCA). This is money that has been confiscated from criminals and is put back into crime-fighting and victim initiatives.

Other potential interventions

15. Local authorities and the Environment Agency have powers to serve a Notice²¹ on a landowner or occupier to remove waste. Landowners have expressed concern that this power will be used against them rather than against the culprit, to require them to clean up fly-tipped waste, however they are able to appeal if they didn't facilitate the dumping.
16. The Department for Levelling Up, Housing and Communities has produced a summary of available powers which can be used to deal with illegal and unauthorised encampments²².

²⁰ <https://www.nfuonline.com/updates-and-information/hertfordshire-pilot-scheme-helps-tackle-costs-of-fly-tipping/>

²¹Section 59 Environmental Protection Act 1990

²² Dealing with illegal and unauthorised encampments; A summary of available powers (August 2013)
<https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>

17. In summary, example measures on **clearance** could include:

- **Local Authorities and commercial waste operators considering the acceptance of small quantities of domestic-type fly-tipped waste from private landowners through their existing waste collections subject to reporting, permitting and safety considerations;**
- **Local Authorities and commercial waste operators providing landowners with access to reduced cost disposal/recycling facilities subject to making an accurate report of the fly-tip to the local authority, permitting and safety considerations;**
- **Environment Agency / local authorities adopt positions that they will not usually require a landowner to be registered as a waste carrier when moving fly-tipped waste;**
- **Approaching the local Police Crime Commissioner to see if Proceeds of Crime Act (POCA) funds can be made available to aid farmers and private landowners who have been victims of significant fly-tipping.**

6. Supporting documents for partnership working

The following documents have been provided by various stakeholders, including existing partnerships, and may be of use to prospective and existing partnerships

- Example [Business Plan](#) (provided by Clean Devon)
- Example [Terms of Reference](#) (provided by Lincolnshire Environmental Crime Partnership)
- Template [Information Sharing Agreement](#) (provided by the Environment Agency)
- Example [Communications Plan](#) (provided by Lincolnshire Environmental Crime Partnership)
- Example [Action Plan](#) (provided by Clean Devon)

7. Links

Beyond the tipping point: insights to tackle householder Fly-Tipping (2022)

<https://www.keepbritaintidy.org/beyond-tipping-point>

Crimestoppers:

<http://www.crimestoppers-uk.org/>

Dealing with illegal and unauthorised encampments: A summary of available powers (August 2013):

<https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>

Drivers, Deterrents and Impacts of Fly-Tipping (2022)

<http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=NOne&ProjectID=20941&FromSearch=Y&Publisher=1&SearchText=ev04101&SortString=ProjectCode&SortOrder=Asc&Paging=10>

The Duty of Care as respects waste: Section 34 of the Environmental Protection Act 1990:

<http://www.legislation.gov.uk/ukpga/1990/43/part/II/crossheading/duty-of-care-etc-as-respects-waste>

Environment Agency homepage:

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

Fly-tipping: Causes, Incentives and Solutions – Jill Dando Institute of Crime Science, University College London 2006:

<http://archive.defra.gov.uk/environment/quality/local/flytipping/documents/flytipping-causes.pdf>

Tackling Fly-tipping: A guide for landowners and land managers – National Fly-Tipping Prevention Group (2006):

http://www.tacklingflytipping.com/landowners/downloads/Main_doc_landowner.pdf

Fly-tipping official statistics for England:

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

Fly-tipping toolkit: How to present robust cases to the courts (2022)

<https://www.tacklingflytipping.com/Documents/NFTPG-Files/FlyTipping-Toolkit-Cases.pdf>

Government Review of Waste Policy in England (2011):

<https://www.gov.uk/government/publications/government-review-of-waste-policy-in-england-2011>

The Report of the Independent Farming Regulation Task Force (2011):

<https://www.gov.uk/government/publications/independent-farming-regulation-task-force-report>

Government Response to the Farming Regulation Task Force (2012):

<https://www.gov.uk/government/publications/government-response-to-the-farming-regulation-task-force>

National Fly-Tipping Prevention Group:

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

Prototyping and testing behavioural insight informed communication materials about the Household Waste Duty of Care (2018)

<https://sciencesearch.defra.gov.uk/ProjectDetails?ProjectId=20158>

Right Waste Right Place

<http://www.rightwasterightplace.com/>

Understanding awareness and compliance with the Household waste duty of care (2019)

<https://sciencesearch.defra.gov.uk/ProjectDetails?ProjectId=20290>

Understanding and tackling fly-tipping in London (2018)

<https://www.keepbritaintidy.org/sites/default/files/resources/Understanding-and-Tackling-Fly-Tipping-in-London-Final-Report.pdf>

ANNEX A

List of existing Fly-Tipping Partnerships (2022)

County	Partnership Name
Avon and Somerset	Avon and Somerset Rural Affairs Forum
Cambridgeshire	Cambridgeshire & Peterborough Recycles (RECAP)
Cheshire	Cheshire Rural Crime Group
Cheshire	The Cheshire & Merseyside Environmental Crime Group
Cumbria	Cumbria Waste Partnership
Cumbria	Allerdale Focus Hub (Operation Respect)
Devon	Clean Devon Partnership
Dorset	Dorset Rural Crime Reduction Board
Essex	Essex Fly-tipping Group
Hertfordshire	Hertfordshire Fly-Tipping Group
Herefordshire, Warwick, Shropshire, Worcester, Staffordshire & West Midlands Combined Authority	Five Force Rural Crime Group
Kent	Kent Resource Partnership (KRP) Environmental Crime Practitioners Group
Lancashire	Lancashire Fly-tipping Forum
Lincolnshire	Lincolnshire Environmental Crime Partnership
London	North London Enforcement Managers meeting
Merseyside	Merseyside Rural Crime Group
Merseyside	St Helen's Serious and organised Crime Group
Norfolk	Norfolk Waste Enforcement Partnership (NWEF)
Northamptonshire	Northants Waste Enforcement Group
Northumberland	Northumbria Anti-Social Behaviour Coordination Group
Oxford	Oxford Resources and Waste Partnership (ORWP)
Shropshire	Telford & Wrekin LA – Fly-tipping multi agency group
Somerset	Somerset Waste Partnership
Staffordshire	Staffordshire Waste Partnership
Suffolk	Suffolk Fly-Tipping Action Group (STAG)
Surrey and Sussex	Surrey and Sussex Police Community Rural Advisory Group (CRAG)
Tyne and Wear	South Tyne and Wear Waste Management Partnership
Warwickshire	Warwickshire Rural Crime Group
West Midlands Combined Authority, Staffs, Derbyshire	West Midlands Enviro Crime Group
West Sussex	West Sussex Fly-Tipping Partnership
Wiltshire	Joint Intelligence Committee
Wiltshire	Swindon Community Waste Partnership

ANNEX B

Potential Stakeholders for a Partnership

County Council/Unitary Authority – Should be considered an essential partner, likely representative to consider would be Head of Waste or their deputy, also the Project Delivery Manager should be considered.

District Councils/Local Authorities - Should be considered essential partners. Those that manage enforcement teams, licensing teams, environment and community safety would be the most important.

Environment Agency - Should be considered an essential partner. The best representative would be the local Waste Crime Engagement Specialist (WCES). The EA WCES will cover a larger area than your partnership and is likely to be involved in other partnerships and can share best practice. The WCES also has a national role and will be aware of national trends in waste crime, campaigns and activities. They will also be able to identify others within the EA who can be of benefit to the partnership.

Police - Should be considered an essential partner. Many Police services now have a Rural Crime Action Team (RCAT). If the Police service covering your partnership area has an RCAT the Inspector or Sergeant is suggested as the best representative for the police. RCAT's have priority for several crime streams (i.e. heritage crime, hare coursing) and this will usually include fly-tipping and other waste crime.

National Farmers Union (NFU) County Advisers – The NFU should be considered an essential partner particular for partnerships with large rural areas. NFU members are impacted by fly-tipping. The NFU county advisors can help inform a partnerships picture of the current problem. They will advise their members of partnership plans and seek members assistance and support.

Office of the Police and Crime Commissioner (*In a few counties also known as Police, Fire & Crime Commissioner*) - PCC's set the force's 5 year Policing Plan. Having their senior staff on the partnership is a good way to encourage including waste crime in the 5 year plans from within their own office. Can be willing to assist with funding projects from their POCA purse. Can publicly support campaigns such as 'Let's SCRAP Fly-tipping'. PCC's can include partnership details, work and plans on their websites. PCC's can assist with finding solutions to such matters as vehicle seizure protocols between the police and other enforcement agencies within a partnership. The PCC may be willing to lead on a communications plan for a partnership.

Fire & Rescue Service – FRS attend and map refuse fires. Sharing mapping and other information from FRS is valuable to being able to plan projects and is potentially a damaging information gap when not present. FRSW have a vested interest in tyre

dumping, which is an increasing national trend and FRS share this common problem with partnerships. FRS also have info on arson and sometimes waste dumped can be targeted for arson. **FRS have enforcement powers.**

Trading Standards – Should be considered an essential partner for multi-agency roadside stops. Local TS hold information on rogue traders. These will include traders that generate waste ie roofers, drop kerb and driveway providers. Rogue traders are more likely to dispose of construction and demolition waste illegally. TS can provide information and collaborate on roadside stop days of action.

DVSA – A link into the Traffic Commissioner (TC) available to a partnership. TC's issue, and can suspend and revoke hauliers operators licences for heavy goods vehicles. TC's also issues licenses to skip operators. DVSA can advise when an operator's licence has been suspended or revoked, this is valuable information for a partnership. Information from partners can be supplied to DVSA and the TC when hauliers and skip companies are continuing to operate under a suspended or revoked licence. Licenses can be revoked for environmental offences. Information from DVSA can be used when planning multi-agency days of action that include roadside stops. DVSA should be including during the planning stages for such days of action, and where capacity allows DVSA are usually keen and active partners during multi-agency roadside stops. **DVSA have enforcement powers.**

Country Landowners and Business Association (CLA) – Partnership engagement with landowner representative bodies should be considered essential, but their actual involvement in conducting many partnership objectives will not be essential. Bodies such as County Landowners Associations will need engagement for informing their members of some projects and even seeking their assistance and participation, but not for instance planning multi-agency enforcement or deciding where to allocate resources, assets or funds.

Canal & River Trust – Affected by and can help affect the problem. Although they are not a National Intelligence Model compliant competent authority for purposes of Intelligence, they can still provide information and receive information on current trends, threats, nominals etc.

Internal Drainage Boards – As with the Canal & River Trust, IDB's have responsibility for waterways and navigations that fall outside of the responsibility of the Environment Agency and should be considered as a valuable partner.

Ministry of Defence – Large landowner in the majority of counties. Large numbers of staff that can be supplied awareness briefings. Representatives at the partnership will be made aware of current trends and threats in their area of responsibility and pass this back. They will also make the partnership aware of relevant issues.

Forestry England – Agency with responsibility for large areas of land. Supported by a large number of volunteers that can be supplied awareness briefings. Representatives at the partnership will be made aware of current trends and threats in their area of responsibility and pass this back. They will also make the partnership aware of relevant issues.

Crimestoppers – Will be likely to agree to have its logo and number used on campaign material. Crimestoppers can lead on arranging rural crime roadshows and events.

Housing associations – Landowners affected by fly-tipping. Will be supportive of campaigns and can input to data.

National Parks/ National Trust - Large landowner with dedicated waste experts and volunteers at sites. Similar partnership approach to MoD and Forestry England can be taken.

Chambers of commerce/Business Improvement Groups – Particularly valuable to engage with business, especially when needing to raise awareness of the waste Duty of Care amongst the business community.

CPRE – The Countryside Charity, with a membership that will be supportive of campaigns and can input to data.

This list is not exhaustive. You must decide how large partnership membership needs to be and what level of involvement is required of partners to achieve your objectives.

ANNEX C

National Fly-tipping Prevention Group

Aim

The National Fly-tipping Prevention Group (NFTPG) is a group of organisations working with a common aim to help prevent and tackle fly-tipping. We will do this by working in partnership to influence, advise and raise awareness in order to protect communities and the environment.

Objectives

- a. To work in partnership with the member organisations, the Devolved Administrations, community groups and others to provide a national framework of authoritative approaches, guidance and best practice on the prevention, recording, investigation and clearance of fly-tipping in accordance with an agreed work-plan.
- b. To continue to develop the evidence base of the nature and extent of fly-tipping through a national reporting system, collation of data and sharing and using intelligence to identify appropriate interventions.
- c. To encourage and promote local groups or campaigns made up of interested parties working in partnership to prevent and tackle fly-tipping.
- d. To learn, share and use the findings of social research into why people fly-tip to influence others away from fly-tipping, and within the resource constraints support any further research to be undertaken.
- e. To communicate widely with those seeking to prevent and tackle fly-tipping and in particular develop the content and promote the NFTPG website as the key source of information (a) for those affected by fly-tipping (b) those wishing to develop local campaigns and (c) to provide a window for sharing best practice, case studies, messages and material to support events and highlight 'hot topics'.
- f. To seek to both draw on and influence Government policy and legislation to tackle fly-tipping and empower those involved with taking enforcement action or the administration of justice or deterrents such as sentencing of fly-tipping offences.

NFTPG Members

Association of Drainage Authorities

British Property Federation

Department for Environment Food and Rural Affairs

Canal and River Trust

Chartered Institution of Wastes Management (CIWM)

Countryside Alliance

Department for Levelling Up, Housing and Communities

Environment Agency

Fly-Tipping Action Wales

Keep Britain Tidy

Keep Scotland Beautiful

Local authorities

Local Government Association

National Association of Waste Disposal Officers

National Farmers Union

National Highways

National Police Chiefs Council

National Trust

National Resources Wales

Network Rail

Northern Ireland Environment Agency

Welsh Water on behalf of Water UK

Welsh Government

Zero Waste Scotland