

## **Government report finds more needs to be done to tackle waste crime**

On 19<sup>th</sup> October, the House of Commons Committee of Public Accounts published a report on 'Government actions to combat waste crime.' The role of the Committee is to scrutinise the economy, efficiency and effectiveness of public spending and to hold the government and civil service to account for the delivery of public services. The report was published following an inquiry by the Committee, where senior officials at Defra, the Environment Agency (EA) and HMRC were questioned on the levels of waste crime being committed, what is being done to tackle it and the costs involved. Oral evidence from Sir James Bevan (EA), Tamara Finkelstein (Defra) and Richard Las (HMRC) was heard on 15<sup>th</sup> June 2022. In addition to the oral evidence provided by the witnesses from Defra, the EA and HMRC, the Committee considered written evidence from 4 other bodies; the Environmental Services Association (ESA), Association of Directors of Environment, Economy, Planning and Transport (ADEPT), the National Farmers' Union (NFU) and SUEZ Recycling and Recovery UK. Written evidence was also submitted by academics Professor Graham Farrell and Anthony Dixon (University of Leeds), and Professor Nick Tilley (University College London).

The report sets out 7 conclusions reached by the Committee on the basis of the evidence put before it, as well as the Committee's recommendations in relation to each issue. Two of the findings of the report are particularly relevant to local authorities; conclusion 2 states that official data does not capture the true scale and impact of waste crime, with many incidents going unreported, and conclusion 5, that Defra is not doing enough to support local authorities to tackle fly-tipping.

In relation to the reporting of incidents, the report finds that only around a quarter of waste crime is reported and local authorities do not report fly-tipping to Defra on a consistent basis. Paragraph 26 of the report states that Defra 'recognises that some local authorities provide incomplete figures, and that coverage of fly-tipping on private sector land is not good enough.' Evidence submitted by academics and the NFU indicates that fly-tipping on private land is overlooked and better reporting and recording of such incidents is urgently needed, particularly in view of the fact that landowners are responsible for the removal of fly-tipped waste from their land at their own cost. The NFU advised that 'costs can run from hundreds to tens of thousands of pounds to deal with and remove fly-tipped waste, while protective measures both cost money to install and increase farmers' workload.' Conclusion 2 of the report notes that currently Defra and the EA are relying on 'a mix of initiatives' in order to improve waste crime data, including encouraging public reporting, introducing digital tracking of waste and technological initiatives such as use of drones. However, the report states that in order for the public 'to go to the effort of making reports, they will need to know that action will be taken in response and they will hear what it is.' It goes on to recommend that Defra and EA 'explore the full range of potential solutions to data weaknesses' including, for example, satellite technology, which is currently being explored by environmental regulators outside of England. The report further recommends that Defra and the EA ensure the successful delivery of existing initiatives to improve data' and 'where these

initiatives rely on public reporting there should be appropriate capacity to follow up reported incidents.'

Conclusion 5 of the report is that Defra is not doing enough to help local authorities to address fly-tipping. The report notes that there were over 1 million incidents of fly-tipping in England in 2020-2021 and whilst reported fly-tipping is high in urban areas, incidents in rural areas remain 'substantially unreported'. It is Defra's position that it is the responsibility of local authorities to tackle fly-tipping, supported by guidance and powers to impose sanctions that Defra develops and provides. However, the report points out that local authorities' 'clear duty is to clear fly-tipped waste from land it controls, while investigating fly-tipping or tackling the perpetrators are choices constrained by local authorities' limited resources; different local authorities show highly variable practice.' In short, whilst local authorities have a statutory duty to clear fly-tipped waste from relevant land in their area, they do not have a statutory duty to investigate or take enforcement action against offenders. Any investigation or enforcement action is discretionary. Paragraph 27 of the report states that local authorities have 'many different priorities to balance' and that 'spending on non-social care services fell by 24.8% in real terms between 2010-11 and 2019-20.' Conclusion 5 notes that Defra is still working on a fly-tipping toolkit, a measure which was first announced in 2018, and that it has recently provided 11 local authorities with between £25,000 and £50,000 each to trial approaches to preventing or addressing fly-tipping. However, the report observes that the funding was allocated on the basis of bids from invited authorities, a process 'which may have rewarded those authorities with the most capacity to bid rather than the best ideas.' The report goes on to state that Defra 'was not able to explain the gap between the scale of fly-tipping and action on the ground, or... how its overall goal of eliminating waste crime was compatible with this level of variation.' In view of these issues, the report recommends that Defra work with local authorities to set 'a clear national framework for tackling fly-tipping, setting overall expectations and promoting good practice, while allowing local authorities the flexibility to respond to local circumstances.' Paragraph 28 of the report states when asked whether it was happy with local authority enforcement action against fly-tipping, Defra 'accepted there is more to do.'

A copy of the full report can be accessed on the UK Parliament website on the following link:

<https://publications.parliament.uk/pa/cm5803/cmselect/cmpubacc/33/summary.html>  
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