

## Annex 1

### Background

1. Fly-tipping is the illegal deposit of waste on land contrary to Section 33(1)(a) of the Environmental Protection Act 1990. The types of waste fly-tipped range from 'black bag' waste, sofas and mattresses to large deposits of materials such as industrial waste, tyres, construction material and liquid waste. Fly-tipping is a significant blight on local environments; a source of pollution; a potential danger to public health and hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.
2. Local authorities and the Environment Agency both have a responsibility in respect of illegally deposited waste. Local authorities have a duty to clear fly-tipping from public land in their areas. They may also investigate these and carry out a range of enforcement actions. The Environment Agency investigates and enforces against the larger, more serious and organised illegal waste crimes. Both are required to collect data on their activity and report this to the specially designed WasteDataFlow system.
3. Responsibility for dealing with fly-tipping on private land rests with landowners [REDACTED]. Some local authorities may offer a clearance service but they are likely to charge for this. The Environment Agency or Local authorities may choose to investigate such incidents if there is sufficient evidence. Defra has published fly-tipping data for England each year since 2004-05. The information to be published for 2016-17 is an Official Statistics Notice, together with a detailed breakdown of the number of fly-tipping incidents and enforcement actions by each local authority in England and a summary of activity by the Environment Agency covering large scale incidents.
4. In May 2016 local authorities were given the power to issue fixed penalty notices for small scale fly-tipping. This was a Government manifesto commitment. This has given them an alternative to prosecutions and assists them in taking a proportionate enforcement response. Other tools available to them include the power to seize and destroy vehicles used for fly-tipping. On prosecution in the courts offenders could face unlimited fines or 5 years in prison. Their ability to obtain waste operation permits in the future will also be curtailed.
5. Keep Britain Tidy have an ongoing anti-fly-tipping campaign with local authorities which #CrimeNotToCare which is aimed at encouraging householders to do the right thing with their waste and not fly-tip it. These statistics will play into that space.
6. Defra are aware of local authorities interpreting the fly-tipping guidance differently and believe consistency for England is a challenge. Due to a higher level of estimation made for the previous year (2015/16), some caution is needed in the interpretation of year-on-year changes and longer term trends.