

DORSET POLICE & CRIME PANEL – 14 DECEMBER 2023

FLY-TIPPING UPDATE

BY THE POLICY MANAGER

PURPOSE

This paper provides an update on the Dorset Police and Crime Commissioner's (PCC) work to target fly-tipping. It will detail progress to date and the actions undertaken by Dorset Police, partner agencies and the PCC. This paper also seeks to address the following five Key Lines of Enquiry as provided by the Dorset Police and Crime Panel:

- I. What does the PCC believe are the main causes of fly-tipping in Dorset?*
- II. What new approaches has the PCC taken to dealing with fly-tipping in hotspot areas and how are these measures being monitored for effectiveness?*
- III. What is the PCC doing in partnership with other Agencies across Dorset to combat and reduce fly-tipping?*
- IV. How does the PCC hold the Chief Constable to account for ensuring that all officers and staff in Dorset Police know and understand their powers in relation to fly-tipping?*
- V. What is the PCC doing to ensure all police forces nationally are working together to combat and reduce fly-tipping and ensure that all officers are trained/educated and know their powers? How successful has the PCC been in lobbying for tougher sentences, as set out in the Police and Crime Plan?*

1. INTRODUCTION

- 1.1. To Fight Rural Crime is a priority within the PCC's 2021-29 Police and Crime Plan. This priority comprises four themes, including one to target fly-tipping. Members of the public regularly raise concerns about fly-tipping in Dorset, including within the recent Regional Rural Crime survey, set up and administered by the Dorset OPCC. Indeed, this survey showed that fly-tipping was the most common type of rural crime that respondents had experienced in the last 12 months (nearly 18%). Responses from other areas in the region returned almost identical results, indicating that the problem is common across many force areas. It is a problem that the PCC is determined to address.
- 1.2. To clearly set out his ambitions to tackle fly-tipping, the PCC identified three key commitments within the Police and Crime Plan, namely:
 - Work with partner agencies, such as the local councils and the environment agency, to prevent and detect fly-tipping issues across all of Dorset, protecting Dorset's wonderful scenery and wildlife as we do so.
 - Introduce new approaches to dealing with fly-tipping in hotspot locations.
 - Lobby for tougher sanctions for those responsible for fly-tipping.

1.3. In order to drive forward these actions, the PCC established the Dorset Partnership Against Rural Crime (PARC), formerly known as the Rural Crime Reduction Partnership, in April 2022. PARC members subsequently agreed a delivery plan which evolved to include seven actions to target fly-tipping (and help address the three aforementioned Police and Crime Plan commitments):

- Target resources effectively to enable landowners and farmers to reduce risks of fly-tipping, and promote awareness of advice and support;
- Partnership work to prevent and detect fly-tipping issues across Dorset, protecting the Dorset environment;
- Scope ways to improve partnership work on reporting, recording, data analysis and sharing of intelligence of fly-tipping;
- Increase partnership campaigns to raise awareness of householders on fly-tipping and waste disposal responsibilities;
- Lobby for tougher sanctions for those responsible for fly-tipping;
- Work with magistrates to raise awareness of fly-tipping and support them around intimidation in court;
- Introduce new approaches to dealing with fly-tipping in (hotspot) cluster or problem locations.

2. CONTEXT AND KEY ISSUES

2.1. The Government defines fly-tipping as 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. 'Waste Crime' is also related and is defined as the unlawful management of waste by those who do not manage, transport, or dispose of waste correctly. Anyone dealing with waste needs to abide by the environmental regulations designed to control the disposal, management, and transfer of waste. Neither Fly-tipping, nor waste crime, is the same as littering, which is commonly assumed to include materials often associated with smoking, eating, and drinking.

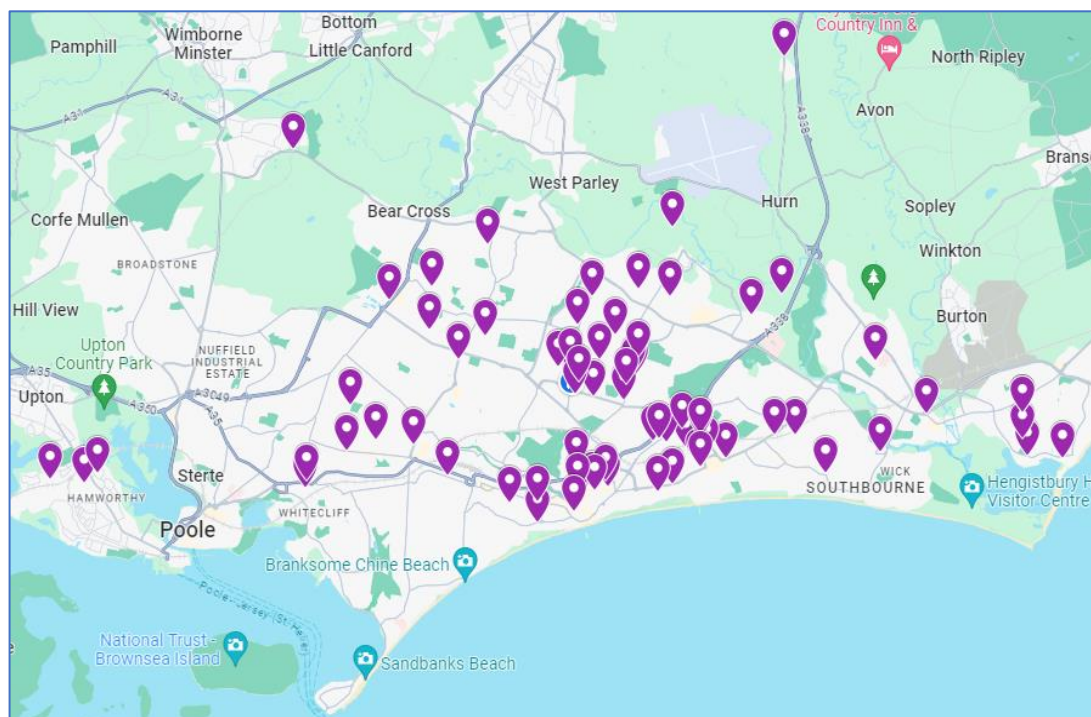
2.2. Nationally both fly-tipping, and waste crime, are monitored by the Government, with clear expectations on the agencies with statutory responsibilities to tackle it.

National [fly-tipping statistics](#) for 2021/22

- Local authorities in England dealt with 1.09 million fly-tipping incidents, a decrease of 4% from the 1.14 million reported in 2020/21.
- The percentage of fly-tips involving household waste has fallen from 65% in 2020/21 to 61% in 2021/22. Total incidents involving household waste were 671,000 in 2021/22, a decrease of 9% from 740,000 incidents in 2020/21.
- The most common place for fly-tipping to occur was on highways (pavements and roads), which accounted for 43% of total incidents in 2021/22, the same as in 2019/20 and 2020/21. In 2021/22, the number of highway incidents was 464,000, which was a decrease of 5% from 486,000 in 2020/21.
- The most common size category for fly-tipping incidents in 2021/221 was equivalent to a 'small van load' (32% of total incidents), followed by the equivalent of a 'car boot or less' (26%).

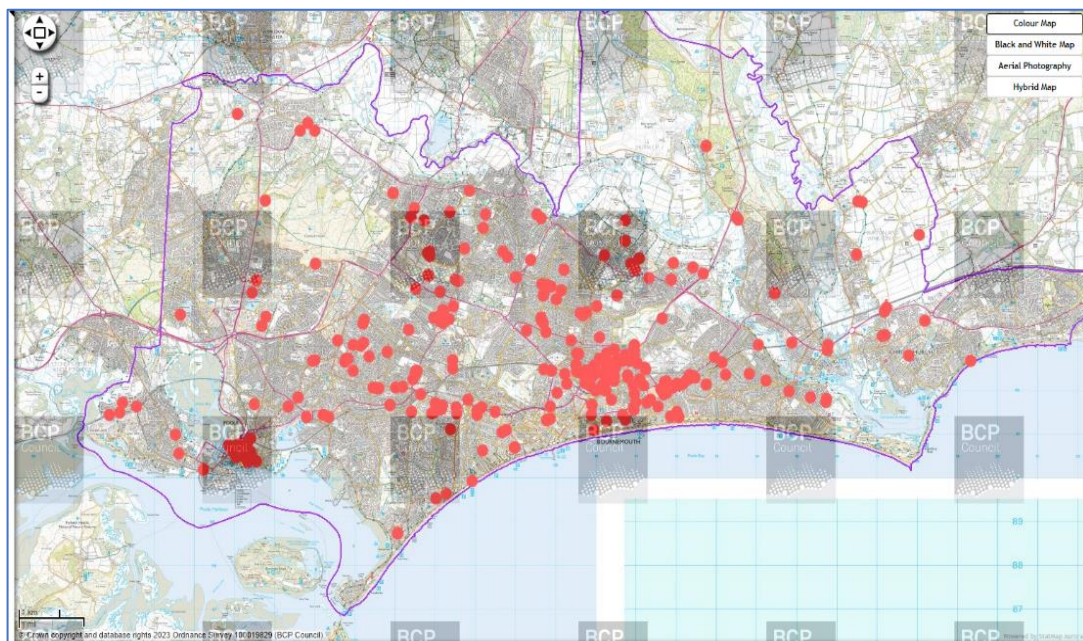
- 2.3. Local authorities are responsible for investigating, clearing, and taking appropriate [enforcement action](#) in relation to small scale fly-tipping on public land. The Government has guidance on fly-tipping and council responsibilities. In England, the Environment Agency (EA) is responsible for dealing with waste crime including larger scale fly-tipping (over a full lorry load), hazardous waste, and fly-tipping by organised crime gangs.
- 2.4. On private land, it is normally the responsibility of the landowner to remove the waste. Local authorities and the EA have legal powers to require landowners to clear fly-tipped waste from their land. They also have powers to enter the land and clear it and may seek reimbursement for costs related to it. Dorset Council has a policy to try to support private landowners in investigations to enable private prosecutions, where capacity allows.
- 2.5. In terms of local information, BCP Council has a contract with WISE to deal with reports of fly-tipping and litter. WISE carries out the investigations and issue enforcement action such as [Fixed Penalty Notices](#) (FPNs) as appropriate. Cases involving fly-tips on private land, where removal is required by the landowner/occupier, are referred to the relevant Environmental Protection (EP) teams in BCP Council – either domestic or commercial. Recent mapping of fly-tipping clusters in the BCP area show that they are mainly in urban areas and are predominately fly-tips left by waste and recycling bins, and individual bulky items such as mattresses. Maps 1 and 2 below indicate the recent levels reported to BCP Council.

Map 1: Fly-tipping reports (direct from the public and from WISE the contractor) to the EP Domestic Team May to November 2023:



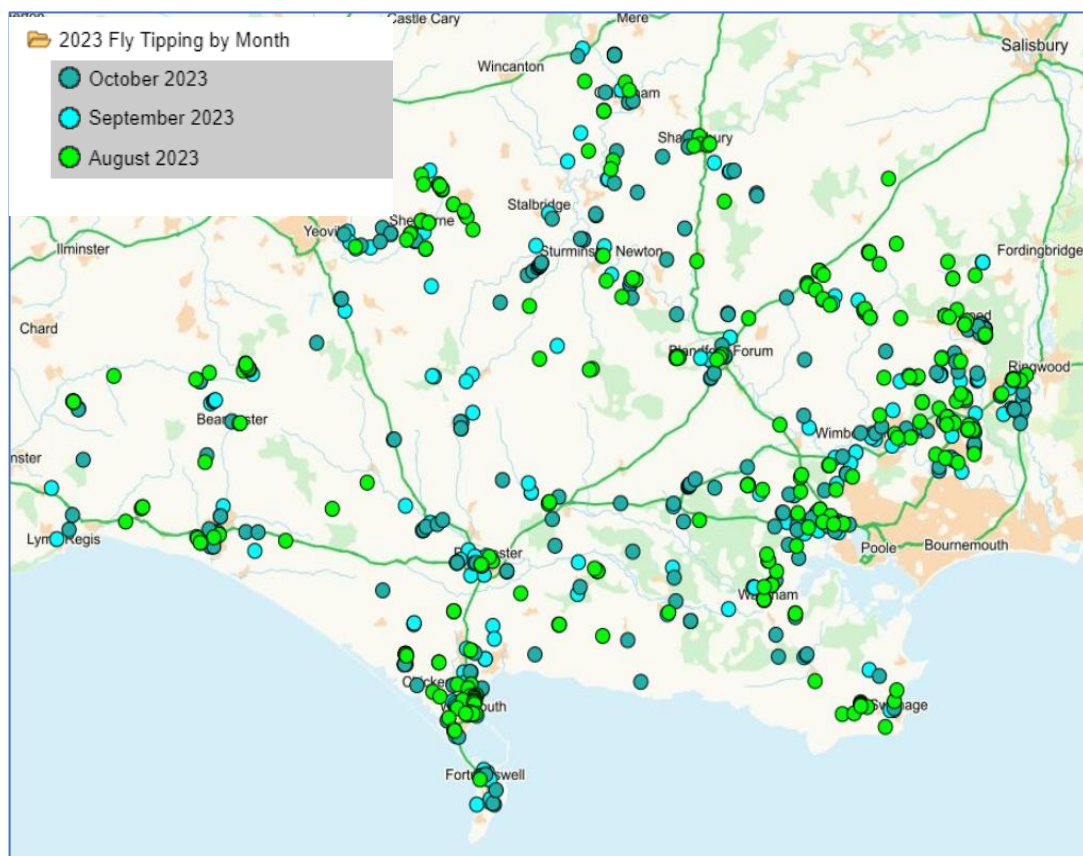
NOTE - This will only be a small proportion of the reports as WISE receive the majority via: [Fly-tipping \(bcpcouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/fly-tipping).

Map 2: WISE fly-tipping reports via BCP Council from 25 October to 24 November 2023 (last 30 days):



- 2.6. Dorset Council deal with [reports of fly-tipping](#) via the Waste Enforcement Team (WET) which has recently moved from Waste Management Services to the Licensing and Community Safety service. Reports of fly-tips are reviewed by the WET. Small volumes of waste are cleared by the council's Waste Management Services who assess them – those likely to provide evidence are then investigated by the WET and appropriate enforcement action is taken, including [FPNs](#).

Map 3: Dorset Council Fly-tipping Reports - August to October 2023



- 2.7. Moving nationally, there is a National Rural Crime Unit (NRCU) that supports policing, and a National Fly-Tipping Coordinator role has been funded by the Government's Department for Environment, Food & Rural Affairs (DEFRA), and will be based in this unit from February 2024. The new role will focus on applying a problem-solving approach to identify what policing can bring to tackle fly-tipping.
- 2.8. Although the causes of fly-tipping are varied, it is recognised that increased charges to dispose of waste – because of higher costs to process, manage, and safely and environmentally reduce/recycle and store waste – along with the reduced frequency of kerbside collections, has impacted on fly-tipping in recent years. Although nationally there was a reduction in fly-tipping, as outlined in the data box at 2.2, it is likely that these factors still have an impact within Dorset.
- 2.9. The PCC concludes that other likely causes of fly-tipping include selfish behaviour by a small minority, who perhaps perceive that the impact of a boot full of their rubbish will have minimal impact on Dorset's wide expanses of countryside. Equally there will be other unaware and vulnerable people who are being exploited by 'a man and a van' style criminals and – in some cases – instances of organised crime gangs with lucrative large scale waste operations. The PCC has received numerous complaints about the blight of fly-tipping, particularly in rural Dorset, and is clear that the causes are numerous and that an approach involving education, prevention and enforcement is required.

3. RESPONSE AND PROGRESS MADE AGAINST THE POLICE AND CRIME PLAN

- 3.1. The Panel will be aware of the multi-agency partnership meeting, PARC, which the PCC established in order to bring agencies together to Fight Rural Crime. Since April 2022 partners involved in the PARC, have focussed on the fly-tipping actions in both the Police and Crime Plan and the PARC Delivery Plan, see sections 1.2 and 1.3 respectively, via the establishment of a fly-tipping task and finish group (FT&FG) with membership from both BCP and Dorset Councils, the EA and Dorset Police. The FT&FG is coordinated by the PCC's office.
- 3.2. The PARC's FT&FG notified the PCC of a lack of capacity to enforce fly-tipping in rural Dorset as Dorset Council did not have a dedicated role to gather evidence to enable increased enforcement of fly-tipping offences. The PCC and his office worked with Dorset Council to identify a potential solution, with the Commissioner asking Dorset Council to develop a one-year pilot proposal to meet the resource gap. Subsequently, the PCC agreed to fund a dedicated post and this commitment was match-funded by Dorset Council by increasing the overall enforcement capacity of the WET. The aim is that this new approach will result in a higher number of FPNs, and Community Protection Notices/Warnings being issued, as well as an increase in prosecutions relating to fly-tipping.
- 3.3. As outlined earlier in this paper, both local authorities share the data and mapping of fly-tipping reports with PARC members, which enables relevant partners to identify areas of repeat reports, including hot-spots/clusters of fly-tipping. This means resources can be deployed to target these locations to identify perpetrators, resulting in enforcement action. The PCC's office has previously provided cameras to both Dorset Council and BCP Council in order to assist with investigations. Both BCP and Dorset Councils share intelligence with each other, and with both Dorset Police and the EA to target offenders. Existing agreements are utilised to enable investigations, such as the forensic protocol, which was facilitated by the PCC's office.
- 3.4. Two waste crime operations between the FT&FG members took place, using mobile units, during National Rural Crime Action Week 18 to 24 September 2023. These

resulted in 15 vehicles being stopped with five enforcement actions and two intelligence logs recorded. The FT&FG also work together to ensure that all personnel – including officers within Dorset Police – know and understand their powers in relation to fly-tipping.

- 3.5. In July 2022, the PCC raised the issue of fly-tipping with the other Southwest (SW) PCCs and proposed that they lobby the Government to raise the level of the minimum fine for fly-tipping from £400 to £1,000. The SW PCCs agreed, and a letter was sent to the Secretary of State for DEFRA.
- 3.6. In March 2023, the Prime Minister announced his anti-social behaviour (ASB) action plan including proposals to increase the levels of fly-tipping fines. These changes were introduced via a statutory instrument, which increased the upper limits for various fixed penalty notices. This was added to statutory guidance in Part 1A of the [Litter and refuse: code of practice](#) in October 2023. This includes a change to fly-tipping fines that more than doubles the maximum penalty for offenders. Under the changes, the upper limit for fines handed out over fly-tipping has risen from £400 to £1000. The limit for fines handed out to those who breach their [household waste duty of care](#) has also risen from £400 to £600. This is when householders pass their waste to an unlicensed waste carrier which is subsequently fly-tipped.
- 3.7. The PCC is also a member of the National Rural Crime Network (NRCN) – this group successfully lobbying for the national fly-tipping role as outlined at section 2.7. The NRCN also supported the PCC, and the SW PCCs, in their lobbying of the Government to raise fines for fly-tipping.
- 3.8. In January 2023, the PCC met with the Chair of the Dorset Magistrates Bench and it was agreed the PCC, or his office, would present at the Dorset Magistrates AGM. The presentation on the 18 October 2023 highlighted the sanctions now available for fly-tipping offences in court and requested feedback on whether any intimidation has been received by Dorset Magistrates from these offenders – the response would suggest that intimidation has, thankfully, not been recently experienced in Dorset.
- 3.9. In September 2023, the PCC joined with his counterparts in the south-west to lead a new campaign and bring together all police forces in the region to combat the involvement of Organised Crime Groups (OCGs) in rural crime. Under the new initiative known as Operation Ragwort, the OCGs who target rural communities and are at the forefront of crimes such as burglary, the theft of farm vehicles and equipment, poaching and fly-tipping, will be the focus of a regional, co-ordinated, campaign led by the south-west region's Police and Crime Commissioners. As the south-west's response to serious, organised, acquisitive crimes and rural crime, the operation will utilise and coordinate intelligence from our smallest communities through to local policing areas and across to other force areas and national and international borders.
- 3.10. Finally, the PCC and his office established the Country Watch Dorset website, in partnership with the members of the PARC. This includes a dedicated page on [fly-tipping](#) to raise awareness of the issue, how to report it, responsibilities of agencies and individuals, and penalties. The website's news page has highlighted successful prosecutions for waste crime and fly-tipping and the PCC has also highlighted the issue of fly-tipping in several news articles over the last two years.

4. PCC SCRUTINY

- 4.1. The PCC has established the PARC to enable the delivery, and therefore scrutiny, of partnership working to fight rural crime. The PARC meeting is held quarterly and reviews and updates the progress of the PARC delivery plan. At each meeting there

are one or two headline items, rotated from the five key topics and/or three sub-topics of the delivery plan. Therefore, each topic or sub-topic is reviewed in detail annually.

- 4.2. Fly-tipping was a headline item in both July 2022 and July 2023. At the 2022 meeting, the PCC recommended the establishment of the FT&FG, which was supported by the PARC membership. At the 2023 meeting, following discussions with Dorset Council, the PCC offered to consider funding to close the resourcing gap as outlined at section 3.2. This will ensure that there is the ability to deliver all the fly-tipping actions as detailed earlier within this report. A key, and regular theme, of fly-tipping discussions at the PARC is the need for organisations, including Dorset Police, to know and understand their powers in relation to fly-tipping and the PCC seeks reassurance from leads that this should be the case.
- 4.3. To ensure that his scrutiny is informed by public opinion, the PCC, along with his SW counterparts, launched a rural crime survey to explore how crime impacts rural communities. Most respondents said they had not experienced rural crime in the past year. However, the survey also showed, as stated in the introduction to this report, that fly-tipping was the most common crime experienced by Dorset respondents, as well as one of the offences which concerned them the most. This cemented the PCC's resolve to fund an evidence gathering role to increase enforcement of fly-tipping offenders in Dorset.
- 4.4. In addition to the work of the PARC and the FT&FG, the PCC and his office examine the work of the Force to support the tackling of fly-tipping and target waste crime by offenders, including OCGs. This has included consideration of work by the Force's Rural Crime Team and Roads Policing Unit to share data and carry out partnership operations with the Environment Agency. The PCC and his office also examine the Force's implementation of any national recommendations that arise from the NCRN or DEFRA.

5. NEXT STEPS AND CHALLENGES

- 5.1. The PCC is determined to improve the county's approach to fly-tipping and to deliver this element of his Police and Crime Plan. Key to this will be the success of the new fly-tipping evidence gathering role, which is anticipated to be in place from early 2024.
- 5.2. To support this role, a prioritisation process to assess those fly-tips most appropriate for evidence gathering has been agreed and the monitoring of the performance of the new fly-tipping role and pilot project, will be reported quarterly to the PCC's office and six-monthly to the PARC. The monitoring report will include information on:
 - Cases taken forward for prosecution and those prosecution outcomes e.g. recovered clearance and disposal costs;
 - Fixed penalties issued and for which environmental crimes;
 - Community Protection Warnings/Notices issued;
 - Other actions e.g. verbal warnings, written warnings;
 - Vehicles seized (including destroyed) in relation to environmental crimes;
 - Publicity items of successful enforcement action.
- 5.3. The PCC and the FT&FG still wish to undertake further publicity work. A campaign to raise awareness of fly-tipping responsibilities for both householders and businesses is planned for early in 2024; this will be followed by work with landowners and farmers to reduce the risk of fly-tips on private land in rural Dorset, in late spring 2024. Also, further joint waste crime operations will be planned by the FT&FG in the New Year.
- 5.4. The PCC, and his office will continue to work with the Force and partners to tackle fly-tipping. With continued pressure on funding the PCC and his office needs to work together effectively and innovatively with our PARC partners to raise awareness of

all agencies and individuals' responsibilities, and proactively target perpetrators and offenders of fly-tipping and related waste crime. Fighting rural crime is extremely important to the PCC and he, along with his office, will continue to deliver the commitments within his Police and Crime Plan.

6. RECOMMENDATION

6.1. Members are asked to note the report.

POLICY MANAGER

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