

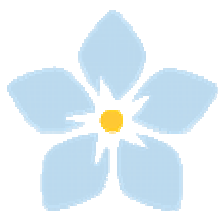


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## **Understanding and preventing fly-tipping: A summary guide to good practice**

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**Note:**

This report is the summary of a document entitled 'Fly-tipping: causes, incentive and solutions: A good practice guide for Local Authorities', which was commissioned by the Department for Environment, Food and Rural Affairs (Defra). All references made in this summary refer to where further information can be found within the main body of the guide, which will be available from [www.defra.gov.uk](http://www.defra.gov.uk) from July 2006.

## UNDERSTANDING AND PREVENTING FLY-TIPPING: A SUMMARY

Fly-tipping is the end result of a chain of events that begins when a product is produced and ends when it is illegally dumped. Most enforcement, even that resulting in meaningful penalties, fails to target the early stages of this sequence and instead occurs after the tip has taken place. Unless the offender captured is a prolific fly-tipper, and the penalty results in incarceration or some other sanction that disables them from operating, its preventative value is limited. There is scope for intervention, however, during the earlier stages of this process from targeting the creation of waste and how it is stored, to those who collect and transport it, and to where it is fly-tipped and the reasons why (see Section 1.3, p.11, for more detail on the fly-tipping process). The following describes a number of tactics that can be used in reducing and preventing fly-tipping that go beyond clearing and enforcing.

### **Situational crime prevention**

Targeting the opportunity structures that give rise to crime is the foundation of Situational Crime Prevention<sup>1</sup>. Conventional enforcement tactics can sometimes reduce crime quickly but the effects soon fade in the absence of additional complementary preventive measures. There is substantial evidence, however, that well-designed and well-focused situational crime prevention strategy can have a substantial and long-term impact on specific crime problems (see Section 1.2, p.3, for more detail on situational crime prevention).

Situational crime prevention techniques fall under five main headings:

1. Increasing the effort for the potential offender
2. Increasing the risks to the potential offender
3. Reducing the rewards for the potential offender
4. Reducing provocations of potential offenders
5. Removing the excuses available to potential offenders

### Increase the effort

In most cases fly-tipping takes very little effort. Perversely, it can take more effort to dispose of rubbish legally than to tip it illegally. The task here is to alter the balance to make it easier to behave within the law while making it harder to not do so. Tactics could include:

- increasing the accessibility and convenience of lawful disposal, for example through the ways in which civic amenity sites are operated; and

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<sup>1</sup> Clarke, R. V. (1980). Situational crime prevention: Theory and practice. *British Journal of Criminology* 20: 136-147.

- reducing the availability or accessibility of popular sites for fly-tipping e.g. Improvements in fencing, use of bollards, gating alleyways etc. (see Section 2.5, p.22, for tips on tackling fly-tipping 'hot spots').

See p.6 for more information on increasing the effort.

### Increase the risks

Fly-tipping is currently not a very risky activity. The waste itself can rarely be traced, it is not difficult to find a quiet time and place to dump waste and dumping can be very quick and easy to do. Even when offenders are caught, which is rare, the penalties are not high. A simple increase in the *perceived risk* of getting caught should have a significant effect on behaviour. Tactics to increase the risk could include:

- the use of CCTV (dummy CCTV cameras may also have an effect in some circumstance so long as the offender perceives the risks to be increased) (see Section 2.5.1 on CCTV, p.22, and the Buckinghamshire and Hillingdon case studies, p.40 and p.61, respectively);
- using signage to indicate that an area is being watched;
- publicising all successes as widely as possible;
- increasing patrols or improving natural surveillance at hot spots, by cutting away foliage at lay-bys for example;
- keeping offenders guessing about the level of risk, for example, by undertaking periodic, high profile 'crackdowns' in areas where fly-tipping is prevalent and performing random vehicle stops to check that licences are held by those carrying waste (see Box 3.3, p.31 for examples of stop and search operations); and
- consider working with courts to educate them about the seriousness of the issues and to encourage more consistent and effective penalties (see Section 3.4.4, p.36, for more detail on working with magistrates)

See p.6 for more information on increasing the risks.

### Reduce the rewards

A major motive for much fly-tipping is to avoid the costs associated with legitimate routes of disposal. For businesses generating large amounts of waste, such as builders, gardeners and garages, the financial benefits from fly-tipping can be substantial. Tactics to reduce the rewards could include:

- seeing what neighbouring authorities charge for waste disposal and, if less, work out whether you might also be able to reduce your charges; working with planning departments to encourage good waste management practices for both small and large-scale developments;
- considering offering free (or subsidised) bulky waste collection services for householders; and
- where economically viable, consider providing free or subsidised waste disposal for traders with recyclable waste. This would help increase recycle rates and as well as reduce the incentive for fly-tipping.

See p.7 for more information on reducing the rewards.

### Reduce provocations

If there are long queues at civic amenity sites, if the distance to travel to them seems unreasonably far, or if the site is closed when the householder gets there, the motivation to fly-tip will be increased. In addition, traders can be provoked if they consider waste disposal charges to be unreasonable, such as when 'minimum' charges are applied to small amounts of waste. Tactics to reduce provocations include:

- lengthening opening hours at civic amenity sites and/or enabling the rate of throughput at the site to be increased;
- using sliding scales rather than minimum charges for trade waste disposal;
- making sure that all waste collection times are clearly communicated;
- prioritising waste collection services to householders who have nowhere to store their bulky waste goods, such as those that live in flats or small houses without yards;
- making sure that household waste collection services meet the demand;
- ensuring that householders with vans can access civic amenity sites (this may be achieved through a permit scheme etc.);
- effective communication of waste disposal schemes, to explain why it is needed and how it works;
- where civic amenity sites do not accept trade waste, provide information detailing where else it can be disposed of; and
- consider offering established Traveller sites similar waste facilities as those provided for other residents.

See p.8 for more information on reducing provocations.

### Remove excuses

Those who dump illegally may well find it quite easy to rationalise and 'excuse' their behaviour to both themselves and to others. Fly-tippers seem to think it is quite acceptable, for example, to tip their goods where there is already waste material. Some even convince themselves that it is legitimate to leave their waste material there. Tactics to remove these excuses include:

- effective advertising, marketing and education of services and of fly-tipping issues;
- making residents, businesses and traders aware of their responsibilities and of the services that are available to them (See Box 2.3, p.20, for an example of what East Lindsey District Council have done to check that businesses are disposing of their waste lawfully);
- keeping an area free from waste;
- installing signs at recycling stations and on bins that make clear that it is not acceptable to leave waste anywhere other than inside the waste/recycling receptacles;

- educating residents to the dangers of unregistered waste collectors (See Box 2.2 p.19 for an example of what Newark did to remind householders of their responsibilities).

See p.9 for more information on removing excuses.

### **Bringing it all together in a strategy**

None of these techniques are a panacea. Which is best will vary from one fly-tipping problem to another, in fact it will often be sensible to put in place multiple measures. Using this framework, however, shows how an effective strategy might be constructed by thinking through exactly what is driving a particular fly-tipping problem and how preventative measures are intended to work.

### **Implementing your strategy**

A survey sent to all waste authorities in England revealed that commonly encountered obstacles to efforts to deal with fly-tipping included a 'lack of resources', 'poor support from partners', and difficulties with 'engaging the community' and 'securing convictions'. Each of these obstacles is now addressed in turn (see Section 3, p.25, for more detail on implementation issues)

#### Maximising resources

Although resources might be limited, more effective use of the resources that are available should achieve greater outcomes. For example by:

- making more effective and efficient use of staff with specific responsibilities for dealing with waste by bringing in innovative, well motivated people with ideas and establishing good communication and relationships;
- mobilising others within the local authority whose activities can also contribute to dealing with fly-tipping. These can include environmental health officers, building inspectors, safer neighbourhoods teams, etc.;
- working in partnership with other agencies, organisations and neighbouring authorities with shared or complementary interests. It may be possible to pool resources. (See Box 3.1, p.27, for how resources have been pooled in Durham, and also the partnership working section below).
- engaging effectively with the community – can they contribute anything to its prevention? (see engaging with the community section below);
- being creative when looking to secure additional funds – Potential sources include Neighbourhood renewal, Groundworks, European funding and government funding from the Department for Communities and Local Government, for example; and
- working strategically.

See p.25 for more information on maximising resources.

## Partnership working

Many of the possible measures to reduce fly-tipping require other organisations or agencies, such as the police, to be engaged for their powers and/or their resources. Where this is the case, partnerships need to be developed in order to encourage these organisations and agencies to take the appropriate action.

When dealing with cross-border fly-tipping it can be useful to foster co-operative working with neighbouring authorities in order to:

- share intelligence and skills;
- spread costs; and
- ensure there are no perverse incentives from, for example, significant differences in waste disposal charges.

Another situation where a relationship needs to be fostered is when waste collection authorities are distinct from waste disposal authorities. Many 'drivers' of fly-tipping are clearly related to waste disposal services yet it is waste collection authorities who usually pick up the costs. Clearly the two authorities must work together strategically to tackle fly-tipping. One way to achieve this is to include fly-tipping issues in a Local Area Agreement (see Box 3.2, p.29, for how authorities in Kent have included fly-tipping into a LAA).

Partnerships, however, can be difficult to forge. In order to foster effective partnership working, the following principles are worth bearing in mind:

- focus on mutual priorities;
- try to identify opportunities for quid pro quos;
- respect the priorities of partner organisations and try to work out how you can line up your work with theirs;
- don't expect trust from the outset. Try to build it;
- develop informal working relationships with those in partner organisations as well as formal ones;
- avoid meetings that serve no clear purpose. It's helpful to focus partnerships on serving specific problems;
- share credit where partnership activities yield significant benefits. It will reinforce commitment to partnership activities;
- try to sideline individuals who tend to disrupt partnership activities;
- try to adapt to partner agencies ways of working where at all possible, for example in data collection and sharing, working hours, and language;
- consider staff exchanges/placements where possible to pick up on skills and ways of working in partner organisations; and
- engage directly in co-working where possible.

See p.27 for more information on partnership working.

## Engaging with the community

Members of the community are central to fly-tipping: they are victims, perpetrators, and witnesses as well as potential clearers and controllers. Rather than seeing them solely as consumers of council services, they may also be seen as potential sources of solutions whose co-operation needs to be cultivated. Communicating and mobilising them appropriately is critical to the success of most fly-tipping interventions. Residents are more likely to look after their own area, report defects and co-operate with council led initiatives if they think they are being done with their interests in mind (see Box 2.1, p.16, for how Bury MBC engaged with its community to successfully run a community skip scheme). Effective engagement with the community can be achieved through:

- alerting them to their rights and responsibilities;
- informing them of the services that are available to them;
- educating them to the risks of fly-tipping and to the dangers of unregistered waste carriers;
- effectively communicate waste disposal schemes clearly explaining why they are needed and how they work;
- remembering that members of the community expect a level of service from their local authority they can see and are not interested in arbitrary performance targets (see Box 3.4, p.32, for how Bury MBC changed its waste collection services to be more community focused); and
- communicating through a language that members of the community can understand. This will not necessarily be English.

See p.32 for more general information on engaging the community.

### Securing convictions

Taking fly-tipping cases to court can and does prove to be a frustrating experience for many local authorities. Here are some tips to improve chances of success:

#### *Know which law to use*

Legally, those that fly-tip are contravening section 33 of the Environmental Protection Act 1990. However, in some cases it may be easier, cheaper and/or more effective to pursue contraventions of other legislation in holding individual fly-tippers to account. These can include:

- the Refuse Disposal Amenity Act 1978 (which can be used in relation to abandoned vehicles, as demonstrated by the London Borough of Barnet in Box 3.5, p.34);
- anti-social behaviour orders (ASBOs) (as demonstrated by Dartford Borough Council in Box 3.6, p.35); and
- the Proceeds of Crime Act 2002 could also be considered against more serious offenders.

#### *Improving investigative outcomes*

It is important to think about obtaining good quality evidence long before the case reaches court. Contemporaneous notes about a fly-tipping incident;



timed and dated photographs and CCTV footage; witnesses able to explain clearly what they have seen; and lawfully conducted and recorded interviews can all be of critical importance. Various strategies can be used to improve the chances of a successful prosecution as cases of fly-tipping are investigated.

These include:

- deployment of CCTV;
- searching through rubbish collected to find evidence;
- encouraging witnesses to testify, for example by accompanying them to court;
- taking statements that can be used in court even if a witness is reluctant to appear in person; and
- targeting the 'owner' of the vehicle, if details of the 'driver' are not forthcoming.

### *Going to court*

Offences associated with the unlawful depositing of controlled waste are 'unusual' to magistrates. So, it cannot be assumed that the court will be knowledgeable about fly-tipping. For each prosecution explain the context, e.g. its nature and prevalence. Various strategies can be used to improve the magistrates' courts ability to deal with fly-tipping cases appropriately, which are described in Section 3.4.4, p.36. It is worth remembering that the Criminal Justice Act 2003 allows local authorities to use the following when prosecuting fly-tippers:

- defendant's previous convictions;
- hearsay evidence;
- witness statements of 'fearful' witnesses; and
- setting conditions of bail in order to stop the accused approaching a witness.

### *Maximising the preventive yields from convictions*

It is important to think of enforcement as part of a wider reduction strategy rather than simply a reactive response to each incident. Given the difficulty, cost and relative scarcity of convictions for fly-tipping, it is crucial to maximise their preventive and deterrent dividends through publicity. Some offenders have suggested that the publicity they received following a prosecution for fly-tipping was the most unwelcome part of it. The fine they could deal with, but being in the papers and on the television was enough to put them off doing anything like that again. Well-targeted publicity should aim to:

- Reinforce the general population's understanding that fly-tipping comprises criminal behaviour;
- Raise awareness of the extent of the penalties that can be imposed;
- Re-assure residents that effective action is being taken to deal with such problems;
- Encourage reporting and identification of those responsible for such offending; and
- Deter others from offending, through the example of prosecution and embarrassment of publicity from committing such offences.

See p.33 for more information on securing convictions.

## **Conclusions**

Preventing or reducing fly-tipping is not an easy task. However, it is by no means impossible. The important thing to bear in mind is that there is no one-size fits all solution, what works in some places may not necessarily work in others.

For fly-tipping strategies to work, they need to be well targeted at the specific fly-tipping problems at hand. This involves understanding the problem - what drives it, encourages it, and facilitates it in order to identify what might stop it. Only after a thorough analysis of the problem should intervention strategies be adopted.



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