NO TIPPING
FLY-TIPPING AND THE LAW
a guide for the public

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FLY-TIPPING A GUIDE FOR THE PUBLIC

Sixty thousand tonnes of waste was dumped in England and Wales alone last year. The Environment Agency estimates that there are approximately 50,000 incidents of fly-tipping each year, costing between £100 million and £150 million to remove.

What is fly-tipping?
Fly-tipping is ‘the illegal deposit of any waste onto land i.e. waste dumped or tipped on a site with no licence to accept waste’. Fly-tipped waste generally consists of large items of rubbish that are dumped illegally on land instead of being disposed of properly at a landfill site or tip. Some people refer to this as ‘dumping’.

What is the difference between litter and fly-tipping?
Small items thrown down by members of the public on public or private land (such as crisp packets discarded in the streets) is litter rather than fly-tipping.

Why is fly-tipping a problem?
Fly-tipping is illegal. UK waste comes under controls that impose a duty to ensure that waste is disposed of properly. Only holders of a Waste Management Licence can recover, transport, deposit or dispose of waste. Waste can be deposited only at officially authorised sites. Anyone fly-tipping waste is committing a serious offence.

Uncontrolled waste disposal can be hazardous to the public, especially when the waste consists of drums of toxic material, asbestos sheeting, syringes or used drugs. There can be damage to watercourses, and underlying soil quality from the dumped waste.

Fly-tipping looks unsightly and this can harm investment into an area.

Cleaning up fly-tipping costs taxpayers money.

What are the most common items that are fly-tipped?
According to ENCAMS’ Local Environmental Quality Survey of England 2001/02, the most common types of fly-tipped waste are (starting with the greatest quantity): general household waste; larger domestic items including fridges and mattresses; garden refuse; and commercial waste such as builders’ rubble, clinical waste and tyres.

Why do people fly-tip?
The majority of people fly-tip their waste to avoid paying the charge (called the landfill tax) that everyone should pay in order for it to be disposed of properly. For your household rubbish, landfill tax is included in your council tax bill; for business waste you must have a contract with a registered waste carrier. If you are disposing of business waste yourself at a tip, the tip must be licensed to take commercial waste, and you will have to pay a ‘gate fee’. These costs are typically between £12 and £38 a tonne for commercial waste.
What is the legislation regarding fly-tipping?

Fly-tipping waste is illegal and therefore if you fly-tip you are committing a serious offence and can be prosecuted. There are several pieces of legislation relating to fly-tipping. In England, Wales and Scotland, the main legislation is the Environmental Protection Act 1990 (EPA 1990), Sections 33, 34 and 59. In Northern Ireland, the main powers are held in the Waste and Contaminated Land (Northern Ireland) Order 1997, Article 5 and the Pollution Control and Local Government (Northern Ireland) Order 1978, Article 5.

Fly-tipping fines are up to £20,000 and/or six months’ imprisonment. Fines are unlimited if the case goes to the Crown Court, and up to two years’ imprisonment, and up to five years if hazardous waste is dumped.

It is also an offence to permit or authorise fly-tipping on land where a Waste Management Licence is not held.

Where fly-tipping involves the use of a vehicle, the driver can be prosecuted, as can the owner of the vehicle. The police have powers to seize vehicles used for fly-tipping.
HOW CAN I PREVENT FLY-TIPPING?

What should I do if I see someone fly-tipping?

Dumping rubbish is illegal and dangerous and it can ruin the appearance of your neighbourhood. Don’t put up with it – report it. If you report it, the rubbish can be removed and with your help the crime can be investigated.

If you see someone fly-tipping or would like to report an area where fly-tipping has taken place, take note of the following:

• the date, time and place of the occurrence;
• what the waste looks like and how much of it there is;
• a description of any vehicles involved along with their vehicle’s registration numbers.

You should then report the fly-tipping to your local authority or to the Environment Agency in England and Wales or the Scottish Environment Protection Agency in Scotland on the national hotline number 0800 807060.

The council or the relevant government agency (the Environment Agency in England and Wales; the Scottish Environment Protection Agency (SEPA) in Scotland; and the Environment and Heritage Service in Northern Ireland) may wish to prosecute the person fly-tipping and will be keen to use your evidence in court. Even if you do not wish to be a witness, or to give your name, it is still important to report these crimes, as this will be useful in a prosecution. Help to beat environmental crime by making sure that it is always reported.

Fly-tippers are doing something illegal. They do not want to be caught. Some fly-tippers may become violent. You should not approach them. Only approach the site when you are sure it is safe to do so.

Some waste is hazardous. Do not touch anything. You should not approach it and certainly not open any black bags or containers.

Additionally, if you are asking a third party, e.g. a builder, to dispose of your waste as part of a job, you should ensure that they are a Registered Waste Carrier. You are responsible for making sure that they are registered, so ask to see their certificate.

At the back of this guide, you will find an example of a form you can use to report fly-tipping.
Should I call the relevant statutory agency or my local authority?

If you spot fly-tipping, you should phone either the Environment Agency in England and Wales, or the Scottish Environment Protection Agency on their hotline – 0800 706050, or the local authority. In Northern Ireland, you should phone the local authority to report all fly-tipping found.

How long will they take to dispose of the fly-tipped waste?

This sometimes depends on the legal process and it can take between four and six weeks to remove dumped rubbish. If the waste is hazardous the relevant agency will respond within 24 hours and for very high-risk waste, they aim to respond within one hour of it being reported.

If I want to dispose of bulky waste, will the binmen remove it with my collection?

Your council is not obliged to remove any bulky household waste, e.g. fridges, sofas, etc. If you need to dispose of any bulky waste (some local authorities include garden waste as bulky waste), you must contact your council’s waste collection service. Some local authorities charge to use this waste collection service. Alternatively, you can take it yourself to your local tip or civic amenity site.

What am I meant to do with garden waste?

Garden waste is treated in the same way as bulky waste. It should not be placed in your bin for the local authority to remove. Some councils have garden waste collections, often in separate bins. Otherwise, take garden waste to your local tip for composting.

What about commercial waste?

To dispose of commercial waste, you will need to make sure that you have a contract with a waste company licensed to remove your waste. There will be a charge for this service.

What is ENCAMS doing?

Campaigning

ENCAMS ran a fly-tipping campaign in May 2003, which aimed to reduce the amount of fly-tipping in rural and urban areas across England.

Using research carried out by ENCAMS into littering behaviour, the campaign was targeted at triggering the feeling among fly-tippers (including business traders) that they were being watched and could be reported for illegal dumping of waste. The public were encouraged to report incidences of fly-tipping and fly-tippers by using a telephone hotline number.

The hotline was promoted through a poster campaign including advertising on buses and billboards, particularly in and around urban fringe areas.

Monitoring

ENCAMS carries out annual surveys of the local environmental quality of England for the government.

The surveys monitor over 300 aspects of the local environment including litter, dog fouling, graffiti, flyposting and fly-tipping.

Fly-tipping hotspots across the country sited close to where the advertising took place were monitored. For more information, see www.encams.org.
FURTHER SOURCES OF INFORMATION

The Environment Agency (England and Wales)
Fly-tipping/Pollution Hotline: 0800 706050
Ring 0845 9333111 for details of your local office
www.environment-agency.gov.uk

Scottish Environment Protection Agency (Scotland)
Fly-tipping/Pollution Hotline: 0800 706050
General Enquiries: 01786 457700
www.sepa.org.uk

Environment and Heritage Service (Northern Ireland)
Telephone: 028 9054 6446
www.ehsni.gov.uk
Note: if you come across fly-tipping in Northern Ireland, you should inform the local council directly.

ENCAMS runs the Keep Britain Tidy Campaign and we have information on our website at www.encams.org. We have also published a booklet on the subject which can be ordered free of charge through the PUBLICATIONS section on the website, or via a telephone ordering line between 9am and 4pm on weekdays on 01942 612639.

ENCAMS
Central Office for English Regions
Elizabeth House The Pier Wigan WN3 4EX
T: 01942 612621 F: 01942 824778 E: enquiries@encams.org

Keep Scotland Beautiful
Islay House Livilands Lane Stirling FK8 2BG
T: 01786 471333 F: 01786 464611 E: ksb@encams.org

Tidy Northern Ireland
1st Floor Studio A 89 Holywood Road Belfast BT4 3BD
T: 02890 471144 F: 02890 471447 E: tni@encams.org

Keep Wales Tidy
33/35 Cathedral Road Cardiff CF11 9HB
T: 02920 256767 F: 02920 256768 E: south@keepwalestidy.org

Furniture Recycling Network
Ian Page
Wakefield CFS The Old Drill Hall 17a Vicarage Street North
Wakefield WF1 4JS
T: 01924 375252
E: furniture.rn@virgin.net
Dumping rubbish is illegal and dangerous and it can ruin the appearance of your
neighbourhood. Don’t put up with it – report it.

If you report it, the rubbish can be removed and with your help the crime can be investigated.

Report the fly-tipping to your local authority or the Environment Agency on their national hotline number 0800
807060. Use this form as a guide:

The council or the relevant government agency (the Environment Agency in England and Wales; the Scottish
Environment Protection Agency (SEPA) in Scotland; and the Environment and Heritage Service in Northern Ireland)
may wish to prosecute the person fly-tipping and will be keen to use your evidence in court. Even if you do not
wish to be a witness, or to give your name, it is still important to report these crimes, as this will be useful in a
prosecution. Help to beat environmental crime by making sure that it is always reported.

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should not approach them. Only approach the site when you are sure it is safe to do so.

Some waste is hazardous. Do not touch anything. You should not approach it and certainly not open any black
bags or containers.

1. Your details: name, address and telephone number

2. Day, date and time that you saw the fly-tipped rubbish.

3. Location of the dumped rubbish (please be as specific as you can)

4. Did you see anyone in the act of dumping the rubbish? If no, go to 7.
   • Yes          • No

5. Details of the fly-tippers (include the following: how many people you saw dumping the rubbish; what
   they looked like; did you recognise any of them?; their names and addresses if you know them)
6. Was there a vehicle involved? (What did it look like? What was its make, colour and registration? Were there any distinguishing features on it?)

7. At what time did you first see the tipping and at what time did you see it stop? Did you see the whole incident from the beginning? If not, from what point did you see it?

8. Where were you when you saw the fly-tipping? (include details on the view that you had; whether you could see clearly; where you were in relation to the incident; how far away you were)

9. What was the weather like? (e.g. clear/cloudy/sunny/dark?)

10. What was dumped? (e.g. bed, food, furniture, medical waste) or what did the waste look like? (e.g. black bags, drums) DO NOT TOUCH THE WASTE.

11. How much waste was there? (e.g. two black plastic bags, a car-boot full, a lorry load)

12. Was anyone else there with you? Please give their name and contact details if they are happy for you to do so.
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