

## Appendix 2

**Fly tipping across the Borough of Broxtowe**

Briefing note prepared by the Head of Environment for item six on the Overview and Scrutiny Work Programme, Environment Enforcement Fines.

What is fly tipping?

*'Fly-tipping is illegal dumping of liquid or solid waste on land or in water. The waste is usually dumped to avoid disposal costs'*. (Source: GOV.UK

<https://www.gov.uk/guidance/fly-tipping-council-responsibilities>. Referenced: 30 September 2024).

Legislation Drivers

- Environmental Protection Act 1990, section 33.
- Environmental Permitting (England and Wales) Regulations 2016, regulations 12 and 38.
- Environmental Permitting (England and Wales) Regulations 2016, schedule 21 – water discharge activities.

Fixed Penalty Notice (FPN) v Prosecution

An FPN can be issued for fly tipping. However, it is not appropriate to issue one if:

- Operators are in the waste management industry.
- They are repeat offenders.
- If the fly-tipping is large scale or the fly-tipping is of hazardous waste.

Current FPN and prosecution charges for fly-tipping

Table 1 highlights the current FPN charges for fly tipping.

FPN Charges		Early repayment
Littering	£500	£100
Fly tipping	£1,000	£500

Table1: Current FPN charges for fly tipping in Broxtowe Borough.

Large scale fly-tipping can be punished with a £50,000 fine, and/or a 12-month prison sentence. Offenders convicted of large scale fly-tipping in a Crown Court can face an unlimited fine, and/or a five-year prison sentence.

Fly tipping on private land

The responsibility for clearing waste on private land (which includes most shared alleyways, access roads, and garages) lies with the owner or occupier.

Private land owners seeking a fly-tipping clearance service should contact a private waste contractor.

How many incidents of fly tipping has there been in Borough?

The number of fly tipping incidents across the Borough since April 2022 is highlighted in Figure 1.

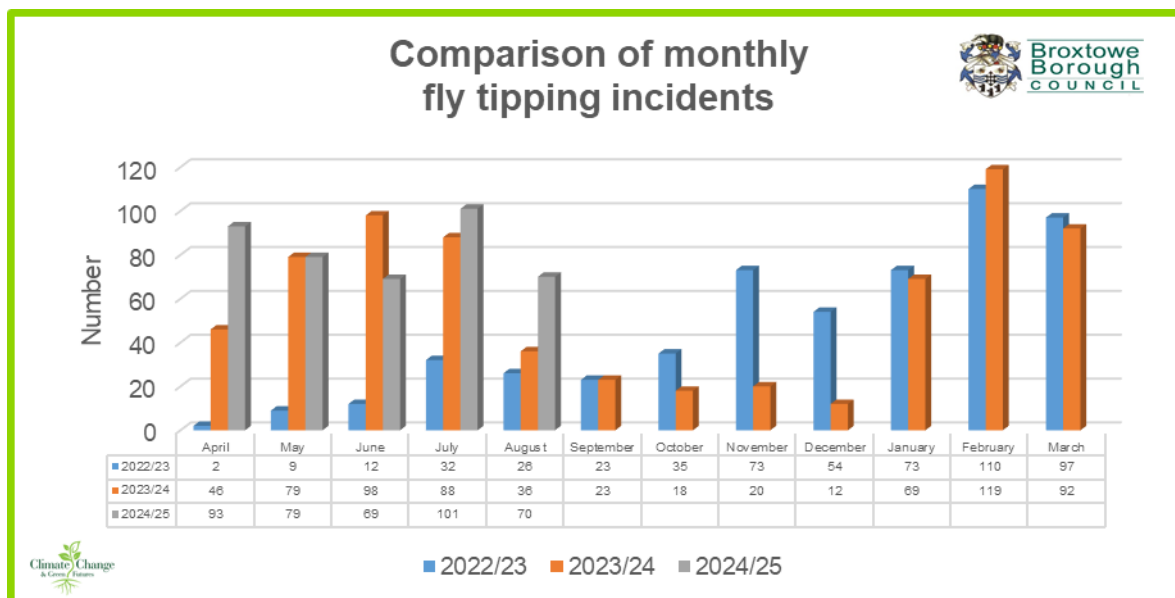


Figure 1: The number of fly tipping incidents across the Borough, from April 2022 until August 2024.

Table 2 highlights the annual number of fly tipping incidents since April 2022.

Year	No of fly tipping incidents
2022/23	546
2023/24	700

Table 2: Annual number of fly tipping incidents

The number of fly tipping incidents has been increasing across the Borough. This is due in part to increased reporting by the Street Cleansing teams.

Fly tipping tonnage

Fly tipped waste collected in the Borough is bought back into the depot and disposed of in a fly tipping skip. The tonnage for fly tipping waste has been decreasing, highlighting that the fly tipping amounts are low level amounts (No more than a couple of black bags). See figure 2 and 5.

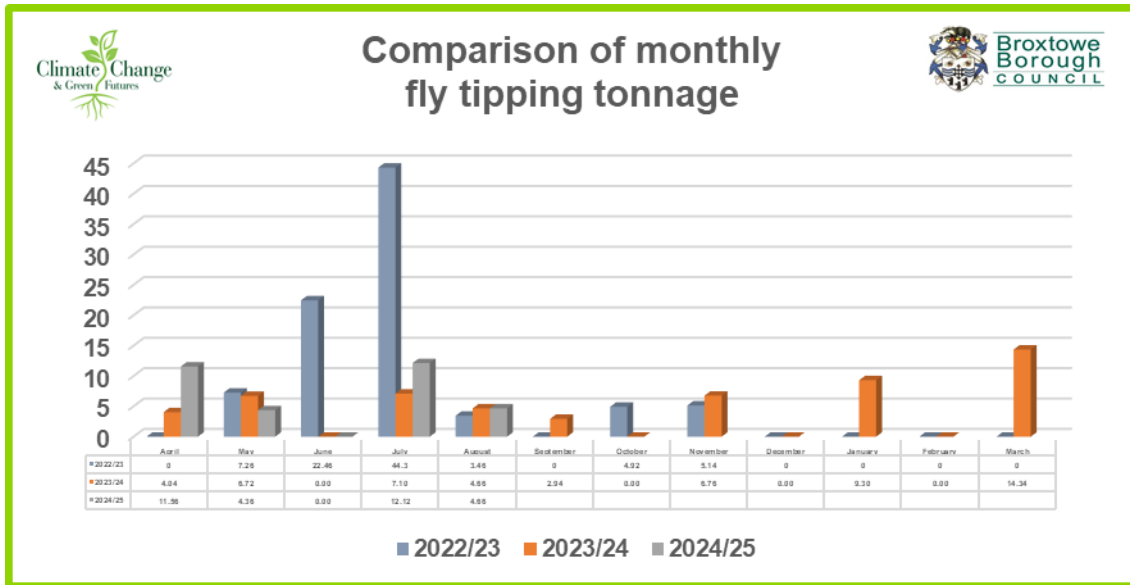


Figure 2: Fly tipping tonnage

Types of fly tipped waste

Figure 3 details the types of waste that have been fly tipping in 2023/24.

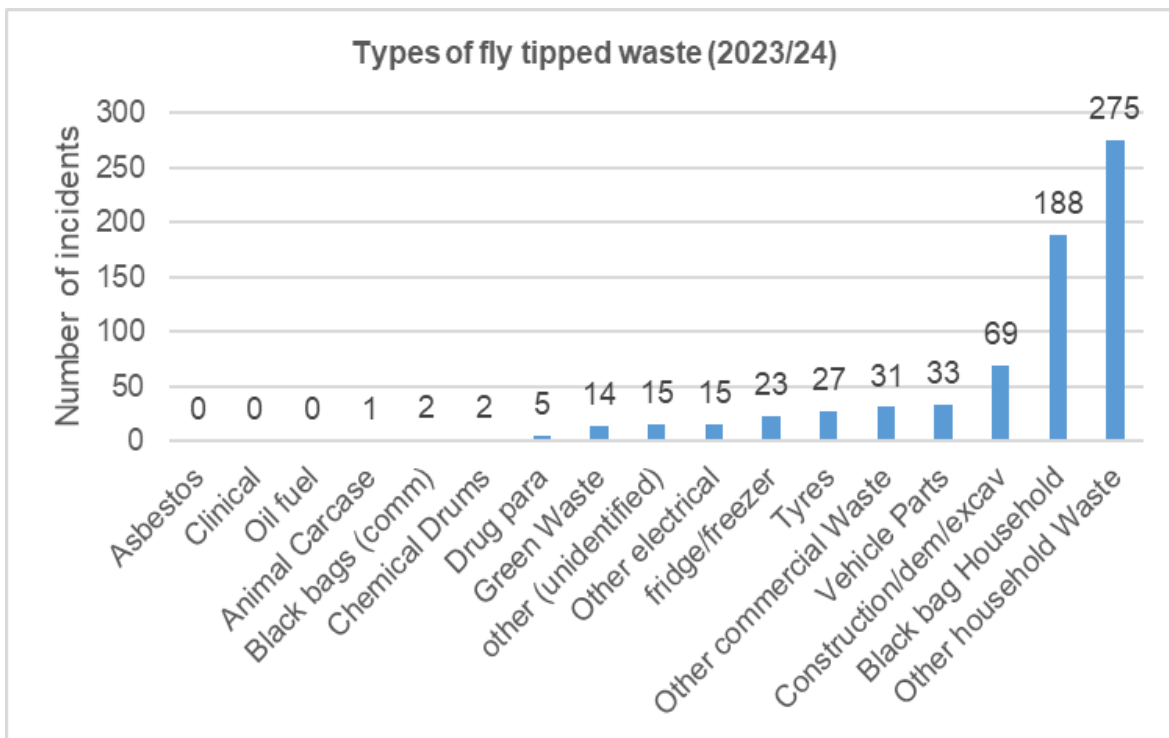


Figure 3: Types of fly tipped waste in 2023/24

Where is fly tipped waste found?

Figure 4 details where fly tipping waste is found in the Borough.

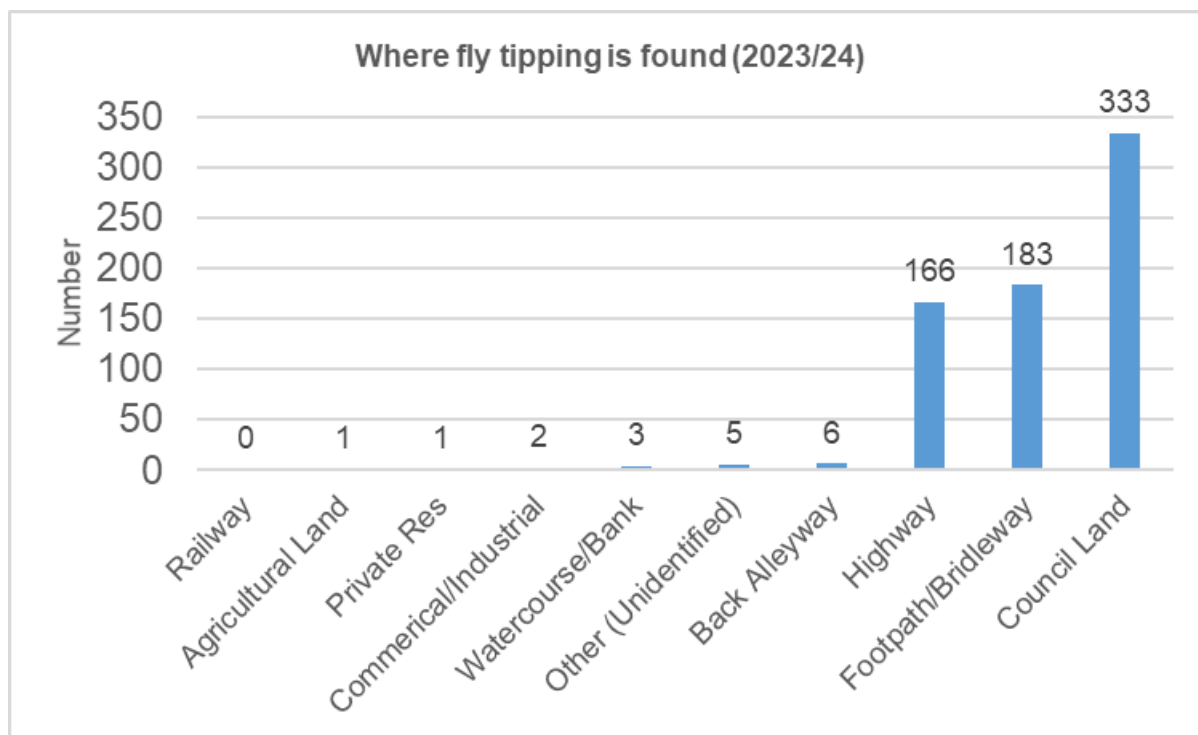


Figure 4: Where is fly tipped waste found in the Borough

Amount of fly tipped waste

Figure 5 details the amount of fly tipping found at each incident. The graph highlights that fly tipping loads consist of either a single item or a car boot full or less.

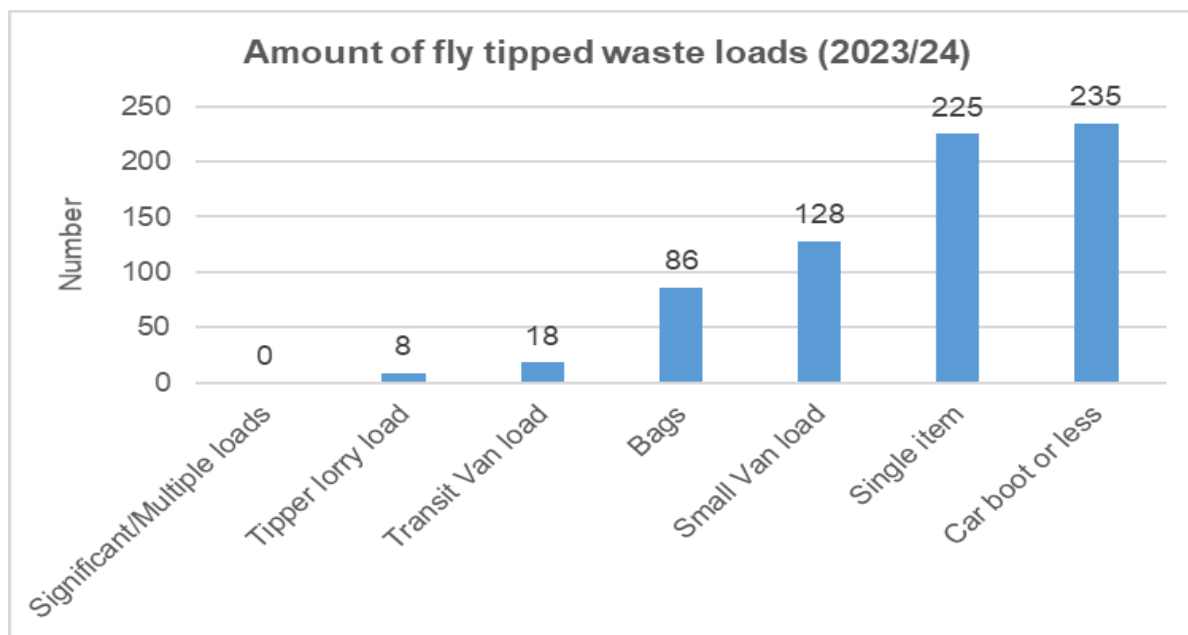


Figure 5: Amount of fly tipping for each incident recorded.

How many of the perpetrator's where caught?

One FPN was issued. None were taken to Court.

How many where fined and how much?

One FPN was issued for £75 (this was before the increases)

How many went to court?

None

What was the cost to Broxtowe?

Fly tipping costs in the main are absorbed in the Street Cleansing budget. However, earlier this year there were three serious incidents of asbestos fly tipping that cost £6,500 to clear.

Has there been an increase over the last few years?

There has been an increase in fly tipping incidents (See figure 1)