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Guidance

# Fly-tipping: council responsibilities

How local authorities must deal with fly-tipping and the penalties they can charge.

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From: [Department for Levelling Up, Housing and Communities](#) (</government/organisations/department-for-levelling-up-housing-and-communities>) and [Department for Environment, Food & Rural Affairs](#) (</government/organisations/department-for-environment-food-rural-affairs>)

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## Related content

[Litter and refuse: council responsibilities to keep land clear](#) (</guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear>)

Fly-tipping is illegal dumping of liquid or solid waste on land or in water. The waste is usually dumped to avoid disposal costs.

You need to follow different rules for [litter](https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear) (<https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear>), which is usually less than a black bag's worth, for example food or tobacco-related litter.

## Fly-tipping: your responsibilities

### Assess the incident

You must gather as much information as you can about:

- the circumstances, for example if anyone witnessed the fly-tipping, the date and time it happened and a description of any vehicles involved
- land type, for example [relevant land](https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear#land-councils-must-keep-clear) (<https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear#land-councils-must-keep-clear>) or privately owned
- location, for example highway verge, back alleyway, railway embankment or river
- the amount and type of waste, for example solid, liquid or gas
- its potential effects, for example how it may harm people, animals or the environment

### Fly-tipping on land

You must remove and dispose of all fly-tipped waste if it's on [relevant land](https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear#land-councils-must-keep-clear) (<https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear#land-councils-must-keep-clear>).

However, you need to [contact the Environment Agency](https://www.gov.uk/government/organisations/environmental-agency) (<https://www.gov.uk/government/organisations/environmental-agency>).

### [Surveillance and counter-terrorism](https://www.gov.uk/guidance/surveillance-and-counter-terrorism)

[\(/guidance/surveillance-and-counter-terrorism\)](https://www.gov.uk/guidance/surveillance-and-counter-terrorism)

### [Litter and refuse: code of practice](https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse)

[\(/government/publications/code-of-practice-on-litter-and-refuse\)](https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse)

### [Household waste duty of care: fixed penalty notice guidance](https://www.gov.uk/government/publications/household-waste-duty-of-care-fixed-penalty-notice-guidance)

[\(/government/publications/household-waste-duty-of-care-fixed-penalty-notice-guidance\)](https://www.gov.uk/government/publications/household-waste-duty-of-care-fixed-penalty-notice-guidance)

### [Household waste bins: when and how councils may issue fixed penalties](https://www.gov.uk/guidance/household-waste-bins-when-and-how-councils-may-issue-fixed-penalties)

[\(/guidance/household-waste-bins-when-and-how-councils-may-issue-fixed-penalties\)](https://www.gov.uk/guidance/household-waste-bins-when-and-how-councils-may-issue-fixed-penalties)

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### Detailed guidance

### [Litter and refuse: council responsibilities to keep land clear](https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear)

[\(/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear\)](https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear)

### [Manage waste on land: guidance for land managers](https://www.gov.uk/guidance/manage-waste-on-land-guidance-for-land-managers)

[\(/guidance/manage-](https://www.gov.uk/guidance/manage-waste-on-land-guidance-for-land-managers)

[nt-agency#org-contacts](#)) if the illegally dumped waste is:

[waste-on-land-guidance-for-land-managers](#))

- more than 20 tonnes (about 20 cubic metres)
- more than 5 cubic metres of fibrous asbestos or 75 litres of potentially hazardous waste in drums or containers
- possibly linked to criminal business activity or organised crime

Only refer small amounts of fly-tipping if you know it's linked to crime - you may want to develop a local agreement with the Environment Agency and other partners where there is a known waste crime problem.

If you find asbestos in the waste, report the fly-tipping incident to the [Health and Safety Executive](https://www.hse.gov.uk/forms/incident/) (<https://www.hse.gov.uk/forms/incident/>).

## Fly-tipping in water

You must remove and dispose of fly-tipped waste in water on council land. You may investigate or enforce if the waste:

- is causing amenity issues in an ordinary watercourse or [main river](https://www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions) (<https://www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions>)
- is causing significant flood risk on an ordinary watercourse
- risks polluting a non-controlled water

The Environment Agency may remove waste, investigate or enforce when there is:

- significant flood risk on a [main river](https://www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions) (<https://www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions>) or critical ordinary watercourse
- risk of pollution to controlled water

If the Environment Agency arranges for the removal and disposal of waste it may try to recover its costs from the council.

# Investigation, penalties and prosecution

You should investigate fly tipping incidents [relevant land or water \(https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear#land-councils-must-keep-clear\)](https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear#land-councils-must-keep-clear). Following your investigation, you may choose to pursue enforcement action.

The Environment Agency may investigate if the incident is large-scale, serious, organised illegal dumping or immediately threatens human health or the environment.

If a landowner reports fly-tipped waste on their land you can choose whether to investigate.

## Preliminary investigations

Carry out a preliminary investigation to assess whether to take further action based on:

- how serious the offence is
- potential costs
- likelihood of prosecution

This might involve a review of:

- witness claims
- the scene
- evidence, for example CCTV footage
- local knowledge

## Full investigation

If you carry out a criminal investigation it must be in line with the [Police and Criminal Evidence Act 1984 \(https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice\)](https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice).

You must carry out surveillance and investigations in line with [Regulatory Investigation Powers Act \(RIPA\) 2000 parts 1 and 2 \(http://www.legislation.gov.uk/ukpga/2000/23/contents\)](http://www.legislation.gov.uk/ukpga/2000/23/contents). See the local authority use of [RIPA guidance](#)

<https://www.gov.uk/guidance/surveillance-and-counter-terrorism#local-authority-use-of-ripa>).

You can:

- check if the offender has complied with their [waste duty of care \(https://www.gov.uk/dispose-business-commercial-waste\)](https://www.gov.uk/dispose-business-commercial-waste)
- [seize a vehicle, trailer or mobile plant \(https://www.gov.uk/guidance/local-authorities-seizing-vehicles-for-suspected-waste-crime\)](https://www.gov.uk/guidance/local-authorities-seizing-vehicles-for-suspected-waste-crime) you suspect of being involved in waste crime
- use your right to legally enter land, vehicles or premises - see the [powers of entry \(https://www.gov.uk/guidance/powers-of-entry\)](https://www.gov.uk/guidance/powers-of-entry) guidance
- serve a [notice \(http://www.legislation.gov.uk/ukpga/1990/43/section/71\)](http://www.legislation.gov.uk/ukpga/1990/43/section/71) on anyone you think can provide information on the driver of a vehicle used at the time when the offence was committed

## Penalties and notices

You can issue a fixed penalty notice if it's in line with your enforcement policy.

You can refer to [litter enforcement guidance \(https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse\)](https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse) when taking enforcement action against fly-tipping and related offences.

The fixed penalty notice is not an appropriate sanction for:

- operators in the waste management industry
- repeat offenders
- those responsible for large-scale fly-tipping or the fly-tipping of hazardous waste

These types of incidents will be enforced by local authorities or the Environment Agency using existing prosecution powers.

You can [serve and enforce a notice \(http://www.legislation.gov.uk/ukpga/1990/43/section/59\)](http://www.legislation.gov.uk/ukpga/1990/43/section/59)

requiring the occupier of the land to remove fly-tipped waste and remediate the land.

## Prosecutions

You can prosecute using:

- 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

Convicted parties can be fined an unlimited amount or imprisoned for up to 5 years. [Tell the Environment Agency](https://www.gov.uk/government/organisations/environment-agency#org-contacts) (<https://www.gov.uk/government/organisations/environment-agency#org-contacts>) if your prosecution results in a conviction - it may need to review licences or permits.

Read the National Fly-Tipping Prevention Group [guidance on how to present robust cases to court](https://www.keepbritaintidy.org/national-fly-tipping-prevention-group#:~:text=The%20National%20Fly-Tipping%20Prevention%20Group%20%28NFTPG%29%20is%20a,fire%20service%2C%20private%20landowners%20and%20the%20devolved%20administrations.) (<https://www.keepbritaintidy.org/national-fly-tipping-prevention-group#:~:text=The%20National%20Fly-Tipping%20Prevention%20Group%20%28NFTPG%29%20is%20a,fire%20service%2C%20private%20landowners%20and%20the%20devolved%20administrations.>).

## Claiming costs

You or the Environment Agency may attempt to recover the costs spent on investigations, clean up and enforcement work from the:

- polluter
- occupier or landowner

## Keeping records

Record the details of the fly-tipping incident, costs incurred and any action(s) taken in the [fly-tipping module of the Waste Data Flow](http://www.wastedataflow.org/login.aspx) (<http://www.wastedataflow.org/login.aspx>).

# Prevent fly-tipping

Read the [National Fly-tipping Prevention Group \(NFTPG\) guidance](https://www.keepbritaintidy.org/fly-tipping-advice-individuals-landowners-businesses) (<https://www.keepbritaintidy.org/fly-tipping-advice-individuals-landowners-businesses>) on how to prevent fly-tipping and a selection of [case studies from the Fly-tipping Intervention Grant Scheme](https://www.keepbritaintidy.org/fly-tipping-intervention-grant-scheme) (<https://www.keepbritaintidy.org/fly-tipping-intervention-grant-scheme>) that show local authority best practice.

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