

CABINET

Fly Tipping Strategy 2026 - 2031 TBC

Report of Chief Officer – Environment & Place

PURPOSE OF REPORT				
To consider, review and adopt the Fly Tipping Strategy for the district.				
Key Decision	X	Non-Key Decision		Referral from Cabinet Member
Date of notice of forthcoming key decision		31 October 2025		
This report is public				

RECOMMENDATIONS OF Cabinet Member for Environment

- (1) Approve and adopt the Fly Tipping Strategy 2026-2031 as attached within appendix 1
- (2) Note the operational action plan attached to the report in appendix 2

1.0 Introduction

- 1.1 Fly Tipping is rubbish which is placed on land without arrangements for its collections and without agreement from the local Council or landowner.
- 1.2 Fly Tipping can consider of anything from a single bag of rubbish to a van load of items and can be liquid as well as solid.
- 1.3 Under the Environment Protection Act 1990, fly tipping of any scale is illegal and therefore a criminal offence under section 33 of the Act.
- 1.4 As a district we see fly tipping ripped open by birds, animals and vermin, which creates further negative impacts on communities and leads to significant council resource requirements which can be better used elsewhere.

2.0 Background

- 2.1 Fly Tipping is a UK wide problem, with over 1.08 million cases being reported in the 2022-2023 financial year.
- 2.2 Within the same year, the Lancaster district dealt with over 3600 incidences of fly tipping. 75% of these fly tips were made up by household rubbish and other domestic items. In contrast, builders waste fly tipping only constituted approximately 5% of all incidents across the district.
- 2.3 Data available suggests that the bulk of all reported fly tipping cases originate within four political wards within the district, and half of all fly tipping in 2022-2023 originated with just 34 individual streets.
- 2.4 Fly Tipping in the year 2022-2023 cost c.£300K to manage which impacts on the Council's Medium term Financial Strategy and commits staffing resource away from other vital services which we offer to our residents and visitors.
- 2.5 The Street Cleansing service has 32 staff covering a full range of duties across the district and operates two dedicated fly tipping vehicles. The service operates a number of functions including sweeping, litter bin collections, graffiti removal, and fly tipping between the operation hours of 5.30am and 9.00pm.
- 2.6 Tackling fly tipping is complex and the current method of collection as fast as possible, is a reactive approach that is not resulting in a reduction of reported cases.
- 2.7 Whilst looking at a different approach, the authority engaged with Keep Britain Tidy, the UK leading environmental charity on matters such as fly tipping and improving quality public spaces. In 2023, the partnership undertook an interventions survey across 15 streets within the district to monitor impact and behaviours of fly tipping before, during and after interventions. For full details on this work please refer to appendix 3.
- 2.8 Interventions testing involving crime scene tape (CSI), stencilling (SIS), took place over a 13-week period, and resulted in reductions in fly tipping between 60% and 80%. Over the 13-week period, the results showed 96 fewer fly tips on targeted streets.
- 2.9 At the end of the intervention period, 300 residents were surveyed independently to assess participation in relation to the interventions. 39% of residents said they saw the CSI tape with 57% seeing the stencilling. 50% of residents saw the interventions as a way of stopping fly tipping, with three quarters of residents agreeing that the interventions showed that LCC is working hard to tackle fly tipping.
- 2.10 Operational staff were also surveyed during and after the intervention work, with feedback surrounding the interventions being positive.
- 2.11 Further testing has taken place in 2025, and interventions around value based communications in hotspot areas is coming to a close and results will be available within quarter 3 of this financial year.

- 2.12 Following this integral piece of work, Environment & Place engaged again with Keep Britain Tidy to facilitate and draft a strategy for how we face the challenge over a longer period. The strategy sets out and articulates our approach five year plan using seven workstreams:
- Ensuring all households have the means to dispose of waste correctly
 - Education first approach
 - Introduce firmer no side waste policy
 - Improving our process for recording and incorrect presentation of waste
 - Improving process for reporting fly tipping
 - Targeted and coordinated action in hotspots
 - Increased enforcement activity and presence
- 2.13 The strategy outlines how the forementioned workstreams will be measured and highlights that by 2031, we look to see a reduction in fly tipping and increased satisfaction from residents.
- 2.14 Points 1-3 of the strategy have clear links to the upcoming waste management changes and align to making positive changes following the investment in wheelie bin recycling to the majority of households within the district. Investment will also be taking place in harder to reach areas to ensure residents have the right means of disposing of waste responsibly. The changes in waste should also work to reducing residual waste and therefore side waste, which accounts for a large proportion of fly tipping across the district.
- 2.15 Operational improvements are already taking place on reporting into services following the investment and implementation of Love Clean Streets which was launched in July 2025. Monitoring engagements and efficiencies of Love Clean Streets is being monitored through service plan key performance indicators and corporate performance monitoring.
- 2.16 As outlined within the strategy, most fly tipping hot spots reoccur within a small number of streets within the district. Drawing down on experience from the intervention works with Keep Britain Tidy in 2023, we will look target these areas through engagement activity, and nudge theory testing including crime scene investigation tape and stencilling.
- 2.17 Fly tipping is a criminal offence under the Environmental Protection Act 1990. In all cases reported to the council, preliminary investigations are undertaken which involve a review of witness claims and evidence to determine whether there is realistic prospect of conviction/or as an alternative to prosecution to issue FPNs.
- 2.18 In some cases education will be appropriate, but not in all cases. For example, large scale fly tipping / environmental harm or where there is blatant disregard for the law. All enforcement action will be in line with the council's enforcement policy and reviewed on a case-by-case basis. The strategy aligns with section 6 of the corporate policy – which sets out the range of

enforcement actions

- 2.19 The government encourages a balanced approach to enforcement, and in some circumstances (e.g. domestic waste receptacle/ keeper littering from vehicles) where criminal liability would be considered disproportionate, civil penalties are available to maintain the deterrent threat of enforcement.
- 2.20 The Environmental Enforcement Team are now structured correctly to engage both civil and criminal action.
- 2.21 The service has reviewed and refreshed operational enforcement plans around the management and presentation of household waste. Following advice/education and support, and only where a section 46 notice has been issued, if problems persist, then council may issue a FPN (civil penalty).
- 2.22 There are other regulatory options to deal with waste related offending. The most adopted approach nationally is the use of Community Protection Notices (CPN), which is particularly suited to broad environmental issues and encouraged within Home Office Statutory Guidance. Where there is sufficient evidence that can support on reasonable grounds that the conduct of an individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

If informal advice or education is unsuccessful, a written warning must be given prior to issuing a CPN. Failure to comply with a CPN is a criminal offence. Depending on the behaviour in question, a person can be prosecuted or a FPN can be issued for non-compliance. On land open to air, the Council may take, following the service of a CPN, remedial action without consent and recover costs.

- 2.23 In considering the most appropriate regulatory action, in all cases there must be a robust evidential basis supporting the relevant legal tests. Use of CCTV can be viewed favourably when obtaining evidence for criminal offences. Whilst it can be a valuable tool, often offenders cannot be identified and there are inevitable issues with poor imagery. Installation, appropriate site locations, installation, maintenance and upgrade costs are expensive. Use of CCTV has been previously trialled at locations across the district to tackle fly tipping offences and without the outcomes expected. The primary aim of all intervention is to change behaviours.
- 2.24 It is anticipated that key performance indications will be fed in quarterly as part of corporate performance monitoring and will use existing resources across front line teams including Waste, Street Cleansing, Environmental Enforcement and Communications.

3.0 Details of Consultation

- 3.1 As part of the strategy development, facilitated co-design workshops took place with cross party elected members, and officers from all Council services including Public Realm, Housing, Enforcement, Legal, Communications and Customer Services.
- 3.2 As part of the implementation of the strategy, engagement and education will be key to driving improvements and this consultation will be on going.
- 3.3 The draft strategy was presented to Overview & Scrutiny committee in January 2025 where the draft strategy was welcomed and noted.
- 3.4 The strategy will be delivered through a robust communications and marketing plan that will align to service delivery and resource available.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 Option 1 would be for the authority not to adopt the strategy and accept that the current management of fly tipping in the district is acceptable and palatable in relation to the financial and resource needed to maintain this standard of service to residents. Whilst this would not be consistent with the authority's ambitions around improving quality public spaces, it is an option none the less given the other ambitions which the Council may chose to focus on, as outlined within the Council Plan 2024-2027
- 4.2 Option 2 is the strategy as outlined within the body of the report and appendix 1. This is planned within the current operational structures and requires minimal investment in regard to financial or staffing resource. The approach is ambitious and looks to lower fly tipping and increase resident satisfaction over a five year period.

	Option 1: Do nothing – Reactive approach	Option 2: 5 year planned approach
Advantages	<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • Publicly articulates a plan for tackling an issue close to residents • Planned, tactical approach to Fly Tipping which aligns to corporate plan • Delivered within current staffing resource •
Disadvantages	<ul style="list-style-type: none"> • No clear plan or ambition for tackling fly tipping 	5 year plan subject to changes in corporate priorities

	<ul style="list-style-type: none"> • Acceptance of a reactive approach 	<ul style="list-style-type: none"> • Risk of plan becoming outdated in local circumstances change
Risks	<ul style="list-style-type: none"> • The issue of fly tipping grows in number, and causes increased financial and resource burden • Reputational impact from residents 	<ul style="list-style-type: none"> • Reduction in fly tipping isn't realised

5.0 Officer Preferred Option (and comments)

- 5.1 The options available to the Council are outlined in paragraphs 4.1 to 4.3 of the report and all offer advantages and disadvantages. Any decision moving forward should consider a balanced approach to residents whilst taking into account the national strategy, financial position of the authority and operational efficiency.

Option 2 is the officer preferred option – to approve the proposed strategy to move towards a more planned and structured approach to Fly Tipping. It is felt that this will contribute to a smoother operation and be kinder to the public in knowing what is required on their behalf.

6.0 Conclusion

- 6.1 Should the preferred option be approved, Council services will be able to start the implementation work stream as set out in the report and look to articulate the changes to residents.

RELATIONSHIP TO POLICY FRAMEWORK

This front facing operational strategy aligns to the Environmental Protection Act 1990 and the Councils corporate enforcement policy.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

The strategy will contribute positively to reduced public health and safety and offers a consistent service to all communities regardless of socio-economic status, ethnicity or geographical location and endeavours for all to benefit from a cleaner environment.

LEGAL IMPLICATIONS

As a public authority the Council is expected to follow its policies. It may depart from its policies if it has good reason to do so. The Fly-tipping Strategy at Appendix 1 sets out an approach to enforcement. Officers should consider how the Strategy fits with its current enforcement policy – they should be consistent. If the Council adopts the Strategy officers will need to follow the policy. Failure to follow the policy with good reason could undermine enforcement action (being potentially ultra vires).

FINANCIAL IMPLICATIONS

There are no additional financial implications as a result of adopting the strategy and the costs to the Council of managing fly tipping is met from within the overall Street Cleaning budget which is £1,976,700 in 2025/26.

OTHER RESOURCE IMPLICATIONS

Human Resources:

No HR Implications in relation to this report

Information Services:

No IS implications in relation to this report.

Property:

No Property implications in relation to this report.

Open Spaces:

No negative implications resulting from this report.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no further comments to add

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has no further comments to add

BACKGROUND PAPERS

Five Year Strategy 2026-2031 – Appendix 1
Operational Action Plan – Appendix 2
KBT Intervention Report – Appendix 3

Contact Officer: Will Griffith

Telephone: 01524 582841

E-mail: wgriffith@lancaster.gov.uk

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