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Waste incentive pilot schemes: draft guidance on the unauthorised deposit or disposal of waste

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Foreword

New legislation in the climate change bill will allow for the first time 5 pilot authorities in England to trial specific charge-and-rebate schemes for household waste. Local authorities have pressed Government to introduce such powers. Over 80% of respondents to the Government's consultation in May 2007 supported this move.

Schemes could work by charging residents for the amount of residual waste they put out. Any money collected would then be used to rebate those who recycle the most and throw away the least residual waste. If wanted, local authorities can link any charges and rewards to the council tax billing system. All money collected under such schemes would have to be returned to residents; authorities would not be able to keep any of the money, or use it to cover their costs.

Waste incentive schemes have proved very successful in a number of other European countries – including in the USA, Ireland, the Netherlands and Italy. In Bjuv, Sweden, householders are billed according to the weight of their non-recycled waste. Waste levels there fell by 19% and recycling rose by 49% in the first year of the scheme. The UK is the only EU 15 Member State which does not allow such schemes.

Research carried out for Defra suggests that in the best performing schemes recycling and composting could be increased to around 55%, and the amount of residual waste being put out by residents could reduce by 39%. This has major environmental benefits – every 1% increase in recycling = a saving of 143,000 tonnes of CO₂.

The document which follows is part of draft guidance that the Government has drawn up, using experience from abroad, to try to present local authorities with a clearer picture of what will be possible under the legislation. This is intended to stimulate debate; we very much welcome comments and informal feedback, and would encourage you to share your views with us at: waste.incentives@defra.gsi.gov.uk

The deadline for comments is 25 July, except for the guidance on a good recycling service, where we are asking for comments by 11 July.

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Introduction

1. Schedule 2AA of the Environmental Protection Act (EPA) 1990 (inserted by the Climate Change Bill) requires local authorities that want to implement an incentive scheme for recycling and household waste minimisation to have in place 'a strategy for preventing, minimising, or otherwise dealing with the unauthorised deposit or disposal of waste'. This guidance aims to help local authorities to develop such a strategy. Authorities that are not introducing a waste incentive scheme but are thinking about how to tackle fly-tipping locally may also find this guidance useful.
2. Such a strategy could include the following sections:
 - a. Strategy for *preventing* the unauthorised deposit or disposal of waste
 - b. Strategy for *dealing with* the unauthorised deposit or disposal of waste
 - c. Strategy for *monitoring* the unauthorised deposit or disposal of waste.
3. A good strategy should address each of these areas, describing in broad terms the processes that will be employed and the reasons the local authority thinks they are appropriate. The authority could also consider how best to communicate the strategy to its residents.
4. This guidance is organised into four sections; the first section ('Context') introduces key terms and describes the context of the guidance. The remaining three sections address in turn the three example sections that could appear in the strategy as outlined in paragraph 2 above.

Context

Background

5. A waste incentive scheme aims to minimise the amount of residual waste produced by householders. In the main, it is expected that this will be achieved by:
 - a. Changes in consumption (buying less; buying products with less or recyclable packaging; eating a greater proportion of food bought; reusing clothes, containers, materials, etc.)
 - b. Increased recycling of recyclable waste
 - c. Increased home composting
 - d. Selling or giving away unwanted items.

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6. In addition to these desirable changes in behaviour, it is possible that the incentive to minimise residual waste collected at kerbside will lead to an increase in the amount of residual waste taken to bring sites and civic amenity sites, where no charge will be made.
7. A tiny proportion of householders dispose of waste in unauthorised ways. Local authorities undertaking an incentive scheme will wish to ensure this proportion does not increase. Examples could be:
 - a. Leaving bags for collection in a neighbouring street outside the incentive scheme area
 - b. Leaving household waste in public litter bins
 - c. Leaving household waste at the roadside or on other public or private land
 - d. Leaving household waste in neighbours' bins or leaving bags for collection on neighbours' property.
8. Fly-tipping is defined by Defra as the illegal disposal of waste as prescribed under section 33 of the Environmental Protection Act (1990, c.43 part II). To be considered fly-tipping rather than littering, the deposit must be of a volume greater than or equal to that of a single black bin bag. The term 'fly-tipping' will be used in this guidance to refer to methods such as in paragraph 7 above.
9. When thinking about strategies to minimise the unauthorised deposit or disposal of waste, it is important to understand the perceived choices available to households for residual waste disposal, and the perceived costs and benefits associated with each.

An outline of the different options for implementing incentive schemes

10. The Government has identified four main ways of implementing incentive schemes within the powers they are giving to local authorities. Within that legislation, authorities can design their own schemes, combining elements of those models as they wish. The four basic options are shown below:
 - a. Sacks or tags. To require that special sacks or tags are used for residual waste, to give everyone in the scheme a flat-rate rebate, and to charge for the provision of those sacks or tags. This is fundamentally a model based on charging by volume. It therefore implies that the sacks used need to be of one or more standard sizes.
 - b. Bin volume. To charge or offer rebates based on the size of bins used or the number of standard size bins used. This is also a volume based scheme.
 - c. Frequency of collection. To charge and rebate people on the basis of the frequency of collection of their residual waste.

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- d. Weight. To issue charges and rebates based on the weight of the residual waste collected from a household.
11. See the Technical Issues guidance for further detail on the four options. Paragraphs 22 to 35 below discuss some of the possible implications of the different models for fly-tipping activities.

Research on fly-tipping

12. Defra commissioned UCL's Jill Dando Institute (JDI) of Crime Science to produce a report on the causes of fly-tipping¹. This report should be consulted for case studies and further guidance on developing a general fly-tipping avoidance strategy. It suggests that the key to avoiding fly-tipping is to understand and minimise the perceived benefits of and opportunities for disposing of waste illegally.
13. It might be anticipated that factors such as demographics, population density, and the amount of open, abandoned or undeveloped space in a community might influence the amount of fly-tipping observed. Although there is some evidence to support this from the UK², other evidence from the US finds no significant link³.

Strategy for preventing the unauthorised deposit or disposal of waste

14. The 'prevention' section of the strategy could explain the measures that will be put in place to minimise fly-tipping under the proposed scheme.
15. Note that if monitoring or enforcement activities described elsewhere in the strategy were felt to contribute significantly to the 'prevention' strategy, this could be explained here.
16. In most cases fly-tipping can take relatively little effort. The task here is to alter the balance to make it easier to behave within the law while making it harder not to do so. Methods could include:

¹ JDI, 2006a, "Fly-tipping: Causes, Incentives and Solutions: A good practice guide for local authorities", report for Defra by Jill Dando Institute, University College London, www.ucl.ac.uk/jdi/downloads/publications/research_reports/fly_tipping/JDI_FlyTipping_GoodPracticeGuide.pdf

² JDI, 2006b, "Fly-tipping: Causes, Incentives and Solutions", report for Defra by Jill Dando Institute, University College London, www.ucl.ac.uk/jdi/downloads/publications/research_reports/fly_tipping/JDI_FlyTipping_ResearchReport.pdf

³ Skumatz, L. A., 2001, "Illegal dumping: Incidence, Drivers and Strategies", SERA Research Report Series Number 9431-1, www.serainc.com/illegal2.pdf

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- a. Increasing the accessibility and convenience of lawful disposal, for example through the ways in which civic amenity sites are operated.
 - b. Reducing the availability or accessibility of popular sites for fly-tipping, e.g. improvements in fencing, use of bollards, gating alleyways etc.
17. Fly-tipping is currently not perceived to be a particularly risky activity. The waste itself is difficult to trace, while it is not difficult to find a quiet time and place to dump waste and dumping can be very quick and easy to do. A simple increase in the perceived risk of getting caught should have a significant effect on behaviour. Examples include:
- a. The use of CCTV
 - b. Using signage to indicate that an area is being watched
 - c. Publicising all successes in enforcing against fly-tipping as widely as possible
 - d. Increasing patrols or improving natural surveillance at hot spots, by cutting away foliage at lay-bys, for example
 - e. Keeping individuals 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
 - f. Considering working with courts to educate them about the seriousness of the issues and to encourage more consistent and effective penalties.
18. Ways to reduce the incentive to fly-tip can include:
- a. Setting the incentive for minimising residual waste so that a significant number of people end up better off under any charge and rebate scheme than they are now
 - b. Working with planning departments to encourage good waste management practices and facilities for both small and large-scale developments
 - c. Ensuring that there is an efficient and convenient collection system for recyclable, residual and bulky waste
 - d. Incentivising households to compost at home
 - e. Considering offering free (or subsidised) bulky waste collection services for households.
19. 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. Local authorities should consider:

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- a. Lengthening opening hours at civic amenity sites and/or enabling the rate of throughput at the site to be increased
 - b. Lifting restrictions on the type and quantity of waste that can be taken for no charge to civic amenity sites
 - c. Making sure that opening hours for civic amenity sites and the types of waste they accept are clearly communicated
 - d. Making sure that all kerbside waste collection times are clearly communicated
 - e. Prioritising waste collection services to households that have nowhere to store their bulky waste goods, such as those that live in flats or small houses without yards, and ensuring that there is an efficient and convenient collection system for bulky waste
 - f. Making sure that household waste collection services meet the needs of householders
 - g. Ensuring that households with vans can access civic amenity sites (this may be achieved through a permit scheme etc.)
 - h. Communicating the waste incentive scheme effectively, to explain why it is needed and how it works. This could extend to explaining how local authorities are helping households to do their bit (and save money) for the good of the community (for further advice on this, please see the guidance on a good recycling service)..
20. Those who dump waste illegally may well find it quite easy to rationalise and excuse their behaviour to both themselves and others. They may think it is quite acceptable, for example, to tip their goods where there is already waste material. This may be countered by:
- a. Effective advertising, marketing and education of services and of fly-tipping issues
 - b. Making residents, businesses and traders aware of their responsibilities and of the services that are available to them
 - c. Keeping an area free from waste, including repeated rapid action to address any 'hot-spots'
 - d. Installing signs at recycling stations and on bins that make it clear that it is not acceptable to leave waste anywhere other than inside the waste/recycling receptacles
 - e. Educating residents to the dangers of unregistered waste collectors.

Effective communication

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21. Communication is an important factor that cuts across the approaches set out above. In particular, local authorities should explain the rationale for change and how it will benefit households.

Implications of scheme choice on prevention

22. Depending on which of the four main models a local authority is using, certain specific issues may be encountered. The four models are discussed in turn, but variants may also be possible:

Sacks or Tags

23. If the sacks or tags are felt to be too expensive or are inconvenient to purchase, there is a risk that households might attempt to avoid using them by disposing of their waste in other ways. It is therefore important that sacks or tags are readily available. Expensive sacks or tags could themselves be targets of theft for onward sale.
24. There is a risk that a minority of households will seek to overfill sacks to avoid paying for additional sacks, which may lead to sacks tearing and waste being left on the road. It is important to communicate that sacks should be of sufficient quality to prevent tearing, and to clarify responsibility for clearing up any waste from split/damaged bags.

Bin volume

25. If a household's bin becomes full, that household will have to find another place to deposit or dispose of its remaining waste.
26. Where permitted, the household may opt to pay for an additional bin or to increase its bin size, but these responses are unlikely to be timely and are not well suited to a variable residual waste output. Going from one bin to two bins of the same volume would lead to a step change in cost that would be incurred, or rebate that would be lost. If the additional waste were seen as a one-off, it is likely that the household would rather seek to dispose of the residual waste at a civic amenity site, ask a neighbour for permission to use their bin, or in some cases, resort to other means to dispose of the waste (depending on the perceived costs and benefits of each of these actions).
27. A better solution for households might be to have the option of paying for a side waste sack to supplement the normal bin as and when required.
28. If a local authority feels that unauthorised disposal of waste in neighbours' bins is likely to be a problem, it could consider introducing lockable bins or using a sack or tag-based scheme instead.

Frequency of collection

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29. As with the bin volume case, if a household finds it needs an additional collection in a given week, there could be a significant step change in the charge it will incur or the rebate it will forfeit for that collection (which in many cases would be for a small amount of excess waste).
30. The incentive for unauthorised deposit or disposal of waste in this case is less than in the bin volume case, though, since:
 - a. The cost or lost rebate from requesting an additional collection may be less than the cost or lost rebate from requesting a change in bin size, because it could be a one-off change.
 - b. The time taken to deliver an additional bin or to change the bin size is likely to be greater than the time taken to arrange an additional collection.
31. To minimise the irritations available for individuals (as in paragraph 19 above), it is important that the waste collection service is responsive to requests for additional collections, or changes in individual residents' preferences for how frequently they have their residual waste collected. Alternatively, local authorities could choose to allow households to use a side waste sack for waste over and above their normal requirements.

Weight

32. Assuming that the amount paid or rebate received is proportional to the weight of residual waste collected, weight-based incentive schemes have the feature that, no matter how much waste is generated, there is a constant incentive to minimise the amount of further waste offered for collection.
33. This suggests that weight-based schemes might be expected to lead to a higher reduction in the amount of residual waste offered for collection than sack or tag, bin volume, or frequency based options. There is some research evidence to support this hypothesis⁴.
34. The constant incentive to minimise waste production also has an implication for fly-tipping and local authorities will want to follow all the guidance in preceding paragraphs.
35. Assuming the weight-based scheme uses bins rather than sacks then, as for the bin volume option, if a local authority felt that illegal disposal of waste in neighbours' bins were likely to be a problem, it could consider introducing lockable bins.

Strategy for dealing with the unauthorised deposit or disposal of waste

36. Responsibility for dealing with fly-tipping incidents depends on a number of factors such as the size of the deposit and on whose land it occurs. Local authorities, however, pick up a large proportion of the costs.

⁴ Eunomia, 2006, op. cit.

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37. Both local authorities and the Environment Agency have powers to tackle fly-tipping. The Environment Agency has agreed with the Local Government Association (LGA) a protocol that sets out the types of fly-tipping that local authorities and the Environment Agency respond to⁵.
38. The Environment Agency investigates the larger scale incidents of fly-tipping, incidents involving hazardous waste and incidents involving organised gangs of fly-tippers. Local authorities are expected to tackle other fly-tipping on public land, including roads and lay-bys. Private land is a separate issue and not dealt with in this guidance, except to say that local authorities might want to consider maintaining records of fly-tipping on private land (see paragraph 444 below).
39. As part of this strategy, local authorities could outline the mechanisms that are in place for responding to notification of fly-tipping incidents (as described in paragraph 45 below).
40. In addition, local authorities may wish to review whether their existing processes for prosecuting fly-tippers are felt to be satisfactory, and if not, how they could be improved.
41. The strategy could also include the local authority's proposed enforcement strategy for dealing with fly-tippers, including:
 - a. What types of actions will be considered 'unauthorised' deposit or disposal of waste (see paragraphs 7 to 9)
 - b. How those involved in unauthorised deposit or disposal of waste will be dealt with
 - c. Whether a special approach to enforcement will be taken during the first few months
 - d. Whether first incidents of unauthorised deposit or disposal will be treated differently to subsequent incidents.

Strategy for monitoring the unauthorised deposit or disposal of waste

42. The 'Monitoring' section of the strategy could explain what the local authority is doing, or plans to do, to monitor the level of illegal fly-tipping.
43. Good practice for monitoring fly-tipping is for each local authority to keep a database which records the date, size and cost of clearing up each incident, together with the type of waste, location, and whether a prosecution was made.
44. As a minimum, local authorities should be recording the extent of fly-tipping on public land (as is already recorded in the Flycapture database –

⁵ Environment Agency Website, www.environment-agency.gov.uk/subjects/waste/1029679/1032559/1032648/?version=1&lang=_e

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see the Environment Agency website for more detail⁶). Local authorities could supplement this by also maintaining records of fly-tipping on private land.

45. Local authorities might want to consider how households go about reporting incidents (whether on their own property or on public land), and in particular how convenient it is for households to report incidents.
46. Local authorities could also consider whether to use real-time monitoring of fly-tipping hot-spots using CCTV (see the JDI Good practice guide for local authorities for an example⁷) or other methods, such as patrolling hot spots, or involving the community as, for example, in Kent County Council's programme⁸.

Conclusion

47. This guidance is intended to help local authorities to develop a strategy for minimising and dealing with illegal deposit or disposal of waste, as required before introducing an incentive scheme for waste reduction. It should be read in conjunction with other Government guidance on incentive schemes.
48. Further support and general advice on the requirements for an incentive scheme are available from WRAP. This will not extend to giving specific advice on how to avoid fly-tipping, however.
49. An optional template is included at Annex A which local authorities might wish to make use of when drafting their strategies.

⁶ www.environment-agency.gov.uk/subjects/waste/1029679/1032559/596936/?version=1&

⁷ JDI, 2006a, op. cit.

⁸ Kent County Council, Tonbridge and Malling District Council, Improvement and Development Agency Website, www.idea.gov.uk/idk/core/page.do?pageId=949821