

News Release

Kent
Resource
Partnership

Kent Councils call for tougher legal action on fly-tippers

The 13 Kent councils via the Kent Resource Partnership (KRP) together with over 150 local authorities and 10 professional bodies is calling on the Sentencing Council to consider tougher fines and sentences for fly tipping offenders.

As part of a proposed review of the Environmental Offences Definitive Guideline (2014), the KRP working in partnership with a range of local authorities and professional bodies covering Bedfordshire, Buckinghamshire, Cambridgeshire, Devon, Hampshire, Hertfordshire, Kent, Lancashire, Lincolnshire, Merseyside, Norfolk, Oxfordshire, Somerset, Staffordshire, Suffolk, Surrey and Warwickshire, is calling for tougher action against those who commit this awful crime.

Currently, sentences handed down do not always match the severity of the offence committed or fairly reflect the costs incurred by the public purse. This means that punishment for the offence of fly tipping does not act as a suitable deterrent.

The KRP along with the numerous supporting Councils and professional bodies from across the UK is asking the Sentencing Council to consider changes that would mean:

- Court fines would exceed the cost of Fixed Penalty Notice fines and to include costs incurred by the public purse and the police in bringing a fly tipper to court
- Costs related to the clean-up of fly tipping on private land and restoration of that land would be included in fines paid by those who are prosecuted
- When deciding the level of fine, fly tipping would be looked at by the court as an offence first, and not at the person and their ability to pay first. The FTG suggests Means testing should be used to ascertain what type of fine(s) to give, and never how much they should pay.
- If a defendant cannot pay the fine in full, or in part, it is strongly recommended that community-based sentences are more widely used and available across all offence categories.
- More use of suspended prison sentences which has been proven to be a strong deterrent to serial fly tipping offenders in Buckinghamshire
- Anyone convicted of a second fly tipping offence is given a custodial sentence rather than another suspended sentence

Cllr Nick Kenton, Chairman of the Kent Resource Partnership said: *“We are working hard as a partnership to tackle fly tipping, however, we are continuously faced with high levels of fly tipping here in Kent. Without an effective deterrent, the number of fly tips will continue to go up, creating a massive burden on our resources and causing a blight on our countryside. We urge the Sentencing Council to respond to the areas we have highlighted for review.”*

The 13 Kent councils are working in partnership to Keep Kent Clean. To keep updated with the councils' efforts to tackle fly tipping and littering, follow #KeepKentClean.

ENDS

Attached: Copy of the letter sent to the Sentencing Council for reference.

Editors Notes

1. The KRP is the unique, multi-award winning waste resource partnership including all 12 of Kent's district/borough councils and Kent County Council. For reference all 13 councils are listed in alphabetical order: - Ashford Borough Council, Canterbury City Council, Dartford Borough Council, Dover District Council, Folkestone & Hythe District Council, Gravesham Borough Council, Kent County Council, Maidstone Borough Council, Sevenoaks District Council, Swale Borough Council, Thanet District Council, Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council.
2. The KRP (as the Kent Waste Partnership) was formed in 2007 in order to deliver the Kent Joint Municipal Waste Management Strategy (KJMWMS) required of all two-tier areas in the Waste & Emissions Trading Act 2003.
3. The latest version of the KJMWMS can be found [here](#).