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TRAINING + SUPPORT

WASTE CRIME AWARENESS WEEK

05 – 11 OCTOBER 2026

UNDERSTANDING WASTE CRIME: A PRACTICAL GUIDE OF KEY LEGISLATION AND RESPONSIBILITIES



WWW.CONSILIUMTRAININGANDSUPPORT.CO.UK
INFO@CONSILIUMTRAININGANDSUPPORT.CO.UK

INTRODUCTION

Waste crime takes many forms, with different offences being governed by different legislation and responsibilities often sit with different organisations. This guide is intended to provide a simplified overview of some of the most common waste-related issues, the legislation that applies, and who is generally responsible for taking action.

LITTER

What is litter?

Litter is generally rubbish that has been improperly discarded by an individual. It tends to be smaller items such as food packaging, cigarette ends, drinks containers, chewing gum, sweet wrappers, banana skins, apple cores, till receipts etc.

Key legislation

Section 87 of the Environmental Protection Act 1990 provides the offence of depositing litter. The maximum penalty on conviction for depositing litter is a fine not exceeding £2,500.

Section 89 of the Environmental Protection Act 1990 places a duty on local authorities, specific public bodies and landowners to keep relevant land clear of litter and refuse.

What is relevant land?

Relevant land is land which is land which is accessible to the public (on payment or otherwise) and is open to the air permanently on at least one side.

Who is responsible for what?

Local authorities are responsible for:

- Clearing litter from public owned land.
- Investigating littering offences.
- Issuing fixed penalty notices.
- Prosecuting individuals who commit offences.

Registered social landlords are responsible for:

- Clearing litter from land owned by them.

Private landowners are responsible for:

- Clearing litter from land owned by them.

FLY TIPPING

What is fly tipping?

Fly tipping is the deposit of controlled waste (household, commercial or industrial waste) on land which does not hold an exemption or permit granted by the Environment Agency.

Key legislation

Section 33 of the Environmental Protection Act 1990 creates the offence of fly tipping. The maximum penalty on conviction is an unlimited fine and/or five years imprisonment.

Who is responsible for what?

Local authorities are responsible for:

- Clearing fly tipped waste from land which is publicly owned.

Local authorities may:

- Undertake investigations into fly tipping on public or private land.
- Issue fixed penalty notices.
- Search and seize vehicles suspected to be involved in fly tipping.
- Bring legal proceedings for fly tipping.

The Environment Agency will normally investigate:

- Large-scale incidents of fly tipping.
- Illegal waste sites.
- Organised waste crime.
- Sites causing significant environmental harm.

Landowners are responsible for:

- Clearing fly tipped waste from land which they own.

Helpful Contact Details

To find out which local authority covers the area where the fly tipping has occurred please visit: https://www.gov.uk/find-local-council

To report large-scale fly tipping/waste dumping/illegal waste sites to the Environment Agency call 03708 506 506.

Alternatively anonymous reports can be made to CrimeStoppers by calling 0800 555 111.

HOUSEHOLD WASTE DUTY OF CARE

What is household waste duty of care?

Householders have a legal duty to take reasonable steps to ensure their waste is passed to an authorised person.

Key legislation

Section 34(2) of the Environmental Protection Act 1990 creates the offence of fly tipping. The maximum penalty on conviction is an unlimited fine.

Who is responsible for what?

Householders must ensure that when they transfer their household waste to someone they have made reasonable steps to check that the person is authorised. An authorised person is:

- The local authority that provides your normal waste collection service.
- Someone who holds an upper tier waste carriers licence.
- An operator of a waste site with an appropriate environmental permit or exemption.

Householders should check:

- Whether the collector has a valid upper tier waste carriers licence number (this will start CBDU followed by some numbers).
- Check the Environment Agency public register to ensure the collector holds the appropriate licence.
- If taking their waste to a site, check to ensure that the site holds an appropriate environmental permit or exemption using the Environment Agency public register.

Local authorities may:

- Undertake investigations into householder duty of care offences.
- Issue fixed penalty notices.
- Bring legal proceedings for householder duty of care offences.

Helpful Links/Contact Details

Check the Environment Agency public register for waste carriers, brokers, dealers here: https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers

WASTE ACCUMULATIONS

What are waste accumulations?

Waste accumulations occur where large quantities of waste are stored or allowed to build up. Examples include waste-filled gardens, waste on balconies, and waste in communal areas.

Key legislation

Waste accumulations may be dealt with under a range of legislation depending on the circumstances including:

- Anti-Social Behaviour, Crime and Policing Act 2014 (Community Protection Notices).
- Environmental Protection Act 1990 (Statutory nuisance).
- Town and Country Planning Act 1990 (Clearance of land having a adverse affect on the amenity of the area).

Who is responsible for what?

Local authorities may undertake investigations relating to waste accumulations. Depending on the circumstances and set up of the local authority these may be undertaken by Environmental Health, Environmental Crime, Environmental Protection, Community Safety or Planning Enforcement teams.

In some cases local authorities will provide designated authority to registered Social Landlords to enable them to utilise Community Protection Warnings and Community Protection Notices.

Registered Social Landlords may also become involved where:

- Tenancy breaches occur.
- Community impacts arise within their housing areas.
- Safeguarding concerns exist in relation to one of their tenants.

ABANDONED VEHICLES

What is an abandoned vehicle?

A vehicle may be considered abandoned where there is evidence that it has been left without any intention of recovery.

Key legislation

Section 2 of the Refuse Disposal (Amenity) Act 1978 creates the criminal offence of abandoning a vehicle. The maximum penalty on conviction a fine not exceeding £2,500 for a first conviction, and for subsequent convictions a fine not exceeding £2,500 and/or three months imprisonment.

Who is responsible for what?

Local authorities have a duty to remove abandoned vehicles from land in the open air or any other land forming part of a road. This duty applies to both public and private land unless:

- The cost of removing the abandoned vehicle to the nearest carriageway is unreasonably high.
- The landowner refuses access to the private land where the abandoned vehicle is situated.

Determining whether a vehicle is abandoned or not

It is for an authorised officer of the local authority to determine whether a vehicle is abandoned or not. If the authorised officer does not consider the vehicle to be abandoned then no action will be taken.

Things taken into consideration to determine if a vehicle is abandoned or not include (this is not an exhaustive list):

- No number plates.
- Significant damage.
- No tax and MOT (with other factors).
- Burnt out vehicles.
- Leaking fluids.
- Poor condition.
- Lack of movement for significant periods.
- Detritus around the wheels.

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#KnowTheRiskStopTheHarm



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WWW.CONSILIUMTRAININGANDSUPPORT.CO.UK
0208 058 7590