

Kent Resource Partnership

To,
The Magistrates Association
10A Flagstaff House
London
SW8 2LE



From the Chairman of the Kent Resource Partnership

Monday, 24 August 2020

Dear Mr Collins,

I am writing to you on behalf of the 13 Kent councils which make up the Kent Resource Partnership (KRP)¹. One of our main responsibilities is working together to tackle waste crime, including fly tipping. Similarly, to many areas across the country, fly tipping in Kent is: -

- Extremely costly to Kent taxpayers. Last year councils spent over £16m to deliver their streetscene services with over £1m spent on fly tipping clearances and taking forward investigations;
- Diverting councils' limited resources from other valuable frontline services such as helping the homeless;
- Negatively impacting our natural environment. Countryside and local beauty spots within Kent are being blighted by unsightly dumping of waste; and
- Being predominately taken forward by organised crime groups. Fly tippers who are obtaining money from these fly tipping activities are likely to be funding far more sinister criminal activities.

As you'll be aware, the maximum sentence for fly tipping in England at a Magistrates' Court is £50,000 and/or a prison sentence of 12 months. At a Crown Court it can be an unlimited fine and/or a prison sentence of up to 5 years. We have recently taken forward a mini-review to understand the results councils have achieved over the last 12 months, once fly tipping cases were at court. What was clear was outcomes were far less than the maximum punishments possible. For example, of the 57 cases in 2019/20, only one resulted in a prison sentence (of 26 weeks), most cases received a fine

¹ These are 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.

between £100-£499 with only four cases upwards of £2,000 and there was often low or no clean-up cost charges given to the offender.

We appreciate the details of these cases will vary and may have likely been presented differently across Kent but what is clear is the level of enforcement doesn't seem to do enough to deter offenders from committing waste crime.

With this in mind we wish to work with you on the following: -

- Arrange a virtual meeting between representatives from the KRP and the Magistrates Association over the coming summer;
- Better understand how sentencing on fly tipping is determined with magistrates' courts within Kent and understand if there are local differences councils ought to factor; and
- Establish the gaps that councils need to cover to achieve greater levels of enforcement punishment to fly tipping offenders, particularly those who are part of organised crime groups.

For information the proposed approach outlined above is supported by the National Farmers Union (NFU) who have provided their comments at the bottom of this letter.

What is clear is fly tipping will always remain an issue until meaningful consequences are handed to offenders. Potential offenders will always risk carrying out these crimes as long as they feel risk of being caught or enforcement punishment remains low. We believe such crimes should receive the appropriate enforcement action and working together we can make real change.

Could I ask future correspondence on this matter be sent to Paldeep Bhatti, the KRP Manager. Paldeep's contact details are: - Paldeep.bhatti@kentrp.org.uk and 01732 227128.

We look forward to working with you.

Yours Sincerely,



**Councillor Nick Kenton,
Chairman, Kent Resource Partnership**

This letter is supported by: -

National Farmers Union: *'The NFU shares concerns about fly tipping and its impacts on the farming community, who are often victims of this crime. The NFU is of the view that there is a need for effective prosecutions and deterrent sentencing in this area, and supports KRP's desire for improvements in this area.'*