



HOUSE OF LORDS

Environment and Climate Change Committee

Corrected oral evidence: Waste crime

Wednesday 10 September 2025

10.00 am

Watch the meeting

Members present: Baroness Sheehan (The Chair); Lord Ashcombe; Lord Duncan of Springbank; Lord Jay of Ewelme; Lord Krebs; Lord Mancroft; Lord Rooker; Earl Russell; Lord Trees.

Evidence Session No. 2

Heard in Public

Questions 25 - 35

Witnesses

[I](#): Dr Anna Willetts, Co-Convenor, UK Environmental Law Association Waste Working Party; Matthew Scott, Police and Crime Commissioner for Kent; David Sidwick, Police and Crime Commissioner for Dorset.

Examination of witnesses

Dr Anna Willetts, Matthew Scott and David Sidwick.

Q25 The Chair: Good morning and welcome to the Lords Committee on the Environment and Climate Change. This morning is the second session of our inquiry into waste crime, facing on serious and organised waste crime.

We will be taking evidence from a panel of witnesses from the law enforcement and justice system, and the purpose today is to understand how serious and organised waste crime operates, how waste offences are enforced and how enforcement could be improved.

I take this opportunity to warmly welcome our panellists, who are nearly all with us. Given the strike today, we are having some challenges. Nevertheless, I thank you very warmly for being with us today.

I remind everyone that the session is webcast live and that a transcript will be taken and made public. Witnesses will get an opportunity to review the transcript and make very minor amendments if necessary. I also remind Members that any relevant interests should be declared the first time they speak.

This may be a good time for our panellists to briefly introduce themselves before we start questions.

Matthew Scott: Good morning. I am the Police and Crime Commissioner in Kent. I have been in post since 2016. I also serve as vice-chair of the Association of Police and Crime Commissioners nationally. The interest in this topic comes from work we have been doing across the south-east region to understand the intelligence gaps, the enforcement gaps and the work that is needed between the Environment Agency, councils and the police in order to bear down on waste crime.

We are working proactively across those forces: Sussex, Surrey, Hampshire, Thames Valley, and Kent. That work has recently been extended to include colleagues from the eastern region area, who have shown a distinct interest in tackling this problem. We have had very early engagement with the Environment Agency, the Joint Unit for Waste Crime, and so on. However, locally within Kent, I have made tackling waste crime and fly-tipping a priority for our work on partnerships. Only yesterday I was out with the joint waste unit, the Environment Agency and the DVSA, undertaking an operation with Kent Police just off the A2 to do some work there, so I am very grateful for this opportunity to speak to you all this morning and I look forward to your questions.

The Chair: Excellent, thank you. Dr Willetts, a few words of introduction, please.

Dr Anna Willetts: Thank you, Lady Sheehan, and thank you for inviting me today to speak to you and to share my experience.

I am here today on behalf of the UK Environmental Law Association's Waste Working Group, of which I am a co-convenor. My day job is also relevant. I am a criminal defence lawyer; I act for businesses within the waste and resources industry. You might wonder what a defence lawyer is talking about here so I would like to clarify that. I act for the regulated industry. I act for businesses that work within the waste industry, legitimate firms, individuals and directors. The kinds of events that we are going to talk about today are an ongoing source of frustration to them, to me and to my colleagues in the industry. I would call it actual waste crime.

My clients in the regulated industry might occasionally fall into non-compliance because it rains or a driver calls in sick, things like that, and unfortunately issues happen. What they are not doing is burning waste or building up Hoad's Wood. It is a very different kind of waste crime that we are talking about today. It is that kind of crime that undermines and undercuts legitimate waste operators, which are doing a very difficult job dealing with our waste and resources. Part of my experience and some of the cases I might be able to share with you today come through my day job as a defence lawyer but I am here on behalf of UKELA.

Just by way of background as well, I am a past president of the Chartered Institution of Wastes Management, which is the leading body for the waste industry. I am a fellow of the institution. I sit on its board. I am also a member of the Environmental Services Association's waste regulation group, which I understand gave evidence last week.

Prior to becoming a lawyer, I was an environmental consultant, and my PhD is in the landfill engineering of clay. I moved into law later, so I have a technical and a legal background and I am hoping that will be helpful for you today. Thank you.

The Chair: Excellent. Thank you very much. I can see that you are just sitting a little bit away from the microphone there. I wonder if we might pick up your voice more clearly if you were able to be a little bit more in front of it.

David Sidwick, thank you much in these very difficult transport circumstances for being here on time.

David Sidwick: It was nip and tuck, my Lords.

Thank you very much indeed for this opportunity. I am the Police and Crime Commissioner for Dorset. I also sit on the board of the National Rural Crime Network.

Look, I am going to talk from the heart, right? Dorset is a beautiful, fantastic place. If you go to the Hardy Monument and stand there and look over, you will see the tapestry of fields and hedgerows and the villages. But rural crime is serious and it is organised, and when it comes to waste crime, it is no different. On top of that, there is a complexity. What that means is that it affects not just the people who it is being done

to but the whole of the surrounding environment. It matters to residents; it matters to farmers.

As PCCs, the five of us in the south-west did the first rural crime survey in the south-west. We were expecting agricultural theft to come top. It was not. It was fly-tipping, which is the bottom end of the waste crime scenario. It can be defeated only by partnership. That is why I made it a core priority in the police and crime plan for Dorset. It is why I made certain that there was investment for the rural crime team. But it needs to be a partnership between the local authority, the police and the Environment Agency; otherwise, it will not work.

These crooks operate across borders. At the moment, fighting them is woefully underfunded, and it is overlooked. Basically where I am is that the countryside is in peril, and we have to do something about it. Thank you and excuse my breathlessness.

Q26 The Chair: Excellent. Thank you very much. Well, you have started answering the first question for us, but perhaps I can put the question to other two panellists, and please do add anything that you think should be added.

Some 35% of waste crime is believed to be committed by organised crime groups. What defines an organised crime group and what is your understanding of how these groups go about their business? What does it do to the communities and the environment where these crimes take place? We really want to understand the scale and the impact. Would you like to start, Matthew?

Matthew Scott: Yes, of course. Organised crime networks—we have absolutely no doubt that these networks are involved in the organised use of illegal waste sites and tipping on an industrial scale. There is a distinct financial incentive for them to do so in avoiding landfill tax rates, and there is very little they feel is going to be done to stop them because there is very little by way of an actual deterrent.

Our organised crime networks are people who have been involved in a variety of offences in the past. We know of individuals who have been involved in modern day slavery. We know people who have been involved in the use of weapons, of many drug networks, and so on, even to the extent of avoiding alcohol duties in the early 1990s by providing the trailer for people to do the runs cross ferry. These are people who have been involved in organised criminal networks and tax avoidance for a substantial amount of time.

I know this will come up in one of the questions later on, but it is my view that they are seeking to try to legitimise themselves by appearing to be legitimate businesses, not just through the way in which they present themselves to the public but through the purchase of legitimate businesses. By purchasing what might look like an ordinary skip company they avoid taxes by taking the waste on to one of their own sites that they own, illegally dumping it, avoiding the landfill taxes and, therefore,

are able to charge significantly less but make a significant amount of money at the same time.

These are people who are well versed in organised crime, and I believe that they act quite freely because they do not fear consequences. We have seen that with the apparent—it has already been mentioned once, and I am sure with my Kent connections it will come up on a few occasions—Hoad's Wood, with over 30,000 tonnes.

If you consider that one HGV could legitimately carry 44 tonnes, how many lorries has that involved over a significant amount of time, and how much money would they have made? At several thousand pounds for each lorry it runs into the millions of pounds that they have gained. They know what they are doing. They are extremely well organised, and they have distinct links to other types of criminality.

My concern is that where you have lots of different agencies with different powers and different reporting mechanisms, there is almost like a Bermuda Triangle of intelligence; the police have intelligence that this person is involved in this organised crime group, the Environment Agency believes this person is involved in this, and local councils believe that they are involved in that. However, there is not sufficient joining up of all three, so everything falls through the middle and just disappears. We are missing opportunities in that respect by not having the joined-up working to tackle them.

The Chair: The JUWC is there to enable collaborative working. Is it not working as well as it could?

Matthew Scott: No, I do not think so. When you talk to different agencies about what information is being provided, you will speak to one agency and it says, "Well, I have provided this intelligence to that agency, but I get nothing back". Then you talk to the agency that they are complaining about and say, "Well, I give them loads of intelligence and they come to our meetings". Then you also have the gap of local authorities whereby you have a substantial number, where you maybe do not have the right number of vetted people who are able to access that intelligence, so they are not there for the tasking meetings and they do not have the capacity as local authorities where their funding has been stripped away to be able to resource this.

Some councils—yesterday we were out with Canterbury and Swale—are very proactive. Other councils are not. You need only to look at the Defra data on enforcement actions, where in the south-east, among the 60 or so councils we have there, three-quarters of the fixed penalty notices for fly-tipping—which is obviously separate to waste crime—are issued by only four councils, so that disparate problem makes it even worse.

The Chair: I should say at this point that the LGA was invited to join the panel today but declined. I hope that we will receive written evidence from the LGA. Thank you. David, you have your hand up.

David Sidwick: I do. I want to add something to what Matthew said. I agree with everything he said. The issue is that there is not enough data in the first place. That is about how many waste areas there are.

What we have tried to do in Dorset is to take an innovative approach. We have something called the Dorset Partnership Against Rural Crime, on which sits virtually everybody who you can think of—the Country Land and Business Association, for example, and the National Farmers’ Union, but critically the local authority and the Environment Agency. That has allowed us to get to a stage where we are sharing intelligence.

I co-fund with a local authority a fly-tipping investigator, which was not there before. That has revolutionised the number of fixed penalty notices and the way that the police are able to seize vehicles. More importantly, it has meant that the Environment Agency works extremely closely with us now. For example, the average number of—

The Chair: I think we are getting a little ahead of ourselves. We will be coming to the role of the various enforcement actors in this space. Before we go there, let us hear from Dr Willetts about how these groups are organised and the impact on the communities and environment.

Dr Anna Willetts: Thank you. Yes, I agree with what Matthew and David have said, particularly some of the points that Matthew raised. It is sophisticated, in my experience—I do not mean in my experience for acting for those businesses but for my clients being on the end of it.

Last July, I appeared on a “Dispatches” programme called “Rubbish Tip Britain”. As part of that programme, I was surprised to see, as part of the evidence gathering that they had found, that some of these individuals have apps for this. I did not realise it was that sophisticated. They have apps on their phones where they communicate with each other and how they communicate with the general public to appear—as Matthew said—as legitimate waste collection operators. I did not realise that. I should have done, but maybe I am not as young as I should be.

The technology now, using apps to co-ordinate waste crime, is not just ringing up a colleague or a ne’er-do-well down the road. It is well organised and sophisticated. I also understand that a lot of it originates from overseas. It is not just homegrown in London and there is external influence on some of the serious organised crime.

As Matthew alluded to, waste is the tip of the iceberg. We often find that behind waste crime will be gangland, modern slavery, drugs, and firearms. Waste is a quick and easy way to accumulate a lot of money fast and, as Matthew also said, the lack of them being worried about being caught. By way of example, I had a client a couple of years ago who almost overnight had their land filled up with tyres, waste tyres, by a tenant. You might imagine where the tenant disappeared off to. My client called the regulator asking for help—begging for help.

The Chair: Which regulator?

Dr Anna Willetts: The Environment Agency, begging for help to deal with what had happened on their land. Absolutely no help was given, and my client was then investigated for knowingly permitting, knowingly causing, the deposit of waste on their own land. That is a real frustration. I think that relates to what Matthew said about the people who are actually doing the crime not being worried that they are going to be caught because, look at what happened; the landowner was investigated not them. They move very quickly, as I said earlier. The word I use is very sophisticated. That is my experience.

The Chair: At this point, I will move over to Lord Ashcombe for his question.

Q27 **Lord Ashcombe:** Yes, thank you, and thank you for coming. My question, and you started to allude to it, Dr Willetts, is: how is serious and organised waste crime connected to or integrated with other forms of serious and organised crime? I was interested that you suggested and alluded to the fact that there may be overseas crime involved as well. It sounds as though it is much bigger than just dumping.

Dr Anna Willetts: Yes, that is my understanding. I think the waste industry as a whole is aware of this, and there are particular areas of the south-east where we understand that the overseas influence is strong.

Lord Ashcombe: Why is the Environment Agency so keen to go after the landowner and not potentially after the criminal act?

Dr Anna Willetts: You would have to ask the Environment Agency, but I have an opinion, given the clients that I act for. I think my clients are low-hanging fruit and landowners are fixed. They are in a place. They probably have deep pockets. They do not disappear overnight. They are easy targets to deal with and the legitimate waste operators which inadvertently break the law and end up with more waste on their site than their permit allows, because it has rained a lot, they are an easy target. Most of my clients, when the regulator visits, will give a cup of tea and a biscuit and, in my experience—maybe I am being cynical—that seems like an easy way of dealing with waste crime.

These kinds of operators, I have seen them. There is one near to where I live and I have reported it to the Environment Agency numerous times. The site has now gone up in flames and the fire brigade has been involved. We had to close our windows for a day. I have reported this four times, and I was told it was not a big problem. Those kinds of sites, I have been past it, there are two Rottweilers on the gate and I am pretty sure there will be a shotgun in there. I imagine for the Environment Agency that is not an attractive party to deal with. I have to say I thought that is what the Joint Unit for Waste Crime was going to be doing, to help the Environment Agency, because I appreciate that it is not the police or the SFO.

I think—and that is my opinion—that is why the landowners might be an easier target. My analogy to this is that it is like being caught speeding at

73 mph on the motorway, somebody else is caught driving at 150 and they do not get caught. That is my view, but the Environment Agency might be able to answer that better for you.

Lord Ashcombe: If I could follow up with you two gentlemen, where are the police in something like that, where the Environment Agency, in my opinion, looks as though it has failed big time? Sadly, I will not be here next week to question it. Obviously, it is rather more major than just dumping.

David Sidwick: There are a couple of things. First, I am not quite on the same page as my good colleague here because I think you would have to eliminate the landowner as not being the culprit. So it may be that part of the element that the Environment Agency needs to do. It is not my perception of what is happening in Dorset, is all I can say.

Currently we have 25 sites that we know of, which are being looked at. There are 18 live investigations going on around that from the Environment Agency. Where the police are there is that the Environment Agency would come to them for the enforcement piece, so that is what I am seeing.

The other place that the police operate in is trying to deny the roads to the illegal waste carriers. The rural crime team, the Environment Agency and the local authority operate something called Operation Trader. That has happened three or four times now in Dorset—and will happen again—where they pull over hauliers to see what they are carrying, what they are doing, and so on.

However, the fundamental issue—both for the Environment Agency and indeed the police—is funding. When you look at how the Environment Agency looks at this, obviously it is done on threat, risk, and harm. It looks at the severity of what it is looking at and will target and triage those first. It is the same with the police. When you are looking at waste crime, that will always be trumped by a rape, a murder, an assault, and so on.

The Chair: Thank you. I will come back to you, Lord Ashcombe, to make sure you have finished your line of questioning, but I think Lord Rooker and Earl Russell want to ask questions of Dr Willetts.

Lord Rooker: Good morning. Thanks for coming in. I have a question that, to me, is obvious but you will probably dismiss it. The waste is generated somewhere, okay? Forget the sites. Does anybody in the system ever, in terms of prevention, actually look at the waste generators? You mentioned the tyres. Well, surely, it would be known who is collecting tyres. Is there anybody who contacts them before they dispose of the tyres so that people know where the waste is coming from? It may be a large construction site or something that is brand new. Quite clearly, that would deserve a visit, would it not, from the regulators or from the police to say, "You are going to have to get rid of a lot of waste and, before you do that, would you please take some precautions?"

Does anybody do that at that end of the chain, or is it only after the waste has left the waste creator that the problem starts?

It seems to me that the waste creators are on a big scale—and I realise there are a lot of them, which is why it is impractical, probably—ought to be contacted at the time when they are creating the waste before they are ready to dispose of it.

David Sidwick: I will have a go. I think there is a problem with the volume. If you are saying that every building site in the country needs a visit from the police or the Environment Agency, I do not think that would ever happen. I think it is when something has occurred, when the crime has been committed, they try to track back to find out where that waste originally came from. Certainly, that is why we invested with the local authority at the lower level in a fly-tipping investigator, who tries to see where and who has dumped it and then go back to get them, so not just the haulier but where it originally came from.

The Chair: I am going to move to Earl Russell for his question because we are going to move on to penalties.

Earl Russell: Yes, thank you much. We appreciate you coming in and giving us evidence on this topic. We will come on to organised crime later on in this inquiry. We know that the national waste crime survey has estimated that 18% of all waste in this country ends up in the hands of criminals, and what I am hearing from you is that when this is investigated, big fly-tipping links back to organised crime. The quick question I want to ask you is when other agencies investigate organised crime, do they ever track it back down to waste crime? When serious organised criminals are investigated for human trafficking or drug running, do those investigations ever lead back down the chain to waste crime?

Matthew Scott: Typically not. If you were to ask our regional organised crime units, they would tell you that there are significant intelligence gaps in that respect, in that they are not receiving those intelligence reports on the police cases that they deal with. Across the south-east, there were 787 reports from the public and 95% of those are fly-tipping, as opposed to waste crime. From a policing perspective—I talked about it earlier on—it is that Bermuda Triangle of intelligence where it is just going missing. It is either not being passed to the right agency or it is not being identified and being passed to the right agency.

In the eastern region, which you will be surprised to hear Kent sits in, as opposed to the south-east region, we do have the Joint Unit for Waste Crime attending our meetings, our GAIN co-ordinators—the Government Agency Intelligence Network co-ordinators—are attending our tasking meetings. There is some intelligence sharing going on but, where it might touch waste crime at a different point in the journey, I would say that there is a significant intelligence gap.

The Chair: I do need to move on, Lord Duncan, so if this is pertinent to

this line of questioning, please go ahead.

Lord Duncan of Springbank: I think it is, and it is quite short. I am trying to work out whether you break even from your investigations, because we learned last week that some of these investigations and the ultimate trials can take years. The amount of money you invest in bringing these people to justice must be significant. A number will not be brought to justice, for various reasons. Do you break even? Do you secure monies back into your areas or is it simply a loss-making investigative process?

David Sidwick: There is something called the Proceeds of Crime Act. Theoretically, money should flow from that. But one of the things I was going to talk about later is that the Environment Agency does not get the Proceeds of Crime Act money back to it. When it does this investigation, when this investigation happens, that money goes elsewhere, and when you look at the number of investigators it has, it is tiny, and we will get to that.

The Chair: Lord Ashcombe, did you want to finish off? No? Excellent.

Before we move away from the nature of serious and organised waste crime, something that you said about Rottweilers and shotguns struck me. Also, when BBC South East was doing a report on Hoad's Wood, the resident talking about Hoad's Wood had his face blocked out. Is there a real fear of reprisal? What is the level of violence among the perpetrators of waste crime on the community?

Matthew Scott: If I may, I have dealt with a number of residents who were concerned about this. Public meetings took place, which people did attend, about the problem at Hoad's Wood, but people have a genuine fear of some of these individuals, who are not afraid to threaten, harass and intimidate. That is why you saw people who were not prepared to show their faces because they were concerned about the consequences.

Now, of course, I would always say—and it is a very helpful partner in this—is if you are worried about it, report it to Crimestoppers. In Kent and Essex, I can say with confidence that we are good users of information and intelligence that we get from Crimestoppers, and that is that we may talk about later on with regard to reporting about how we can get more people coming forward.

As you mentioned, these are serious and organised criminals. Some of them are from the travelling community. There are groups of people involved in this who have serious violent backgrounds, and that is where the police can and should be involved.

You mentioned going on to sites. One of the key roles for the police—we see this in different spheres—is that they should be there to support the Environment Agency going on to sites for the protection of their staff, and in Kent they do. When they are seeing people in illegal encampments, the police should be going on there as well to support other agencies, even if

it is not their primary responsibility. We do that in Kent, and that is where they need support.

The Chair: David Sidwick, I know you want to come in on this.

David Sidwick: Yes, I was just going to echo. I know that when we did Operation Trader recently, the police and the Environment Agency knew exactly who was doing it, but they were struggling to get the information back from the community to drive forward. Let us be honest, these people are nasty pieces of work. If they are into drugs, as they are, if they are into all those things, they will do whatever is necessary. This is just another income stream to them. It is not like they are waste crime criminals; they are criminals.

The Chair: Yes. I want to make sure that that point is made very clearly. We are not talking about victimless crimes here. We are talking about serious repercussions for people who try to confront the perpetrators. Dr Willetts, you want to come in?

Dr Anna Willetts: Thank you. Yes. I had a client a number of years ago who operating a waste site. A tenant appeared on site and after a few weeks he clearly was not doing what he should be doing and waste was piling up. He was very violent towards my client, as the landlord, who asked him to leave. He would not leave. I advised my client to call the police and, with all due respect to the police, they were not interested. He became more and more terrified. He had also called the Environment Agency because of the volume of waste that was building up, and the Environment Agency said, "Call the police". My client then thought about putting blockades across the site so the tenant could not get access, and he was then threatened and tenant appeared with a shotgun. This is what is going on. In answer to your question, this is who we are dealing with.

Also, it is not just the organised crime: you might have seen recently on the news that at household waste recycling sites, where the public go—the tip, as it used to be called—there are more and more incidents of violence, particularly with white van drivers getting out of cabs and punching staff who run the sites. One of them I saw last week, I think a knife was pulled. You saw it on the CCTV footage. So these kinds of individuals are also causing fear for people who run reputable sites that we all need to use. There are different scales of waste crime and intimidation.

The Chair: From your experience, is it escalating?

Dr Anna Willetts: I have been in the industry for a number of years, and it feels to me that it has been getting worse. The incidence of violence towards staff at sites in the last few weeks and months does seem to be increasing, yes.

The Chair: Thank you. we are running up against the clock as ever. Lord Krebs, please.

Q28 **Lord Krebs:** Thank you, Lord Chair. In a way, Matthew, you have

already answered my question, which was: are the penalties for committing serious waste crime sufficient to deter serious and organised crime? You said in your opening statement that the criminals see little deterrent. If we accept that they see little deterrent, perhaps we could unpick that a little bit and understand: is it because the courts do not have adequate sentences available to them or that they do not perceive that it is a serious crime? Perhaps you could also tell us whether in other northern European countries that might be comparators the penalties are more severe and effective in reducing organised criminal waste disposal. Matthew, perhaps you could kick off since you answered the question for me earlier on.

Matthew Scott: First, I would say absolutely, again, the sentences and the punishments do not fit the crime. The criminals are able to make vast sums of money very, very quickly, and a fine will be just one of the costs of doing business if they ever get one.

In addition, if you want to secure a prosecution against these individuals, there are a number of obstacles. For example, the amount of time it takes the Environment Agency to get restriction orders to put in place can be months and months. Trying to get an investigation started will take a long time and then you have to contend with court delays to even get it in front of a judge. I am aware of one case from 2017-18, which has only this year gone to court. Then the outcomes really are not a deterrent.

If you look at fly-tipping separately from waste crime, for example, in 2023-24, out of 101,000 incidents of fly-tipping across the south-east, there was one custodial sentence and 3,400 fixed penalty notices. About 75% of those fixed penalty notices were issued by just four councils. There is a massive gap in the deterrence.

What we can do is disruption and the police will be proactive about this. Only yesterday when I was with Kent Police and the EA we stopped someone. They did not have the correct waste transfer notice. They left the site. They went and tipped it at what we suspect to be an illegal waste site anyway. We caught them coming out of the site, took them back and their vehicle was seized using police powers on behalf of the local authority. Disrupting them in that way is probably the best opportunity we have at the moment of stopping this. In a short space of time—only in a matter of hours—we took 20 different vehicles off the roads. One of them was an HGV that was 5 tonnes over the weight limit. We had other vehicles that were not roadworthy. We have to look at other ways of disrupting them and making sure that you are doing everything you can to stop it from happening in the first place; otherwise, it will just carry on growing.

Dr Anna Willetts: Would you like a legal opinion on the court question that you had?

Lord Krebs: Yes.

Dr Anna Willetts: In answer to your question, I agree that we are not seeing deterrence. It is not because the courts do not have the capacity or the ability to do that. The environmental sentencing guidelines, which have been in place for 10 years now, include a potential for unlimited fines, for director disqualification, for custodial sentences, and, as you mentioned earlier, proceeds of crime. I have to say, by the way, that proceeds of crime do go back to the Environment Agency. Fines go into central funds. Proceeds of crime go back to the regulator. These measures are all there. The courts have to be able to use them, and the way they use them is by the prosecution giving them the information. If they are not given that information or they are given the wrong information, they can sentence only on the basis of what they are provided with.

By way of example, I had a case a number of years ago where I was acting for a company director of a business. The operator who committed the actual crime, as I referred to earlier, miraculously had been caught on that occasion; he was a well-known waste criminal in this area of the country. A barrister I spent all the previous night, pretty much up until 2 am, investigating the background behind this business. We presented it to the judge the next morning, and he said, "Thank you much, very interesting. I cannot do anything with this defence. This should have come from the regulator. If you had done this, Environment Agency, he would likely be on the end of a director disqualification and probably finding his time at Her Majesty's pleasure in Pentonville down the road". It was very frustrating.

So the regulators have the ability to do financial investigations, file the orders, give that information to the courts. He stood there and said, "Yes, I earn £1,000 a month". The court can only fine him a proportion of that. He was fined a proportion of that. I imagine that he went out, got into his Bentley, and drove away, by way of example.

I have also had cases where I have been in court with my clients, ready to give the information. I had all the banking records, everything. The prosecutor and the magistrates or the Crown Court do not ask to see any of it. That is the frustration. The penalties are there, and they are available, but the courts can do only what the prosecution puts in front of them. I appreciate what Matthew is saying. I fully support disruption and dealing with that, but this is the other end of it. It is there, but in my experience as a defence lawyer I see this all the time. I have actually spoken to the regulator and said, "As a defence lawyer, I see what is going wrong. I will come and give you free training and explain to you the problems that we are seeing". But I was told, "No, thank you, it is fine".

David Sidwick: I agree with everything Matthew has said, obviously, because it is the same in Dorset. We disrupt. There are some things that I would like to see changed, though. One of them is that there seems to be something about the sentencing guidelines. I agree with you about that, in that they are not using them to the full capacity that they could

be. In my patch Environment Agency has offered to train them and make them aware of that, I do not think that would go down well. Training for courts does not seem to be something to which they are open. But there is something about the sentencing guidelines not being used or being used well enough.

I would change the maximum fine of £50,000 to become a minimum fine to be imposed on repeat large-scale offenders. That being the maximum fine, when you are shifting lots and lots of waste and it is millions of pounds' profit you are making at the end of it, that is threepence in the grand scheme of things.

One of the reasons that the offenders feel they can get away with it with impunity is the fact that the intelligence is not joined up. I would like to have a national waste crime offenders list for individuals and companies which repeatedly offend. I would also look for funding for the creation of a national analysis resource, which enables the police to put all this stuff together. One thing that we have not really talked about is that these are cross-border criminals. They are not just international criminals, they are cross-police areas, they are cross-county areas. Joining that up is really important.

We are doing something in the south-west called Operation Ragwort, where the five PCCs and the five forces join up to share intelligence. That intelligence is about two things. It is about agricultural theft—people moving plant across the borders—but also waste moving across the borders, so there are more things we can do.

I disagree about the Proceeds of Crime Act because the Environment Agency asked me to lobby the local MPs on its behalf on that point. Somewhere there seems to be a mistake or gap there. The Environment Agency is certainly saying locally to me that it is not getting the proceeds of crime.

That is really about it. The bald fact of it is that at the moment the penalties are not strong enough, the intelligence is not as good as it could be, and we do not have the amount of money that we should have in order to take the fight to these people.

Dr Anna Willetts: I want to clarify that the Environment Agency does not get all the proceeds of crime, but it is a significant proportion compared with the fines that it does not get, so that might be the overlap.

David Sidwick: Yes, it could be.

Lord Duncan of Springbank: We are talking about only four local authorities pursuing this at scale. Is that because other local authorities think it will cost them more than they will secure back in return? They are not willing to commit precious resources, when in truth they are not going to be able to secure any recompense from it, so they are not willing to pursue this as an active approach?

David Sidwick: I have a different experience from Matthew, but then again I have only two local authorities, both of which sit on the Dorset Partnership Against Rural Crime, and both are doing things about—for want of a better phrase—lower-grade fly-tipping, the smaller stuff. That is where you have to do it. There is a different issue there. There is also a slightly cultural issue. Recently, somebody put an old carcass of drawers outside their front door and said they were allowing people to upcycle but everybody else would say, “That is fly-tipping”. At that level, the local authority, certainly in my area, is working better than it did four years ago. We have a local investigator, who we co-fund, and that has radically changed that side of it. They are working well there, but it may be different in different parts of the country.

Lord Duncan of Springbank: I can see a big difference between a carcass of a chest of drawers and a field full of tyres.

David Sidwick: That is the point. That investigator will go and look at the field. If he is the first point and he finds it first, he will go and look at the load of tyres and the local authority, the Environment Agency and the police will then work on that.

Dr Anna Willetts: Just quickly, in a successful prosecution, the prosecution is entitled to make an application for its costs in the case.

Q29 **Lord Trees:** Thank you for coming. It is not easy today, I appreciate that. This is a very important discussion. We have heard in previous sessions, as well as from you, that fines are no use. That is part of the business costs of these organised criminals. However, there are up to five years’ custodial sentences available, either for offences of permitted waste deposits that are breached or unlawful deposition. Five years’ imprisonment is pretty tough. That appears never to be used. Is that a failure of the judicial system or a failure of the investigative system, the latter being a responsibility of the police? I would like to know what leverage or power can police and crime commissioners particularly exert to either get the investigative function improved, if that is the cause of the problem, or get the judicial function improved to impose permissible sentences that already exist?

Matthew Scott: The investigative work on these large-scale waste tips would be for the Environment Agency as opposed to the police, but as police and crime commissioners, we have the ability to convene in our areas to put pressure on the relevant agencies to undertake this work. David has given a good example of how he has done that through the Partnership Against Rural Crime. That is what we have been doing in the south-east as well with the PCCs, the Environment Agency and councils, to try to get them to take more action with regard to waste crime investigations.

The Environment Agency will speak for itself next week and maybe argue about its capabilities and capacities. I suspect it will fall heavily on the capacity side of things as opposed to capabilities. As you have already heard from Dr Willetts, there is a capability gap there where the agency

is not undertaking investigations in a thorough way. I also think if we had not put as much pressure on the agency—and I pay tribute to the residents around Hoad's Wood, to Damian Green, who was the MP at the time, Yvette from the BBC for the relentlessness of the pursuit of what happened at Hoad's Wood, as well as some of the pressure that we put on—I do not know that we would even be in the situation that we are in now, as terrible as it is, or that any action would have necessarily been taken at all. It was well over a year from the ministerial direction, for example, from the former Secretary of State to the EA to the start of clearing it up, at a cost of around £15 million, which the agency had to redirect from other areas within its business to do it. There is a real weakness in the system around the investigatory capacity and capability of the Environment Agency, which is allowing these illegal waste operations to be undertaken, probably at a cost to your clients who are trying to do the right thing.

Lord Trees: The judicial aspect?

Matthew Scott: The judicial aspect, it is—

Lord Trees: We spend a lot of time in this House talking about new laws, there are loads of laws that exist, which have permitted sanctions that are not properly used.

David Sidwick: I would agree wholeheartedly with that. It is one of the frustrations. The ability for a police and crime commissioner to influence that locally is very weak indeed. We convene criminal justice boards, but we have no statutory power. It is just a convening power. To actually discuss it with those who are doing the sentencing is, again, quite difficult. We had a situation recently, not with waste crime but in a different area, where the police offered some training, but it was declined because that was not appropriate.

I agree that the sentencing guidelines work only if people use them. They work only—and I am being polite here—if people actually look at the aggravating factors because that is usually where it comes unstuck: they are not being applied. That is my view, for what it is worth.

Lord Trees: Thank you.

The Chair: Earl Russell, and I think Lord Ashcombe, did you want to come in? Earl Russell.

Earl Russell: Yes, I will be brief. On Hoad's Wood, I would also like to pay tribute to the local residents, and everybody else involved in that.

Just on the crimes, obviously whatever is happening now is not working because these serious organised criminals are not deterred at all. It has been described as the new narcotics. What I am hearing from all your evidence is quite a complicated picture. I am hearing that basically the agencies are not joined up, you are not getting intelligence, intelligence is not shared. When people are caught, which sometimes is by chance and not design, the evidence put forward is often not complete. The

sentencing guidelines are only as good as the evidence that is put before the courts. As a result, although there are sentences available, the courts are not giving big sentences to deter the criminals.

You also said that some of the courts do not want to be trained. In the last session we heard that there may be a need to improve training, and I pick up your point on making the minimum fine the maximum fine. Generally, my understanding is that this is also a complicated bit of the picture, and it needs lots of different bits bringing together—sorry if that is more of a statement than a question.

David Sidwick: If I were to summarise, I think you have all the bits there. I would tighten the nuts. You have the tools, make certain they are used. Regarding the Environment Agency, look, I have a slightly better perspective than Matthew has. We are running at 22 successful convictions. The average across the country is 15. I have a slightly better perspective, and the way I see the agency work with the police is much better than it ever was four years ago, so maybe I am lucky.

The Chair: I am going to move on to Lord Trees and, colleagues, just to remind you that we will be finishing at 11.30 today, so do bear that in mind.

Q30 **Lord Trees:** Thank you, Lord Chair. Yes, I have been given a question about how the Environment Agency prioritises its enforcement activity. To some extent you have answered it, and Dr Willetts might want to say a little bit more, but it is useful, I think, to hear your perspective on that.

We have heard to some extent today, but certainly last week, that there is often a big delay between an incident starting and something being done and some intervention. What are the causes of that delay? That is critical to limiting the damage and, I am sure, gathering evidence for potential prosecution.

Dr Anna Willetts: There are two strands, really. From my own personal experience of reporting the site that I talked about earlier, the way the Environment Agency prioritised it was, because the site that I reported was illegal—what looked to me like a textile facility, quite small—the Environment Agency categorises, I believe, the risk to the environment as 1 to 4, so 1 being significant, major, down to 4, which is minor. When I rang about this site, they said, “It is only a category 4. It is just a textile site. We have to deal with the drugs and the rapes”, like you said. I said, “I know that, but if it catches on fire, it will become a category 2 or 1 site. It is not a soil aggregates recycling facility. It is textiles, something that can ignite. It is close to a school, very close to sensitive receptors. I know where the groundwater is, I have seen it. I used to be a geologist; I am interested in that”. I reported all that and they said, “No, it is category 4”.

What also concerned me about this was the people who were leaving the site—and we talked about modern slavery—they looked to me not well looked after, not well kept. I did report that to Crimestoppers as well because I think the waste is the tip of the iceberg. Then 18 months later

the whole lot went up in flames. I reported it to the Environment Agency, and they asked me whether I had called the fire brigade. I said, "Yes, I have. They are there now, but this was the illegal site that I told you about, so it has gone from a category 4 to a category 1". I think that is an issue when the agency has to prioritise things, but the risk factors in the waste industry can change very quickly.

The other point I am not sure about, and I guess the Environment Agency will be able to tell you better, is with some of the prosecutions that I deal with. For example, the landfill site was closed overnight, and my client could not get the skip lorry to the site and had to bring it back to his own site. In his wisdom, he thought, "I will put it down on the ground overnight. Put it back on the lorry tomorrow and take it to the landfill site". He was prosecuted because that was an unlawful deposit of waste. I do not know how that was prioritised as waste crime. That is why I say I think that the Environment Agency would need to tell you that.

One final point I should make—and again, this is for the Environment Agency—it is my understanding, and I have raised this a number of times through the ESA, it is of concern for us in the industry, the regulated industry pays for regulation through the subsistence fees for their permits. That is what funds the regulator, I understand, to deal with regulated industry. So when we say to the Environment Agency, "You have sent eight officers to my client's site on a Friday afternoon because you think the wood is in the wrong place", and my client says, "Down the road there is somebody burning tyres", the agency says, "Well, they do not have a permit. We do not regulate them. We cannot deal with them". I understand the funding for that comes from grant in aid, which is a different budget. I think that might partly answer another bit of your question about prioritisation.

We talked about things we would like to be improved. I wonder whether the vast amounts of money going to subsistence fees to regulate proper sites could be diverted and that might then free up resource and cash if the grant in aid is not dealing with that. I think it is Treasury rules that deal with that, so that is out of my remit but those are my thoughts.

Matthew Scott: You have been incredibly proactive in your case, but I think the delay in some of these cases is about the merry-go-round of reporting. Members of the public are not sure who to report it to, so they will report it to the borough council, which will tell them to report it to the police, who will tell them to report it to the Environment Agency, which will tell them to report it to the council, which will tell them to report it to the police. They will just keep going round and round and round, and no one cares. They just want someone to grip it and get on with it. Take the details, pass it on to the right agency and sort it out among themselves. Then it will get triaged in whatever way the Environment Agency is practically doing it. The EA will probably say "Threat, harm and risk" and those categories that Dr Willetts has mentioned. But, as we have heard, due to the way in which the Environment Agency appears to be funded to

do different activities, it will be a case of what gets paid for gets done or what gets measured gets done. As it seems easier to go after the regulated industry than those who are acting illegally, that may be a question for the Environment Agency to answer next week.

Within policing, for something like that, I would expect there to be some professional curiosity. I have talked about this before, and if there is one thing that policing does well when working in partnership, it is disruption, disruption, disruption—"Get them for something". "If they have 44 tonnes on their lorry but the brake lights are out, stop them. Start asking questions. Let us have a bit more professional curiosity". The range of offences that people were stopped for yesterday in our operation was quite something, and then you start to learn more about where people are travelling to, you can check their waste transfer notices, and then Canterbury City Council was there, for example, to give a warning to someone who did not have the correct paperwork. So you have to keep on being relentless with the disruption.

I have mentioned this before: the reaction time is of concern. Obviously, Hoad's Wood is something we have been talking about for over five years, and we are only at the clear-up stage now and very early on at the clear-up stage of something that is potentially going to take 18 months. We have had arrests relating to that site, but I am not sure of any progress yet. You may wish to ask the Environment Agency next week how far it has got and what resource it is putting into it. The reaction times are just unacceptable.

The Chair: Thank you. Lord Ashcombe, you have a question.

Lord Ashcombe: Yes. It is in two parts. First, do you think that the Environment Agency is underpowered? Secondly, is that why it seems that it might go after the soft side of the crime rather than where it really counts?

Matthew Scott: I would agree. The agency will argue that capacity is one issue, but capability as well, and will be able to speak better than I can about its powers, but if this were a police investigation, for example, I would be asking about cell site inquiries. Are they downloading mobile phones, et cetera, to get digital forensic evidence around people's locations? I cannot speak to what powers the agency does and does not have from an investigative point of view, but that might be something you wish to probe next week.

David Sidwick: I would say the agency is underpowered. From what I know about Wessex, which runs from Gloucester down to Dorset, with everything in between, the EA has one person who does triage. It operates on a threat, risk and harm basis and goes for the most severe sites in order, but that does not cater for the situation that you talked about from the point of view of something that is low-level and then becomes high-level. Obviously, the triage does not work quickly enough in those circumstances, but if you have only one person triaging across

the whole of Wessex and you have only 1.6 investigators for the whole of Wessex, it is severely underpowered.

With all the issues around what the agency is doing, you also have the problem that you do not have enough people doing it, which will compromise what it is doing as well.

Lord Ashcombe: How many sites would you expect there to be in Wessex?

David Sidwick: It is looking at about 25 sites at the moment, but those are the ones we know about.

Dr Anna Willetts: Could I add a comment there? I spoke about it earlier, by way of example. In my experience, it seems to me as an outsider that it is not underresourcing, it is where the resources are placed. An example I gave was a client who had eight Environment Agency officers at a regulated site.

Lord Ashcombe: I was stunned when you said that.

Dr Anna Willetts: I appreciate that people might be training, but I have also been in courtrooms where we have gone for sentencing and I have seen four or five Environment Agency staff at the back of the courtroom, and my client says to me, "There is all this waste crime going on, what are they doing?" I am being flippant, but I do wonder about the resourcing. This might come back to the subsistence fees and the grant in aid and where the resource is placed, but in my experience plenty of officers seem to be available to be out on the ground, but the agency might have a different view.

The Chair: Lord Duncan, you have a supplementary on this.

Lord Duncan of Springbank: A very quick one. We spoke about proceeds of crime monies going to the Environment Agency. Does the Environment Agency get to keep that money, or does that money then go into a more diverse government clawback? Can it deploy the resources then into further front-line services?

David Sidwick: Well, we have a difference of opinion here, because the Environment Agency is saying to me and asking me to lobby that more of the POCA [Proceeds of Crime Act] goes to them, but you seem to think—

Dr Anna Willetts: My understanding is that a third of proceeds of crime goes to the regulator. What it spends that on I am not sure. Maybe it is able to then use it for funding the waste crime that is not regulated. I have to say, proceeds of crime applications are usually for large amounts of money. It is normally for things where, for example, somebody has been operating for two years without a permit. You can imagine the turnover of business over two years. It could be in the millions. A third of that is still a lot of money. They are large sums of money generally for proceeds of crime, so it is an attractive tool, I think, for the Environment

Agency to use when it has secured a conviction. However, as to what it actually does with the funding, I would not know, sorry.

The Chair: Just before we move on from the Environment Agency, what I am hearing from David Sidwick and Matthew Scott is that your experiences with the Environment Agency are different. We have been talking about the Environment Agency as one entity. How much autonomy do the regional branches of the Environment Agency have? Is the experience of different local authorities very different?

David Sidwick: It is impossible for us to say, because we do not have comparisons.

Matthew Scott: No. I do have good working relationships with the individuals from the Environment Agency who attend my rural crime governance board and provide information and statistics to those meetings for the wider rural community. But, as for autonomy, much like many government organisations, everything goes up and then has to come back down again. I do not know how well empowered the EA is at a local level to make decisions. Much like with the courts service, for example, we have people who will attend our criminal justice board meetings who will give a good account on behalf of the courts service, no criticism of them, but they are not capable of making a decision until it has gone to the centre first, so I cannot speak to—

The Chair: Dr Willetts, in your experience?

Dr Anna Willetts: I work across the country, and I deal with Environment Agency officers and lawyers across the country. I think there must be autonomy because I do not see consistency in how officers investigate and how cases are brought. It is very different depending on which region you are in. From that, I am inferring that they are able to make their own decisions because they are so different. I recently had a lawyer in the north-east tell me that one matter cannot be dealt with through the appeal system. Yet the very same matter in the south-west has been dealt with through the appeal system. That is a matter for me to deal with, but I am assuming from that that there must be a level of autonomy, but, again, I think that may be a question for next week.

David Sidwick: Certainly, there is a difference in the performance because I have 22 and the average is 15 from the point of view of convictions.

Q31 **Lord Rooker:** Can I just deal with question 4(b) because it is a supplementary to Dr Willetts?

I know we will have the Environment Agency next week, but I want to ask you a specific question. In our briefing, it says that between 2018 and 2022, the Environment Agency was given powers to—I will not read it all out—acquire communication data and authorise covert sources to participate in criminal conduct where necessary. Do you know whether it has ever used those powers at all?

Dr Anna Willetts: The covert surveillance power? I have seen that being used on a couple of matters, but that is over the last 10 years. One thing I would say that I think leads back to—I forget, I apologise, who asked the question about Hoad’s Wood—another power in the armoury is restriction orders and restriction notices. Once they are issued, the courts have to deal with those within 48 hours. I do not understand why they were not, for example, used at Hoad’s Wood. I have seen one in the last 10 years and, unfortunately, that was issued mistakenly. However, the powers are there. I do not see them being used as much. The vehicle seizures seem to be happening more with the police. That was something we never used to see. But, yes, I have seen covert surveillance on limited occasions.

Q32 **Lord Jay of Ewelme:** This is a question about policing, which is for the two police and crime commissioners, if I may. You have talked quite a lot already about the role of the police, which is clearly crucial here, but I just wondered whether you could say a bit more about the role of the police in your areas, but in other areas too. How well do you think police forces understand waste crime and what they consider to be their role in relation to it? Could you say a little bit about how that varies from one area to another? I do not know well you can talk about what is going on in the rest of the country, but it would be very helpful to get a sense of how the police, countrywide, regard this, how important they regard it as, and how well co-ordinated they are. Mr Sidwick, you talked about co-ordination outside Dorset, in the south-west. How well does that co-ordination work more widely? Perhaps you could start, Mr Sidwick.

David Sidwick: Certainly, from the point of view of the police and their focus on this piece, that depends very much, I believe, on what is in the police and crime plan generated by the local PCC. I have front and centre, priority number four, fight rural crime, within which fly-tipping and waste crime are enunciated and clear as a priority. Therefore, the chief constable has to take that into account.

When I came into office, we had one PC and one PCSO dealing with rural crime—all of rural crime, including fly-tipping and waste crime. We now have a proper rural crime team of 17 and their task is to take the fight, if you like, to serious organised crime, because the individuals who are nicking the tractors and putting them on the ferry across the channel are the same people who are doing the industrial waste crime. With that came an understanding that what we needed to do was move the dial on serious organised crime, to make certain that groups which are operating in the countryside became nominated as serious organised crime groups and that has now started to happen.

Another thing is sharing across borders, which was at a reasonably low level and it was not organised. Over the last year, we have started Operation Ragwort, which is much more organised. That also has ramifications. For example, last night, I was out on something called Operation Galileo, which is about hare coursing. We were with Wiltshire Police, and again, they were sharing intelligence about all sorts of other crimes. They knew who the poachers were and who was also doing the

waste crime. This piece about join-up and working together is really important.

I cannot talk about what happens across the country. We are not aware that there are many other Ragworts, if I can put it that way. We have done it. We have had three operations under the Ragwort banner, and they have all been on the roads, disrupting. They would have been looking for waste hauliers and so on. I want it to get to the next stage, where they have the intelligence, they understand the serious organised groups which are doing this, and are knocking on their doors, so the five forces come together to do that. That is our vision.

Now, from the point of view of the police, and working with local agencies, as I said, that has become much closer through Dorset Partnership Against Rural Crime. The local authority is out with them when they do Operation Trader, which is when they sit on the main roads, or sometimes not quite the main roads, and catch people who are hauling waste around. That is now moving forward in a way that it was not moving forward, probably, I would say, three years ago.

Lord Jay of Ewelme: Has all this happened because of what you have advocated? Does the role of police and crime commissioner—or can it—make this sort of thing work? That is one question. The second question is do police and crime commissioners across the country talk about this? Do you talk to each other? Do you talk about what is going on in Northumberland? Do you talk about what is going on in Cumbria?

David Sidwick: Yes, two things: the first is that this would not have happened without it being in the police and crime plan. It would not have happened without me pushing hard on fighting rural crime.

I am going to be deliberately controversial. When was the last time you heard the Home Secretary talk about rural crime or waste crime? For the local people in Dorset, when we did our survey, it came at the top for people in the south-west. It is what the locals want sorted.

Regarding people talking to each other, yes; we have the National Rural Crime Network. I sit on that board. That is where all the PCCs who are interested in rural crime will come together. We have a board meeting, we have a conference every year, and we are pushing on aspects of legislation, for example, through that. So, yes, we do talk to each other.

Matthew, do you want to say something?

Matthew Scott: Yes, I endorse what David has said. Having been in post now for nearly 10 years, I think there are a number of things that chief constables now do that they probably would not have done unless there had been some form of external pressure, from, for example, a police and crime commissioner or a Home Secretary. An example of that would be rural crime. My predecessor established the first rural task force in Kent. I doubled it in size and since then, it has been increased again. A number of police forces have established rural policing teams in the last

five to six years, something that I do not think would have happened previously. They are the sorts of teams that would have been very easy targets for being disbanded during austerity. It is only because we try our best to ring-fence them and establish them and grow them, even though we are not operationally able to direct the resources. If it was not in our police and crime plan, if we did not make a big fuss about it, I suspect that a number of those teams would fold, particularly now we are being asked to put a lot more police officers into neighbourhood policing. Rural crime could be a very soft target for chief constables to say, "We are moving you out of rural policing teams and back into wards that need you".

Again, the National Rural Crime Network and the work that David and his colleagues on the board have done have been really influential in pushing this agenda nationally because, again, where the powers on this sit with the Environment Agency and local councils, it is a very easy one for the National Police Chiefs' Council to say, "Not my problem; not our powers; we are going to prioritise other things".

If you have not considered it already, it would be worth inviting the National Police Chiefs' Council to understand its view on waste crime because I suspect that if there were no National Rural Crime Network, which David and my colleagues have been so actively pushing, things such as waste crime and fly-tipping would fall off its agenda too.

Lord Jay of Ewelme: You have talked about waste crime and you have talked about fly-tipping as being two different things. Do you look at them differently? Of course, there is a spectrum, but do you look at those as two completely different sorts of operations that require different kinds of responses?

Matthew Scott: I would agree because where the powers sit with both the local authorities and the police, the police will often say, "It is not our problem". "Yes, it is your problem. It is a crime in action. It is your problem, Chief Constable". Between the Environment Agency and waste crime, we do make a distinction. That is why, when we do our joint operations, and David will say the same, we always have the local council out with us because it has powers to use and to tackle. It may not be waste crime, but it may well be fly-tipping.

We had an example yesterday where the council used its powers because it was quite obvious that this person with their garden waste was going to take it somewhere where it was not allowed and so was therefore probably going to fly-tip it. The council used its powers, as I mentioned with the person who did then go onto the illegal waste site. The police used their powers to seize the vehicle on behalf of the local authority because the Environment Agency did not. The Environment Agency has its own powers. There is a substantial role for the police still to play in this and they just need to be kept reminded of that.

Lord Jay of Ewelme: Thank you. Anything to add to that, Mr Sidwick?

David Sidwick: Only that I think that the way it works is you that you have to have the local authority, the Environment Agency and the police working together. The local authority will be, yes, dealing with the fly-tipping, but it is only at a certain stage that fly-tipping becomes waste crime, when it comes over a certain amount of tonnage being shifted. The disruption is going to be the same from the police and the local authority, which is why when we do an Operation Trader and we are on the roads, we have all three elements there. We will be able to deal with the fly-tippers and those who look like they are doing something more serious and organised.

Matthew Scott: We have talked about the EA, the councils and the police, it is also worth noting that the DVSA is being proactive in this space as well in spotting vehicle faults. We had them out with us yesterday, and also HMRC. The police often do joint operations with HMRC where they will stop an HGV belonging to a company that has been subject to Treasury fines and the police will often collect the fines on behalf of the Treasury and not receive anything by way of compensation for doing so—a wholly different matter. But there are other agencies, such as the DVSA and HMRC, that can help with the wider disruption, and we have seen that work quite well.

David Sidwick: I am aware that the EA will also work with HMRC, particularly if there is something like fraud around landfill tax going on.

Q33 **Earl Russell:** That all segues quite nicely into my question, which is the second to last question. The last question is an additional measures one. I really want to ask you about how the Environment Agency, police forces, regional organised crime units and in particular the Joint Unit for Waste Crime are working together in practice and how that might be improved. The Hoad's Wood case went on for three years. At its peak, it was 30 lorries a day, it was reported to everybody, everybody pointed their finger at somebody else and not much really happened. I am aware that you guys have different regional perspectives but I am particularly interested in how all these arrangements could be improved. The Joint Unit for Waste Crime, I understand, has been doubled from six to 12 people and we have heard about a shortage of people in the EA. How would you set about fixing this relationship between the Environment Agency and the police forces?

I note that in doing this inquiry, we did reach out to the National Crime Agency, the National Police Chiefs' Council and the College of Policing and none of them felt able to give evidence to this inquiry so I am interested in your comments and in knowing what more we could do to improve this working because it is obviously in everybody's interest.

The Chair: Before you answer that, I should say—and thank you, Lord Russell, for that—that the reason that the three police organisations gave was that they were unable to provide witnesses with sufficient understanding of waste crime.

Earl Russell: I should have added that myself, thank you.

The Chair: Please do answer Earl Russell's question.

Matthew Scott: It is astonishing.

David Sidwick: You are more polite than I am.

Matthew Scott: It is astonishing. It is only because I am aware that it is about 11 o'clock in the morning, I cannot say what I really think, but astonishing probably sums it up.

I reiterate that this is part of the problem, that while the powers sit with the EA and the councils and others, the police do still have that role. It is still a crime in action and I would tell anyone who sees fly-tipping taking place, "Phone 999", because it is a crime in action.

I am interested to hear that they do not have anyone with sufficient knowledge given that they seem to be able to do it in all other areas of policing and crime and they always have opinions on those.

As for how we could improve things, I have a list of things that from a regional organised crime perspective could be done, but we are very open. Some of the key things around vetting are important. Not all local authority staff have sufficient vetting to be able to access some of the intelligence packages, and that goes both ways. A key point around the intelligence sharing is not just the information itself, it is being able to access it, so it is important to ensure that appropriately vetted EA staff and Joint Unit for Waste Crime representatives attend all the regional tasking meetings, are provided with the opportunity to submit their documents to assist the disruption of the threat, and also make sure that the GAIN co-ordinators are able to attend their Environment Agency and JUWC tasking meetings. We need to join them all up together and make sure that everyone has the appropriate vetting to access the risk assessments.

There needs to be full sharing of regional strategic assessments to appropriately identify the individuals between the Environment Agency and the regional organised crime units, and more formalised data sharing arrangements. In Kent and Medway we have very good data-sharing arrangements between police and councils, the NHS and the fire brigade. I do not think the Environment Agency is on that one so we need to make sure that data-sharing agreements are up to date and that all the relevant agencies are a part of it.

I could do what most people do, perhaps sit here and say that there needs to be significant financial investment into the Environment Agency, into its capacity and capability, because I fear that without substantial investment into those capabilities, nothing will change and all you will have going forward is disruption. I would encourage all areas to continue down that route of disruption—get them for something. David mentioned it earlier on: deny the roads. We use that approach to many different types of criminality. It was burglary in the 1990s; it is county lines now. If you detect mobile phone offences, seatbelt offences, and then start

having the professional curiosity to search the rest of the vehicle, who knows what you will find? Typically, it is narcotics and other things as well. There needs to be that continued and relentless focus on disruption, or they will continue to get away with it.

David Sidwick: As we are talking about what we want, it is probably useful if I just mention the way that the regional organised crime unit looks at things. It looks at something through the MoRiLE—the management of risk in law enforcement—score. That will be higher for a serious organised crime group—modern slavery, drugs, violence, and so on. One of the issues will be that waste crime on its own will struggle to get up the listing for the score. Another issue is where waste crime is occurring. I think we did not have any rural organised crime groups until about two or three years ago. That meant that we did have any which had been labelled up to about two or three years ago. I would suggest that the MoRiLE score be changed because in one of our waste crime situations at the moment, we have had something like 15 cannabis fly-tips so there are obviously factories and their waste is being dumped. I would like to see that change.

I echo Matthew's words about resource, but there is a thing here. If the Environment Agency gets more people to do more things, the police will need more people to do more things. We must be very clear. Rural crime is not thought of by anybody. There is something that drives police funding called the national funding formula. It has not been reviewed for decades. It was reviewed in that the technical work was done about a year and a half ago to take into account two things: seasonality and rurality, because it costs more to police a rural area. When you look at that currently, the 10 worst-off forces in the country for funding are rural forces. If you are going to bump up the Environment Agency, you need to sort the national funding formula; otherwise, the agency will be wanting the police to help and there will not be enough officers to do the job that the agency wants them to do.

Earl Russell: Thank you. Dr. Willetts, is there anything about the operation of the Joint Unit for Waste Crime that could be improved as well as part of this question?

Dr Anna Willetts: I am not clear how the Joint Unit for Waste Crime operates. I am pleased to hear that there are more staff. There are two things that I think what would help generally.

For me, one is what I talked about earlier: Treasury rules, if that is what is holding up the resourcing. It would be great if there were more staff. There are lots of staff. If they can be moved and deployed to where they need to be with serious organised crime and not dealing with regulated industry, and if the blocker to that is Treasury rules, I think it would be very helpful if staff could be deployed where they really need to be—not for a skip lorry that has been put down overnight but Hoad's Wood. From a legal perspective I wonder about the way that I see cases being brought.

Then there is training, potentially, for staff in local authorities in particular. I have seen them charging when a name and address have been found in a bag of waste and they have rightly traced it back to the owner, invited them to come for an interview under caution or invited them to give information. When they do not, they are charged with failing to give information. They are not charged with the offence of the dumping, the tipping, so there is a much less severe penalty. Perhaps the legal parts of the regulators could deal with things better. There is also what I talked about earlier: prosecution, giving the courts those powers and understanding their powers, understanding about restriction orders. I do not know why they were not used at Hoad's Wood. I do not know why some of these powers are not used more when they could be. I wonder whether that may be a matter of training or awareness or something within the regulator. From my experience, I think they could be used to much greater effect, which would help all of question 7.

- Q34 **Lord Mancroft:** What else could help the Environment Agency, the police and their partners tackle serious and organised crime waste more effectively? Matthew, you said resources. Does "resources" mean cash or people on the ground? As I have been listening to you answering the questions, I have been trying to think it through. I live in Gloucestershire, which is not a whole lot different from Dorset. If I were to ring 999 where I live, my local police stations are in two places called Chipping Sodbury and Wootton under Edge, and are both closed. They are open only for two hours in the morning each day. If I ring 999 for whatever reason—say I have seen a fly-tipper doing something—I know that it gets put through to Cheltenham, which is 34 miles away. By the time a car has turned up with two people who probably are wearing city shoes, they are not wearing gumboots, and it is not a four-wheel drive car, by the time they have turned up, whoever has done any crime, whether it is fly-tipping or anything else for that matter, those people have gone. If a farmer rings up because somebody has nicked his tractor. By the time the police arrive, they have gone. So when you talk about resources for this, I keep trying to think through how it would work on the ground. I know Dorset pretty well. What are these resources? How would they help? What is it that they need?

Matthew Scott: From a policing perspective, Chris Nelson, your PCC, will be able to talk to you about the deployments of response and the rural task force in the Gloucestershire area. However, in Kent the reality of a situation like that from a policing perspective is that the response team do not go to a call, then go back to the police station in every circumstance; they will go from call to call to call to call. Also, they will look for the nearest deployable resource. In our circumstance, that could well be our rural policing team, which do have those vehicles, equipment, uniforms and the experience that they would need. In addition, we use WhatsApp for a farm watch group. We have our rural task force officers, all of them, in those groups. We have one for every district. If there is something going on, phone 999, report it, but also tell us via the farm watch because actually there may well be a rural task force officer nearby to deal with those situations.

From a resourcing point of view, Dr Willetts has made a very good point about we have all these resources, we cannot use them for this type of thing because it is funded from that rule. That is a very easy way, through a change of rules, for them to existing resources better to tackle these problems. When I look at the resourcing for the Environment Agency investigators in the south-east and they claim they have four people, that worries me, given that there are five large counties in the south-east. There is a combination of whether we can move people from other areas within the Environment Agency to support those operations in Kent. My understanding is that they will for the Hoad's Wood investigation; they will be better placed to tell you about the resources for that next week.

It is also financial. I know that we are in a tricky situation nationally when it comes to finances. We have just had a CSR. We know how challenging it is. I am realistic about the prospect of a substantial investment nationally in the Environment Agency, but if it was able to get a greater proportion of the POCA funds, fantastic. If it was able to keep some of the fines for itself rather than have to give them over to the Treasury, fantastic. We will have to look at other options. We are doing the same in policing at the moment because we know there is no big pot of cash coming to policing any time soon and maybe it is going to get even harder for us. We need to look at all the other opportunities that there are to increase the resources to support the EA.

David Sidwick: From my perspective, it is sweating everything that we have in the partnership in order to make it work. You have heard us both talk about the funding. I have spoken very clearly about the national funding formula, and I will not reiterate that answer. But the point is that we are becoming more and more reliant on finding other ways to do things. In Dorset, we have started something called Rural Mounted Volunteers. These are people who can be directed by the police to help them. They are on horseback and they can go to places where cars cannot go. We want 25; we have 17. We will get there. But do you know what is the main thing that they have found in the year that they have been operating? Fly-tips or waste tips. So it is about sweating everything, but ultimately it comes back to, and it will always come back to, resource.

Your question was: is it cash or boots on the ground? Boots on the ground have to be paid for. The staff bill is the biggest bill that Matthew and I have.

Dr Anna Willetts: I will add one final point on that, something that has come up recently. The fly-tipping, the smaller-scale fly-tipping, this was raised recently on Radio 4—a number of listeners called into that programme, which I featured on, about waste crime.

The Chair: "You and Yours"?

Dr Anna Willetts: "You and Yours", yes. A number of people made a very good point, which I found at my own HWRC tip. Limited operating

hours of HWRCs are frustrating for a lot of people. They are open only three days a week, between 10 am and 3 pm, when everybody is at work, and also charging. I think you have to pay for white vans. I do not know whether that is a bit of a deterrent for people to legitimately deal with waste—a white van at the typical fly-tip, a couple of black bags, or a bit of industrial waste, a mattress thrown in the ditch. Listeners raised the issue that if HWRCs were open longer, and were available, and did not charge, and whether that is a possibility to reduce that kind of fly-tipping. It is not serious and organised waste crime, but a number of people mentioned it, and I have found it myself, so I do not know whether that is something that could also be considered.

Lord Mancroft: That is true. I have noticed that as well. Are there approaches that have been used in other areas of serious and organised crime that could be used but which are not being used in the waste sector?

Matthew Scott: From a policing perspective, they will look for any opportunity: the Al Capone approach, there is more than one way to tackle somebody. We do it quite effectively at a local level with our community safety partnerships, where we will have the police, the fire brigade and the DWP and so on. We are doing it with what we call Operation Assist, which sounds like David's Operation Trader, where we have the council and the police going out together to do those vehicle checks. So, yes, there are other things that can be done, but just to come back to the point, if I may, about household waste recycling sites: I have to now pay at my waste recycling site to get rid of soil and tiles. It is ridiculous. I know I am a council tax preceptor, but I pay enough to Kent County Council to be able to take a bag of soil every now and then.

I come back to the fly-tipping data that I mentioned early on. The highest number of fly-tips in the south-east was by small vans. If you charging small vans to go to the tip and, or you are turning them away from the tip, there is a likelihood that those small vans are tipping it somewhere, mostly on public highways—just under half of them on public highways. The next highest amount was on council land, and it is costing them hundreds of thousands of pounds.

The Chair: Perverse incentives, is it?

Matthew Scott: Exactly.

The Chair: Before I come to Earl Russell and then Lord Ashcombe, on this point about fly-tipping—let us just stick with sofas and mattresses, large items that householders find very hard to get rid of. The Government want to work towards a circular economy. It would help their task, would it not, if householders could have an easy repository for things such as second-hand sofas and mattresses?

Dr Anna Willetts: A new legal issue has arisen with that in recent years. Household waste recycling sites can no longer take settees, mattresses and chairs, which have what are called POPs—persistent organic

pollutants—in them. The Environment Agency, I think it was a couple of years ago, stated that HWRCs can no longer take those bulky goods, so householders, I imagine, will be feeling that they might well accept when a man in a white van comes and says, “Oh, I’ll get rid of that for you for £10” and the goods end up in ditches. I think that has been a bit of a block for that kind of waste, which can no longer go where it used to.

The Chair: We have had written evidence suggesting that the Government could easily mandate that when a new sofa is bought, the old one is taken away at the same time and either recycled, upcycled or disposed of safely.

Matthew Scott: A number of district and borough councils offer bulky waste collections to try to combat that problem. Medway, for example, offers a free service. The district council in Sevenoaks, where I live, charges a small fee—it certainly is a small fee—to try to deter people from using man-in-a-van. Those councils try to undercut them in some way, but again, it is more of a case of charging everyone for everything.

The Chair: Thank you very much. Earl Russell and then Lord Ashcombe.

Q35 **Earl Russell:** We have pretty much run out of evidence time. I thank you all for the evidence that you have given us. It has been very interesting, hearing about the different approaches you are taking.

What else could really help the Environment Agency? In tackling the organised crime side of it, the Government will come forward with new legislation, I hope, but could more be done in terms of following the money, using phone records, the use of technologies, particularly drones, using satellites and computer models and AI to predict what sites might be fly-tipped on, better use of locational tracking, improvements in sentencing guidelines?

The Chair: This is quite important. I know we are up against the clock.

Earl Russell: If there are other aspects to improving the armoury, the tools that are available—obviously the other key things that are never going to go away is that there is never going to be enough money, there are never going to be enough people. So what more can we do to work smarter, not harder, to tackle this problem?

David Sidwick: The answer to all of that is yes. I would expect an organised crime group operating in waste crime to be given—to put it this way—the same love by the police, the Environment Agency, and everybody else and for every tool at their disposal to be used: AIs, drones, the covert surveillance which was talked about earlier.

Earl Russell: If we did that more, do you think that we could begin to link the large-scale fly-tips to the people trafficking, to the narcotics and vice versa, and actually uncover a much broader picture of organised crime operating?

David Sidwick: Yes, I think you would and partly for the reason that I discussed earlier about the way the MoRiLE score works. I suspect that it will move in one direction. If somebody is lifted for waste crime and they are doing something else, that would be flagged up. I am not certain it works the other way and that may be something that we need to interrogate more.

I would make one other small point. There is a National Rural Crime Unit and it had a post, a waste crime and fly-tipping analyst who was going to work with the National Police Chiefs' Council. I mentioned data and better understanding around waste crime earlier. That post does not exist any more; the funding has been taken away, and that may be partly why you got the response you got from the NPCC. Having that role back would be useful because it would be a national unit in the police and it would link up to agricultural theft, all those other crimes and offences that these guys are doing. I think it was a big mistake, taking that away.

I do not think I have anything else to add apart from the fact that we have to treat this as seriously as we do every other sort of organised crime and we are not doing that at the moment.

The Chair: I will come to Lord Ashcombe but will give you early warning if you have something to say that you do not think has been fully explored in this session that you think should be heard in the public session, please take a minute or two to do so at the end.

Lord Ashcombe: I would like to go back to Mr Scott. You mentioned the Bermuda Triangle. How do you solve the Bermuda Triangle? Because if you can get that solved, we might see some proper action.

Matthew Scott: Yes, I think David has quite rightly mentioned it. You need some national coordination. I go back to the operation I was on yesterday. It was not timed to do it ahead of today; that was just a coincidence. In Canterbury, we stopped people who had come down from Pembrokeshire and from Scotland. They are travelling so we need some national co-ordination. We need to look at things such as technology, convoy and ANPR data. All this data exists, but nationally, obviously, because this post has been deleted, policing is now not doing anything with it. We need to make sure that we have the right number of people who are vetted and who have the capability.

Sorry, can you remind me of your question again? My mind went blank.

Lord Ashcombe: Solving the Bermuda Triangle.

Matthew Scott: Solving the Bermuda Triangle of intelligence, yes. So number one is nationally. Regionally, you need to make sure that the EA, the Joint Unit for Waste Crime and local authorities are working off the same page in the eastern region and south-eastern region tasking meetings. The barrier to that is vetting, so that needs to be solved. The other barrier to that is data-sharing agreements. That can be solved. We are working on those in the south-east region. There needs to be greater

accountability for this, because there is not at the moment. One of the things we may look to do across the south-east—we are doing a pilot on this in Kent at the moment to try and solve those very problems—is to try to replicate that so that we are not losing intelligence; for instance, when an agency says, “I was interested in Mr Smith as well, but you didn’t tell me about that”. So there are things that we can do. I think a lot of learning needs to come from cases such as Hoad’s Wood. When the criminal investigation is completed, I do not think it would be unreasonable to have a public inquiry into what happened at Hoad’s Wood because there was so much going on.

Lord Ashcombe: Would anybody like to add a bit more?

David Sidwick: No, I think Matthew’s got it there. The fundamental thing for me is that you should get what you ask for. At the moment, when you look at the priorities of the Home Office, this does not figure. Rural crime does not figure. There are swathes of our good nation, where people have a crime group and lots of crime groups are occurring, yet the focus on that is having to be driven locally by the police and crime commissioners and that is a problem. We need money to follow where things are happening. If I were to tell you to do one thing, good Lords, I would say get the national funding formula sorted for policing. That would help immensely in those sorts of areas.

The Chair: Thank you. We heard last week, of course, that a pound invested in following waste crime gives a return of £5. Lord Trees, you wanted to come in.

Lord Trees: A way of getting money is to look at synergies as well, and leverage. I have had a lot of interest as well in wildlife crime and animal welfare in rural environments. What gets measured, gets done. Everywhere in those realms, we are short of data. The sort of post you were talking about, there is a wider need, and it could be covered by a shared individual on all those overlapping and synergistic areas.

David Sidwick: Absolutely. If you are going to talk about rural crime, you have got to talk about agricultural theft, fly-tipping and waste crime.

Lord Trees: You were hare coursing yesterday, was it?

David Sidwick: I was hare-coursing yesterday—wildlife crime and heritage crime. I have 42 hill forts, and there is criminality all over them.

The Chair: Thank you very much. Would any of our panellists like a final word on anything that they feel ought to be heard? No? Excellent. In which case, I will call the public session of this committee meeting to an end, and we will move into private session. Thank you.