

## **What happens to those businesses caught flytipping?**

Anyone who dumps rubbish illegally runs the risk of being hit with a fixed penalty notice of £50. If the case is taken to court, fines of up to £40,000 or six months' imprisonment can be issued by Summary Procedure courts. Or if the case goes to a court of Solemn Procedure fines are unlimited and offenders can be imprisoned for up to five years.

Where flytipping involves the use of a vehicle, the driver and the owner can both be prosecuted (even if the owner of the vehicle is not present at the time of the dumping) and the police have powers to seize the vehicle.

It is also an offence for Land Owners or Managers to permit or authorise flytipping on land where a Waste Management License is not held, or where there is no registered exemption.

### **Flytipped receipt leads to penalty**

A cash and carry receipt, found among flytipped rubbish in West Lothian, led to an investigation into a convenience store owner. Mr Khan, who owned his Edinburgh grocery for more than 11 years, received a £50 fixed penalty notice after he was linked to bags of rubbish dumped on a quiet country road. Mr Khan denied that he had anything to do with the dumping and insisted he had always been a responsible shop owner.

He said, "It is very frustrating, as I hired a company to take care of dumping my rubbish about three weeks ago, and now all this has happened. I will be going to see the council about it, but I do not know if I can appeal. It would be very difficult to prove who did the dumping so I don't know if it is worth it. It is frustrating, though, because I know it was not me."

Residents close to the site near Broxburn said they were horrified to see black bags, crushed boxes and other debris scattered around the bushes by the side of the road. Environmental wardens were called in to investigate, and after going through the content of the bags they were able to confirm they had linked the rubbish to a licensed grocer in Edinburgh.

### **National ASBO for fly-tipping**

Following the conviction achieved by [North Lanarkshire Council](#) and [Glasgow City Council](#) against Joseph Abate for the illegal deposit of waste tyres, [North Lanarkshire Council](#) also secured an Anti Social Behaviour Order for Mr Abate. This order prohibited him from:

- Assisting or directly undertaking the unlawful dumping, off-loading or otherwise depositing tyres, fridge freezers, batteries or other controlled waste as defined in the [Environmental Protection Act 1990](#), Section 75, anywhere within Scotland.
- Engaging in or being involved in transporting, managing, recycling or disposing of waste tyres within Scotland. Said order to last for an indefinite time.

- Travelling in or being present in any vehicle transporting, carrying or containing more than 4 tyres within Scotland. Said order to last for an indefinite time.

This was the first national ASBO to be achieved for an environmental offence and signified a change in how courts deal with those persons who repeatedly engage in such activities. The use of the ASBO facility also demonstrates the alternative enforcement strategies that are available to local authorities when pursuing such individuals.

### **Company fined for dumping waste**

A Company was fined £7,500 for dumping controlled and hazardous waste, including batteries, at the side of a scenic road on Harris. Infrastructure Technologies Ltd (Infratec), pleaded guilty at Stornoway Sheriff Court to depositing a demolished fibreglass cabin, batteries, an electrical cabinet and cables from Vodafone's telecommunications mast at the side of the Tarbert to Stornoway road.

The Fiscal told the court that the top penalty for such a crime was £40,000.

The offence came to light after officers from the [Scottish Environment Protection Agency](#) received three separate complaints from members of the public regarding flytipping during National Mod week. An investigation traced the waste back to Infratec who did not hold a waste management licence to deposit waste at the site. Neither had they put in place measures to ensure that the waste was disposed of in the correct manner.

### **Flytip truck sent to crusher**

A vehicle used by one of the North-East of England's most prolific flytippers was crushed after successful court action by Newcastle City Council. One of John McLaughlin's lorries, which he used to illegally dump waste across Newcastle, was crushed following his conviction for depositing controlled waste on land without a waste management licence.

McLaughlin was jailed for a total of 21 months while his driver, Ian Dixon, was jailed for nine months. The court also ordered that two lorries belonging to McLaughlin be forfeited. One was sold while the other was crushed at a breaker's yard in Sunderland. The vehicle was used to collect waste from householders across Tyne and Wear and South Northumberland, which he dumped in public spaces across Newcastle.

A spokesman for Newcastle City Council said, "McLaughlin and Dixon's reckless and greedy actions showed them to be a menace to public health and Newcastle's environment. Crushing one of the vehicles they used to dump rubbish across the city sends out an uncompromising message to others that this kind of behaviour will not be tolerated."