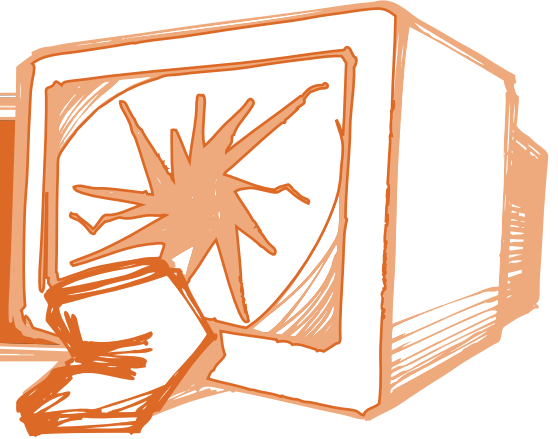


Litter and fly-tipping: Whose problem is it anyway?



For many people, litter is the most important issue on the local environmental agenda. And rightly so; figures show that this is a widespread and growing problem. But, what is litter and fly-tipping, and who is responsible for clearing it up? And what can you do to help influence and improve the quality of your local environment?

What is litter and fly-tipping?

There is no size limit to what constitutes litter; it can be as small as a sweet wrapper, as large as a bag of rubbish or it can mean lots of items scattered about. It is an offence to drop or otherwise deposit, and then leave, litter in all open-air places, including private land and land covered by water. In the UK, an estimated 25 million tonnes a year are dropped (almost entirely food and drink packaging) – five times more than in the 1960s (Highways Agency).

Fly-tipping, on the other hand, is a term commonly used to describe illegal disposal of waste. It can be described as disposal without a waste management licence, or disposal in a manner likely to cause environmental pollution or harm to human health. According to Defra, 2.6 million incidences of fly-tipping occur in England every year.

Litter and fly-tipping are an eyesore, an environmental polluter and a hazard to domestic animals and wildlife. So, who is responsible for removing them?

Local authorities and litter

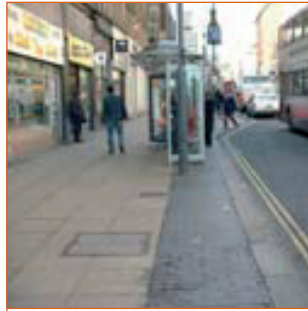
Their responsibilities

Local authorities are responsible for all public land and roads within their boundaries, apart from roads for which the Highways Agency is responsible. (For the Highways Agency and other duty bodies' areas of responsibility, see 'Who's Responsible for What' sheet in this section). This includes all land which you and I, as the public, have access to with or without paying.

Grading systems have been developed to guide local authorities and other duty bodies in their work.

Firstly, there are grades of cleanliness. Four grades correspond to the levels of street cleanliness for litter.

The four cleanliness grades



Grade A
No litter

Grade B
Predominantly free of litter,
apart from some small items

Grade C
Widespread distribution of
litter with minor accumulations

Grade D
Heavily affected by litter with
significant accumulations

A grade A level of cleanliness cannot be maintained at all times so Grade B is usually regarded as acceptable by the public for short periods of time. Grade C and D are unacceptable.

Local authorities are expected to ensure that the cleanliness of public land and roads does not fall below grade B.

However, the intensity and speed of littering, and therefore the removal of it, are reliant on other factors, particularly on how often areas are used.

A local authority is responsible for maintaining its land to a certain standard. It must make sure that a minimum level of cleanliness is achieved within a certain timeframe.



Litter and fly-tipping: Whose problem is it anyway? (continued)

Local authorities and litter (continued)

Land categories and management levels

	LEVEL OF INTENSITY			
	High intensity of use	Medium intensity of use	Low intensity of use	Special circumstances
Description of use	<p>Busy public areas which are prone to fluctuations in litter. These areas require both a high level of monitoring and frequent clearing</p>	<p>Everyday areas which are less prone to fluctuations in litter. Usually situated outside areas of retail or commercial activity, but used regularly by members of the public</p>	<p>Lightly used areas which are less prone to fluctuations in litter. Rural areas are usually categorised as low intensity, except for certain hotspots.</p>	<p>Areas where issues of health and safety and practicability are dominant considerations when undertaking environmental maintenance work</p>
Response time for clearing litter, if standards are not met and problems are reported	1/2 day	1 day	14 days	28 days

Local authorities are required to make the categorisation of their land publicly available.

Their powers

It is illegal to drop and leave litter on land managed by local authorities. A person found guilty of littering can be fined up to £2,500 or presented with a fixed penalty notice (usually between £50 and £80).

Local authorities can take action where another organisation is failing to keep its land clear of litter by handing out a litter abatement notice. It is an offence to fail to comply with a litter abatement notice. Failing to comply is punishable by a £2,500 fine plus an extra £125 for every day the offence continues.

Local authorities have the power to prevent littering outside their and other organisations' areas of responsibility. Occupiers or owners of land can be served with a litter clearing notice, forcing them to clear up their land, possibly to a standard specified by the authorities.

If this is not achieved, the local authority can enter the land and clear it to this standard and recover the costs of doing so.

And businesses can be required to clear litter up to 100 metres from their property.



What action you can take

One of the major problems with litter and fly-tipping is that they are often not cleaned up in the manner required by the law. As an individual, you can take action against organisations that don't comply with their duty to keep land clear of litter or clear it to the correct standard. If, after making a formal complaint, you remain unsatisfied, you can apply for a litter abatement order.

Local authorities and fly-tipping

Their responsibilities

Local authorities deal primarily with small, localised incidents of fly-tipping. The Environment Agency focuses its efforts on dealing with larger, more serious incidents.

Local authorities can investigate and take enforcement action against:

- fly-tipping of waste up to and including a single tipper truck load of waste deposited at one time;
- accumulations of waste from several small-scale fly-tipping incidents;
- householders abandoning or dumping waste;
- waste management operations that do not have the appropriate planning consent;
- waste producers not ensuring their waste is disposed of correctly;
- waste producers who illegally dump or abandon their waste; and
- unregistered waste carriers and brokers.

Local authorities should remove, investigate and take appropriate enforcement action with regard to:

- illegal dumping and fly-tipping of waste on public land including a road or other public highway;
- illegally dumped or abandoned hazardous wastes other than those which the Environment Agency deals with; and
- fly-tipped waste (including animal carcasses or remains) on private land or in watercourses that is harming the local area or could cause flooding because it is blocking the flow of water.

Their powers

Where fly-tipping on private land has a harmful effect on the environment, local authorities are encouraged to take steps to ensure that the waste is removed, appropriate enforcement action taken and costs recovered wherever possible.

Local authorities have the power to stop, search and seize vehicles suspected of being used to fly-tip waste. Fly-tipping can attract substantially higher financial penalties and clean-up costs than littering, with the possibility of unlimited fines or up to two years' imprisonment.

But remember – action and enforcement is the key to making progress against litter and fly-tipping. You need to make sure that your local authority is aware of the problems, and is taking the required action.

