

The ins and outs of litter and fly-tipping

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 your parish 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 the Department for Environment, Food and Rural Affairs, 2.6 million incidences of fly-tipping occurred in England last 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 or D are unacceptable.

Local authorities are legally obliged 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.

Land categories and management levels

	Level of intensity			
	High intensity of use	Medium intensity of use	Low level of use	Special circumstances
Description of use	Busy public areas which are prone to fluctuations in litter. These areas require both a high level of monitoring and frequent clearing	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	Lightly used areas which are less prone to fluctuations in litter. Rural areas are usually categorised as low intensity, except for certain hotspots	Areas where issues of health and safety and practicability are dominant considerations when undertaking environmental maintenance work
Response time for clearing litter, if standards are not met and problems are reported	½ 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).

Parish councils also have the power to take enforcement action against those that commit a litter offence; see “Fighting litter with fixed penalty notices” later in this section.

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. Failure to comply is punishable by a £2,500 fine plus an extra £125 for every day the offence continues. Parish councils should consult with the district council to seek a litter abatement notice.

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 by a local authority representative, 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 cost from doing so. Again, a parish council should consult with the local authority to seek a litter clearing notice.

Businesses can be required to clear litter up to 100 metres from their property and take measures to prevent future littering through seeking a street litter control notice. A notice could apply not only to food and drink packaging from fast food outlets and shops, but also to banks, restaurants, pubs and clubs and even vehicles, stalls and other moveable structures. There is no restriction on the type of litter for which a street litter control notice can be used. A parish council should consult its local authority and ask them to investigate and seek a street litter control notice.

What action you can take

As a parish council:

If it is deemed that there is a problem with litter within the parish and there is full support from the council and residents, then a parish council can take enforcement action against people who litter, graffiti and fly-post. Public education also has an important part to play. Talking about the problems, putting up posters or placing articles in newspapers can all be effective in changing the way that people behave. Most importantly there is the need for dialogue and partnership between the parish council and its district council.

As an individual:

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. A guide to applying for a litter abatement order can be found on www.litteraction.org.uk.

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 incur substantially higher clean-up costs than littering, and because of potential links to organised crime, offenders may be punished by imprisonment or unlimited fines.

A parish council has no enforcement powers available to tackle incidents of fly-tipping. Some ideas on how you can reduce fly-tipping and support your local authority's efforts in catching those responsible are included in this toolkit.

But remember – action and enforcement are 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.

Who's responsible for what

Organisation	Responsible for	Who to contact
Local authorities (district councils, county councils, unitary authorities and London boroughs)	All public land and roads within their boundary (except for roads for which the Highways Agency is responsible – see below)	This depends on each authority. To find and contact your local authority go www.cpre.org.uk/campaigns/stop-the-drop
Highways Agency	The tidiness of all motorways and major trunk roads. These are listed on the Highways Agency's network map. Visit www.highways.gov.uk ; search for 'road network map' and click on the second search result	Complaints about litter or fly-tipping can be made to the Highways Agency Information Line 08457 50 40 30 . If you see a driver throwing litter out of a car window, make a note of the number plate and call the local police. The police can issue a fine of £75 or more
Network Rail	All land between the tracks, as well as up to 100 metres from the end of the platform. Responsible for all railway land in urban areas. Seventeen key railway stations (Birmingham New Street, London Cannon Street, London Charing Cross, Edinburgh Waverley, London Euston, London Fenchurch Street, Gatwick, Glasgow Central, London King's Cross, Leeds, Liverpool Lime Street, London Liverpool Street, London Bridge, Manchester Piccadilly, London Paddington, London Victoria and London Waterloo). The remaining 2,500 stations are managed by the train operating companies	Please call the National Rail Helpline 08457 11 41 11 if you have complaints about the level of litter on the stations managed by National Rail. Contact the train operating companies for the remaining 2,500 stations
Environment Agency	Large-scale incidents of fly-tipping (more than a lorry load), hazardous waste in drums, and waste dumped in a way that is a threat to human health or to the environment	Incidents can be reported 24 hours a day on 0800 807 060 . The Environment Agency also investigates unregistered waste carriers and brokers. To ensure your tradesman or skip hire is a registered waste carrier, call 08708 506 506 .

National Trust	Land and property the Trust owns and maintains	Litter problems should be reported to National Trust regional offices or its head office 01793 817 400
Forestry Commission	Land managed by Forest Enterprise England	Please contact the relevant Forest District Office to report litter problems. For contact information visit www.forestry.gov.uk , search for 'district office details' and click on the 'Local Offices' link
National Park Authorities	All land falling within National Park boundaries	Please contact the appropriate National Park Authority if you have complaints or concerns. See www.nationalparks.gov.uk/contactus for further details