

From: correspondence.section@defra.gsi.gov.uk on behalf of Ministerial Contact Unit

Sent: 19 June 2018 19:32

To: nphawkey@gmail.com

Subject: Request for information - Ref: TO2018/05415

Dear Mr Hawkey,

Thank you for your email of 4 March to the Secretary of State about roadside litter. I have been asked to reply and apologise for the delay in doing so.

Local councils are responsible for keeping their "relevant land" clear of litter and refuse. For any local litter issue, we recommend contacting the council to make sure it is aware of the problem. It is up to councils to decide how best to meet their statutory duty to keep their relevant land clear of litter and refuse. All councils have a complaints procedure and if you are frustrated by lack of action or cleaning by their local council, you should first complain formally to the council itself. I appreciate that you may have done this already.

The Government is committed to encouraging local solutions for local problems. This is particularly relevant in dealing with litter and fly-tipping problems, which require a local approach, tailored to the characteristics of the area and the community in which the problems occur. The role of central Government is to enable and support this local action: providing a clear legal framework of rights, responsibilities and powers, setting national standards and, where possible, making sure that the costs of dealing with litter issues are passed to those responsible for causing the problem.

When litter is thrown from a vehicle, we recognise that it can be particularly difficult for councils to identify which person in the vehicle committed the offence. From April 2018, we have given district councils in England (outside London) new powers to hold the keeper of a vehicle responsible for littering offences committed from it.

Councils can issue the keeper with a civil penalty of between £65 and £150 (default £100), which is set at the same level as the fixed penalty for littering in the area. If the penalty is not paid within 28 days, it will double and may be recovered by the council as a civil debt. The keepers of public service vehicles such as buses, taxis and private hire cars are exempt from liability if the littering offence was committed by a passenger. The regulations also contain a number of grounds on which penalty notices may be challenged.

A copy of the Regulations can be found online at:

www.legislation.gov.uk/uksi/2018/171/contents/made.

Highways England (formerly the Highways Agency) is responsible for clearing litter from motorways and some trunk roads, while councils remain responsible for the cleaning of other, more minor roads. You can find details of the roads for which Highways England is responsible at:

www.gov.uk/government/publications/responsibility-for-clearing-litter-from-motorways-and-roads.

If you are unhappy with the service provided by Highways England, you can find instructions on how to complain at:

www.gov.uk/government/organisations/highways-england/about/complaints-procedure.

If you believe that you have suffered injustice as a result of the council's actions and that the council has not adequately resolved the complaint, you may then wish to contact the Local Government and Social Care Ombudsman at: www.lgo.org.uk, or by telephone on 0300 061 0614.

The Litter Strategy for England sets out the Government's aim to clean up the country and deliver a substantial reduction in litter and littering within a generation. The Litter Strategy brings together communities, businesses, charities and schools to bring about real change by focusing on three key themes: education and awareness; improving enforcement; and better cleaning and access to bins. This can be found at:

www.gov.uk/government/publications/litter-strategy-for-england.

Yours sincerely,

Mark Hennis

Ministerial Contact Unit