



Home Office

Reform of anti-social behaviour powers

Litter and rubbish

What is the issue?

Respondents in the Crime Survey for England and Wales consistently identify litter and rubbish lying around as a major concern in their area. Persistent littering can be an eyesore or at its worst, be considered a health hazard. It is certainly anti-social and this is why councils take the issue seriously across the country.

Two specific powers to deal with littering are being repealed by this legislation (the litter clearing notice and street litter clearing notice) but their replacements will allow the police, councils and, in some cases, social landlords to design more effective solutions to the problems being encountered locally. In addition, many of the other interventions used currently, such as fines, will remain available.

Informal intervention

There is no excuse for littering in a public space. Parks, town centres and public highways are there for the access and enjoyment of all and this should not be ruined by selfish individuals who decide to ignore the law.

In the first instance, council officers and the police will normally approach an individual who has dropped litter and give them the opportunity to pick it up and dispose of it properly. However, they will continue to have access to a number of other interventions for one off incidences of littering such as issuing FPNs (fixed penalty notices) under section 88 of the Environmental Protection Act 1990.

Where the accumulation of litter or rubbish becomes an issue - for instance, in an individual's garden - a number of factors should be considered. Most councils will approach the home owner in the case of litter accumulation and discuss the impact their behaviour is having on those nearby. In many cases, this will prove sufficient to deal with the issue but will also allow the council to ascertain whether there are any other issues involved, such as a mental health needs. Acceptable Behaviour Contracts, mediation and warning letters can also be effective in some circumstances, helping local agencies establish a lasting solution to a community issue.

Formal interventions

Community Protection Notice (CPN): The CPN replaces two current litter notices and can be used to deal with persistent littering and accumulations of waste as well. Where an individual or organisation can be identified as being responsible for the behaviour, this may be the most appropriate route. One of the benefits of using the CPN to deal with litter and accumulations of rubbish is that on breach, it allows the council to undertake works in default on any land 'open to the air' (such as a garden) to clear the rubbish with or without the owner's consent. This ensures a speedy resolution for those affected by the behaviour.

As well as the new powers available through this legislation, accumulations of litter and rubbish can also be dealt with as a statutory nuisance, where the behaviour is prejudicial to health or constitutes a nuisance. Councils have a statutory duty to issue an abatement notice where this test is met and so officers looking to deal with litter or accumulations of rubbish should speak to the relevant environmental health team as soon as possible to discuss this, before taking any other enforcement action.