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Sharon Hodgson MP

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Dear Sharon,

Thank you for your letter of 30 March to the Department for Transport on behalf of your constituents about littering at traffic stops and roundabouts. I am replying as the Minister responsible for this policy area.

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.

We published the Litter Strategy for England in April 2017, setting out our aim to 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. A copy of the Litter Strategy can be found at: www.gov.uk/government/publications/litter-strategy-for-england

Local councils are responsible for keeping their “relevant land” clear of litter and refuse. This includes the majority of trunk roads and other, more minor roads. 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 your constituents are frustrated by lack of action or cleaning by their local council, they should first complain formally to the council itself. I appreciate that they may have done this already.

Highways England is responsible for keeping motorways and the remaining trunk roads clean and clear of litter. Your constituents 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-road

If your constituents are unhappy with the service provided by Highways England, they can find instructions on how to complain at: www.gov.uk/government/organisations/highways-england/about/complaints-procedure

As you know, from April 2018, we have recently increased the levels of fixed penalties that can be imposed for littering and 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 now 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 and a copy of the regulations can be found online at: www.legislation.gov.uk/ukxi/2018/171/contents/made

Councils can already take action based on CCTV or other camera footage as long as they are satisfied that they have sufficient evidence to take enforcement action in any given case. We have recently published improved guidance to councils and others on the use of their fixed penalty powers for littering and related offences, including the use of evidence from cameras. The guidance can be found online at: <https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

Councils retain the income from these penalties, which must be used to fund their functions in connection with keeping land clear of litter and refuse. It is for councils to prioritise the resources they invest in enforcement activity against their other functions.

Thank you once again for taking the time to contact us about this important issue.



REBECCA POW MP