



COMMUNITY COUNCIL LIAISON SUB-COMMITTEE - 18TH NOVEMBER 2009

SUBJECT: LITTER ON PRIVATE LAND - NOTICES SERVED

REPORT BY: CHIEF EXECUTIVE

1.1 Members will recall that at the last meeting a report was presented which provided information on the formal powers available to the Public Protection Division to deal with litter and rubbish on privately owned land.

1.2 A request was made for details of actions taken to date and details of the actions taken to date. Detailed below you will find that information. There are a range of legal powers and duties that may be relevant to litter and rubbish on private land. The practical application of individual legal power is often informed by additional interpretation within the legislation itself, guidance and case law. The choice of the most suitable course of action in relation to any particular piece of land will, of course, depend upon the circumstances of each individual case. If notices are not complied with the works are undertaken by default and a change takes place in the land.

1.3 **Prevention of Damage by Pests Act**

A local authority can serve a notice requiring an owner to remove, at his own expense, accumulated waste for the purpose of keeping land free from rats and mice. Costs can be recovered should the council have to remove it.

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1.4 **Litter Clearing Notice (Environmental Protection Act 1990 - Sec 92)**

The Authority has the power to issue Litter Clearing Notices where litter defaces land in their area or refuse and this is detrimental to the amenity of the area. The power was introduced into the 1990 Act by the Clean Neighbourhoods and Environment Act 2005, and replaces the previous system of Litter Control Areas.

Litter Clearing Notices can be used to tackle litter on most types of land, other than those areas for which there is already a responsibility to clear litter and refuse under section 89. It therefore offers a tool for dealing with litter on private land that can often be blown or otherwise carried into neighbouring areas.

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1.5 **Environmental Protection Act 1990**

Provides powers for waste regulation authorities and waste collection authorities to serve a notice on the occupier or landowner to require the removal of controlled waste unlawfully and knowingly deposited. Where a person fails to meet these requirements the local authority or the Environment Agency may clear the waste and seek to recover the costs.

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