

Litter and Fly-tipping on Private Land



March 2009

Annex A

Introduction

Litter and fly-tipping are problems, which affect the whole of Wales. The work undertaken by Keep Wales Tidy's staff, through our Tidy Towns projects and Local Environment and Audit System (LEAMS) surveys, as well as the information collected under Flycapture, (the National Fly-tipping data base), all provide evidence to this effect.

However, what we do not have is information on the scale of the problem on private compared with public land. What we do know is that the scale of the problem varies from a single piece of litter blown into a private garden to large scale fly-tipping, the illegal disposal of waste, on e.g. agricultural and railway land.

This paper attempts to cover the main issues around large accumulations of litter and fly-tipping, and the potential this has to impact on local environmental quality. It considers what legislation is in place to deal with the problem and other options adopted by local authorities and the Environment Agency.

When does litter become fly-tipping?

As this paper is concentrating on litter and fly-tipping it is important to define what is litter and what is fly-tipping. There are no precise definitions for litter or fly-tipping only guidance.

The Code of Practice on Litter and Refuse and Associated Guidance 2007, includes the following definition as a guide for litter:

“Litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are improperly discarded and left by members of the public; or are spilt during business operations as well as waste management operations.”

For our Local Environment and Audit System (LEAMs) surveys we differentiate between litter and fly-tipping by defining fly-tipping as one single black bag incorrectly put out for collection or incorrectly disposed of.

An alternative definition is provided in the Flycapture guidance, produced by the Environment Agency. This is: “It should be counted as a fly-tip if the fly-tip waste is too large to be removed by a normal hand-sweeping barrow. In simple terms, a single full bin bag upwards would constitute a fly-tip. Similarly several carrier bags full of rubbish dumped together would also constitute a single fly-tip.”



The guidance also explains how to count incidences. “What is an incident? Keep it simple but try to give as much information as possible. So where several items appear to have been dumped in roughly the same area at the same time, they can be grouped together as one incident. However, if the waste types are different it is useful to identify the different source of each. E.g. if a tipper truck dumps construction and demolition waste and then householders take the opportunity to add to it, it is useful to treat this as two different incidents.”

Who is responsible for the removal of litter and fly-tipping on public and private land?

On both public and private land it is the responsibility of the landowner to remove litter and fly-tipping from their land.

On “public” land the Environmental Protection Act 1990 (EPA) Part IV imposes duties under section 89(1) & (2) on landowners and occupiers (known as “duty bodies”) to keep relevant land clear of litter and refuse. (Relevant land includes all land managed and owned by local authorities as well as railway land, educational facilities, Crown Land and all land managed by statutory undertakers.) The Clean Neighbourhoods and Environment Act 2005 (CNEA) also provided further powers to individuals and local authorities to enable litter to be cleared from all land open to the air, including that covered by water. Whilst The Code of Practice on Litter and Refuse and Associated Guidance issued in 2007 by the Welsh Assembly Government for Wales gives guidance on response times for clearing litter, based on an intensity of use zoned system, and provides guidance on the grades of cleanliness from A to D.

This legislation and guidance generally mean that litter and fly-tipping on public land is removed, within a reasonable timescales. Although railway land can sometimes prove be an exception and to tackle this Network Rail do have teams of staff to clear fly-tipping, who respond to complaints. If public land isn’t cleared, local authorities can take enforcement action using a Litter Abatement Notice. Individuals can also take action on land owned by a duty body by applying for a Litter Abatement Order through the Magistrates’ Court. There is a cost for this and Keep Wales Tidy always advises individuals to approach their local authority first. In either instance it is usually relatively easy to take action because the landowner is known.

On private land if the landowner doesn’t remove the litter/fly-tipping then the local authority can use its powers under the Clean Neighbourhoods and Environment Act 2005 and other legislation to get the land cleaned up. These are explained in “How can we deal with problem?” - “Using the Law”, on page 5 of this paper and the problems of not being able to identify the landowner on page 6.

What is the problem?

Litter and fly-tipping on private land can detract from what might otherwise be a clean environment. For example, during our LEAMS surveys we have noted large accumulations of litter and fly-tipping on sites adjacent to streets which may have no or very small amounts of litter on them. These street could be graded an A or B+ grade, but this does not accurately reflect the local environmental quality. (See Annex 2 for an explanation of the LEAMS process.)

Although it is not always possible to identify if the litter or fly-tipping is on public or private land examples of the worst areas for litter include; car parks at retail parks

and supermarkets, schools, hospitals and other businesses, often these are surrounded by ornamental shrub beds/grassed areas which are crammed full of litter of all types . Some of this may be due to poor maintenance or design¹ or a combination of both. Further information is required from relevant land owners and businesses with regard to the problem from their perspective.



Fly-tipped waste may be found anywhere, but the types of private land most commonly affected by fly-tipping include; land near to public waste tips, roadsides on the outskirts of urban areas, back alleys and derelict land. It is a major problem for over three-quarters of landowners; and affects 67 per cent of farmers.²

All kinds of waste are fly-tipped, but the most common is household waste. The types of waste can include rubbish, large domestic items, such as fridges and mattresses, garden refuse, and tyres. Other fly-tipped waste comes from construction, demolition and excavation activities. Hazardous wastes such as oil, asbestos sheeting, chemicals and clinical waste are also dumped illegally. A quarter of illegal dumping incidents dealt with by the Environment Agency in 2002 involved this type of waste.³

In the most extreme case fly-tipping can be several tons. For example, Keep Wales Tidy has undertaken two clean ups at Bwlch Mountain adjacent to the A4061 on the eastern slope overlooking Cwmparc , near Treorchy, with assistance of volunteers from the Environment Agency , McDonalds and local authority workers. These clean ups in June and November 2007 resulted in the removal of over 2000 tyres and the successful prosecution of the fly-tipper by the Environment Agency.



The impacts of litter and fly-tipping on private or public land can be the same. It can:

- cause serious damage to the environment, e.g. there can be damage to water courses or underlying soil quality
- pose a risk to human health and harm wildlife and farm animals e.g. cigarette ends , drums of toxic waste ; asbestos sheeting, syringes and used drugs
- spoil the appearance of our local neighbourhoods and quality of life
- cost millions of pounds to clean up
- undermine legitimate waste management companies who are undercut by illegal operators

¹ For further information on design issues see the Policy Paper Designing for clean safe environments presented to the Board in December 2007

² From Tackling Fly tipping A guide for landowners and land managers – NAT FT PG April 2006

³ Environment Agency – website and – NAT FT PG April 2006

- diminish people's opinion of the reasons why they shouldn't drop litter and how safe they consider an area to be .

What is the scale and cost of the problem of the problem?

We don't have any information about the scale of litter on private land and only limited information on fly-tipping. Some information on the scale of fly-tipping can be gained from Flycapture, which is the national Fly-tipping database set up by the Department for Environment , Food and Rural Affairs (Defra) and the Environment Agency, to record fly-tipping incidents dealt with, track suspected vehicles involved in fly-tipping incidents and share evidence and information with other authorities. This information is primarily on public land.

The Environment Agency suggests that the reason we don't have detailed figures for fly- tipping on private land is because consistent records are not kept on incidents that are not dealt with by the Environment Agency or by Local Authorities. Landowners feel there is no direct incentive to report the incident to the Authorities, as they will ultimately be paying the clear-up bill themselves.⁴ This is probably the same reason we don't have any figures for the amount of litter collected from private land.

It is also impossible to cost the aggravation for land owners, the Environment Agency and local authorities, who are left to deal with "waste" that is dumped illegally. The real costs are not just to the clearance costs to private landowners, but also include the enforcement costs associated with investigating and prosecuting offenders.

There can also be a cost for individuals, for example, several years ago there was a fire fighter, in Cardiff, who was killed by a gas bottles amongst fly-tipped waste. It warmed up in a fire - the collar came off it at a vast speed and hit him straight in the head. As a result Cardiff City and County Council has since collected approximately six hundred gas bottles off the highways and private land. To quote a local authority representative "The team take the hazardous waste away. But they won't be cleaning up the rest of the rubbish if it's on private land."

How can we deal with the problem?

Use the Law

One way of tackling litter on private land and fly-tipping is to use the law and the options are briefly described in the paragraphs below.

Litter

The Clean Neighbourhoods and Environment Act 2005 (CNEA) has given local authorities new powers to deal with litter on private land. The local authority has the power to serve a Litter Clearing Notice on the owner. It is an offence for the landowner not to comply with a Litter Clearing Notice. Local authorities can specify the standard to which the land must be cleansed. If this is not done the authority can carry out the work and recover costs from the landowner.

⁴ Environment Agency publication – Waste Crime Innovation Programme. November 2007

Similarly “Section 215 of the Town & Country Planning Act 1990 (the Act) a local planning authority (LPA) has the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of an area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out. LPAs also have powers under s219 of the Act to undertake the clean up works themselves and to recover the costs from the landowner.” Section 215 has been effectively used on large vacant industrial sites, rural sites, derelict buildings and semi-complete development, as well as the more typical rundown residential properties and overgrown gardens.⁵

However, problems can occur, because it is sometimes difficult for the authority to contact or trace the land owner, which can make enforcement time consuming and difficult. Discussion with some local authorities would suggest this is one of the main reasons why the legislation isn’t being used.

If the landowner is known often a visit from the enforcement officer with a warning will be sufficient to get the litter removed. For example, to quote an officer from Cardiff City and County Council, “The threat of using official notice led action has been a most useful tool when land owners and managers have proved difficult or obstructive. When it is explained that action by the land owner will prove cheaper than the authority undertaking the work in default of the intended notice, a noticeable galvanising into action, on the part of the land owner takes place. We have only once in the last twelve months issued a S. 215 Town and Country Planning Act notice. All other work has been undertaken by land owners at their expense.”

The planning research report “Derelict Land and Section 215 Powers”, commissioned by the Department of the Environment, Transport and the Regions (DETR), (published in September 2000), concluded with regard to Section 215 powers, “ there are no fundamental problems with existing legislation. Section 215 and associated powers provide an effective mechanism for tackling unsightly land, both as a ‘threat’ and through the formal serving of a notice and through work in default.” It did however, suggest that, “Difficulties in the use of the power seem to arise from infrequent use and lack of experience rather than complexity or lack of scope of the legislation.” It also recommended that practical examples in the imaginative and effective use of S215 needed to be disseminated to LPAs to encourage greater use of the power.⁶

Although some local authorities have indicated they have used or will be using Section 215 of the Town & Country Planning Act 1990 or Litter Clearing Notices, we have very limited information about their use in Wales, and the problems encountered or the effectiveness of using the legislation. To address this we are in the process of making a bid, to the Welsh Assembly Government Local Environmental Quality Fund, to investigate this aspect further and to discover also why large supermarkets, etc allow their land to become littered.

⁵ Town and Country Planning Act 1990 Section 215 Best Practice Guidance January 2005. Office of the Deputy Prime Minister

⁶ Town and Country Planning Act 1990 Section 215 Best Practice Guidance January 2005. Office of the Deputy Prime Minister

Fly-tipping

Local authorities, the environment agency and the police also have powers to tackle fly-tipping using the law. For example, they can prosecute the person caught fly-tipping, as fly-tipping is a criminal offence. Section 33(1) of the Environmental Protection Act 1990 makes it an offence to:

- a) deposit, treat, keep or dispose of controlled waste other than under, and in accordance with a waste management licence or
- b) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.

Section 40 and Schedule 5 part 4 of the Clean Neighbourhood and Environment Act 2005 (CNEA) amends the 1990 Act to remove the defence that the defender was acting under his employers' instructions and neither knew nor had reason to suppose that his action was an offence under section 33(1).

The Clean Neighbourhoods and Environment Act 2005 (CNEA) also gives regulators more powers to tackle fly-tipping and the courts the ability to impose tougher penalties. The CNEA increased the penalties for dumping waste in England and Wales and fly-tippers can now be fined up to £50,000 in Magistrates' Courts and face unlimited fines in higher courts, as well as community punishment orders or prison sentences of up to five years. Those convicted of fly-tipping offences can now be made to pay the costs of enforcement and investigation, as well as the clean-up costs.

The local authority can also require the owner of the land to remove waste, if they were culpable in the fly-tipping. Section 50 of CNEA amends the 1990 Act by inserting section 59Z. The local authority and the environment agency will be able to serve a notice on a landowner or the occupier. This allows notices to be served on the landowner if there is no occupier or the occupier cannot be found without unreasonable expense requiring fly-tipped waste to be cleared from the land. The owner or occupier still has grounds to appeal under Section 59 EPA1990 if he can satisfy the court that he neither deposited, nor knowingly caused or knowingly permitted the deposit of waste. The Welsh Assembly Government advises that serving a notice on the landowner to remove waste should be the last resort, as the first step should always be to try and find the perpetrator.⁷

Alternatively the Environment Agency and the local authority can tackle the problem by using the Duty of Care, under Section 34 of the EPA 1990 and associated regulations. This applies to anyone who is the holder of controlled waste and requires them to ensure that the waste is managed properly, recovered or disposed of safely, does not cause harm to human health or pollution of the environment and is only transferred to someone who is authorised to receive it. A breach of "the Duty of Care" is an offence, with a penalty of up to £5000 on summary conviction or an unlimited fine on conviction on indictment. Although sometimes the issue can be that the local authority or the Environment Agency have had problems in collecting sufficient evidence to bring a prosecution.

The above regulations originally applied to business, but the EPA was amended by The Waste (Household Waste) Duty of Care (England & Wales) Regulations 2005 and the Waste (Household Waste Duty of Care) (Wales) Regulations 2006 with respect to the household waste produced at domestic properties. The "Duty" now

⁷. Waste Guidance on Sections 35 to 54 of the CNEA 2005- Welsh Assembly Government 2007

requires householders to take “measures available to him or her as are reasonable in the circumstances to secure that any transfer by him or her of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes.” Failure of households to act within the duty of care could attract penalties up to £5,000; and on conviction on indictment, to an unlimited fine.

Keep Wales Tidy would agree with this approach as part of the way of the way reducing fly-tipping. Indeed, as part our response to the Second Consultation by Defra and the Welsh Assembly Government on: “Controls on the Handling, Transfer and Transport of Waste: 1. The Duty of Care; 2. Waste Carriers; 3. Waste Brokers”, in June 2008 we suggested, that Keep Wales Tidy would be happy to discuss how we might assist with providing good publicity to make householders aware of the issues involved and the potential penalties of not using registered carriers. Although we also suggested that the emphasis should still be on fining the unlicensed carrier rather than the householder.

Although informal action can also sometimes work as the example below illustrates. The National Trust were having problems with construction type waste (tiles, bricks, plaster, wall paper etc.) being dumped in some old quarries on the Sugar Loaf near Abergavenny. This carried on every week for a couple of months so the National Trust sent a letter out to all the local residents asking to keep an eye out for any activity and if they were having any building work to ensure that the builders were disposing of waste lawfully. Not long after the letter was sent out the fly tipping stopped.

Section 46 of the CNEA – came into force in Wales in March 2006 and brought into power to search and seize vehicles involved in fly-tipping and duty of care offences. The insertion of new sections 34B and 34C into the EPA introduced a new power to stop, search and seize vehicles involved in offences under section 33 of EPA or under S 30 of the Control of Pollution Act 1974 (CPAA). Powers to search and seize vehicles and investigate fly tipping are also available under ch14 s6 Control of Pollution Act 1989 as amended by s55 of the Anti-Social Behaviour Act 2003.

Other legislation which can be used with regard to fly-tipping includes:

- Refuse Disposal Amenity Act 1978
- Public Health Act 1961
- Prevention of Damage by Pest Act 1949

Partnership working

It is widely recognised that dealing with litter and fly-tipping can be best combated through partnerships between local authorities, other enforcement agencies and organisations like Keep Wales Tidy, who work with local communities, landowners, and businesses. To demonstrate this some example of joint projects are outlined below.

Keep Wales Tidy – Welsh Assembly Government

Keep Wales Tidy administers a Fly-tipping Clearance Assistance Fund for the Welsh Assembly Government, Local Environmental Quality Division. Community groups who live in localities blighted by illegal fly-tipping can receive help towards the cost of

a clear-up .The fund aims to help owners of private land to restore their land to make it fit for use by the public following fly-tipping attacks.

To be eligible for the Fly-tipping Clearance Assistance Fund, landowners must demonstrate that their land is open to the public and that it provides a benefit to the local community, e.g. local sports clubs, churches or volunteer groups. The scheme will also seek to prevent future fly-tipping incidents by requiring applicants to take the opportunity to install preventative measures such as barriers and signage. It may be a good time to review the criteria for this fund to see if other sites could be included, which are also of importance to the local environmental quality, but do not meet the current criteria, for example they could be visually very important. Sites may also have been cleaned under a Tidy Towns project, but there is no funding for preventative measures.

The Welsh Assembly Government has also produced a Fly-tipping Strategy to encourage partnership working. We also understand it is an issue that will be considered as part of the Review of the Waste Strategy and that innovative solutions are being considered piloted for example re construction waste .

The National Fly-tipping Prevention Group

The National Fly-tipping Prevention Group (NFTPG) is a group of organisations chaired by the Environment Agency. The membership includes regulatory bodies, Government departments and organisations with a wide membership of landowners and land managers. It covers England and Wales and is working with a common aim of coming up with solutions to the problem of fly-tipping.

The group meet quarterly and work to tackle fly-tipping by:

- exchanging information about fly-tipping
- contributing to the development of government policy and legislation
- raising awareness, and publicising problems and issues
- sharing best practice on fly-tipping prevention and enforcement
- encouraging joint working.

The NFTPG has produced a detailed guidance document “Tackling Fly-tipping: a guide for landowners and managers.” It includes information about legislation and case studies that describe how NFTPG members have tackled fly-tipping problems.

In Wales the NFTPG have agreed a Memorandum of Understanding (MOU) with Local Government that sets out the types of fly-tipping that local authorities and Environment Agency will respond to. The Environment Agency will investigate the larger scale incidents of fly-tipping, involving hazardous waste and incidents involving organised gangs of fly-tippers. Local authorities will tackle clear-up of fly-tipping on publicly owned land, including roads and lay-bys.

Data capture

The Environment Agency are also currently working with Defra, EnCams and private landowners and other interested parties to reduce the environmental, social and economic impact of fly-tipping on private land. The first stage of this project focuses on collecting data and as included: a questionnaire to all local authorities in England and Wales; discussions with private landowners and the establishment of partnerships with eight private landowners. These private landowners have committed to support the agency in data capture of fly-tipping incidents on private land, and with the sharing of best practice to aid communication.

Initially pilot schemes will run Northumberland and the West Midlands and will support the data capture of tipping incidents on private land by either encouraging landowners to report incidents to their local council or by supporting them to record the data directly. This will help in gaining a better understanding of the issues private landowners face, and how they currently tackle fly-tipping and compare the effectiveness of different approaches before rolling out any initiative nationwide.⁸

We recommend that Keep Wales Tidy seek to take part in this project to include Welsh local authorities or at least it is monitored and the information disseminated in Wales, especially examples of good practice possibly through a seminar or similar event.

Enforcement

The Environment Agency, as part of an innovative project, is trialling a range of enforcement techniques, including an electronic “duty of care”⁹ and novel sentencing, to help establish fly-tipping as a serious crime. If introduced an electronic “duty of care” would replace traditional paper systems to monitor and track the removal and transportation of waste. Capturing data electronically aims to make life harder for illegal operators. Novel sentences, where community volunteers and even victims choose sentences for criminals, may replace some traditional custodial sentences and fines, if they prove to be successful. Sentences made in this way tend to benefit local communities.¹⁰

Education

Education about the legal consequences of not complying with the legislation and working with communities, are also a key part of any action to compact the problem of litter and fly-tipping on both private and public land.

In the south east of England another Environment Agency project centres on local construction and demolition waste. The Agency has joined forces with local authorities, the Police and other organisations in the region to catch and punish those responsible for waste crime. An awareness-raising campaign will remind waste carriers that they need to register. It will also notify construction and demolition businesses of their “duty of care” and advise them how to dispose of their waste properly.



This will coincide with extra surveillance and intervention, which will take place across the region, along with increased enforcement and new methods for improving the tracking and flow of waste.¹¹

⁸ Environment Agency Waste Crime Innovation Programme Update November 2008.

⁹ the Duty of Care, under Section 34 of the E PA 1990 and associated regulations

¹⁰ Environment agency newsletter November 2008- get correct title

¹¹ Environment Agency Waste Crime Innovation Programme Update November 2008.

Local Authority Case Studies

A quick survey of local authorities in Wales has produced some interesting examples of the actions they have taken on these issues to date. Two examples are outlined below.

Newport

Newport City Council has been running a Pride in Newport Campaign since August 2007. The project reflects the wider Pride in Our Communities objectives as set down by the Welsh Assembly Government and the Environment Agency and is being used to encourage residents and visitors to Newport to take pride in their environment and report enviro-crimes and anti-social behaviour. Although it is aimed at council owned land some of the action could assist private landowners. The campaign is supported by two dedicated Pride in Newport Teams (PiNT). The teams are funded by waste management, grounds and housing and this inter-departmental working has widened the remit of land that would historically have been covered by three separate workforces. This has simplified the procedure for call centre staff when processing fly-tipping enquiries and increased public satisfaction in response times.

The teams work pro-actively in designated areas, recognized “grot-spots”, and then on a scheduled route to ensure the whole City is covered over a fortnightly period. This pro-active approach has significantly reduced the number of reported incidences and allows the Council to respond to the remaining reported incidences within 24 hours.

Although primarily targeted at public land all illegally deposited waste is photographed, searched and removed. Any evidence found is processed by the waste management department and dependant on the severity of the dumping appropriate enforcement action is taken.

In the 18 months that the PiNT have been operational it has resulted in the removal of over 340 tonnes of waste to landfill and a further 200 tonnes have been separated for recycling. The tonnages collected remain constant but reported incidences of fly-tipping remain lower than in previous years.

Enforcement action is linked to the wider waste management initiatives, including covert surveillance and the “Red Stickers” of excess waste. Red stickers are placed on excess waste with the warning that unless it is removed within 24 hours the waste will be searched and removed and the offender may be prosecuted. The decreasing amount of evidence being found in dumped waste shows that the message is coming across that if caught Newport City Council will prosecute.

In the past 18 months Newport has sent over 1000 letters to residents warning that their waste has been found illegally deposited. This is the first letter in the enforcement procedure. These have been followed by over 90 statutory notices s.34, s.46, s.71, 14 Fixed Penalty Notices for waste receptacle offences and 7 successful prosecutions relating to fly-tipping offences.

The waste management section work collaboratively with neighbouring authorities, the police and fire services, the Caldicot and Wentlooge Drainage Board, the Environment Agency and landowners along the Gwent Levels and several joint cleansing operations have been organised. Newport has also successfully integrated the Tidy Towns Scheme into the Pride in Newport Campaign and works closely with the Tidy Towns Officer when organising joint operations. Tidy Towns funding will be used to further enhance the Pride Campaign and additional machinery to build capacity in both initiatives have been purchased during this year.

Cardiff

Cardiff City Council use a mix of advice, threats, assistance and notice led work which have resulted in private land being cleared up by the owner.

For example:

Advice has been given to land owners and managers about how to protect their property against further incursions by fly tippers. For example, depending on the means used to gain access fences, gates, bunds, ditches, banks and ditches, or rocks can be used to provide physical barriers to any but the most determined fly tipper.

Assistance is given when the land owner lives away from the site and is unable to access contractors to undertake the required work. The council have on a number of occasions brought in contractors and machinery at the land owners expense and completed the necessary clearance and preventative work on their behalf.

Notice led work has generally been unnecessary because of the methods outlined above. However the one example of a notice being issued was strange in the extreme. The land owner had disappeared, he was no longer residing at the address held by the Land Registry. The notice was served on the land. The very public banging into the ground of the stake and the amber flashing beacons of the vehicle carrying the stake and serving officer drew a crowd. Word soon found its way to the land owner and within twelve days the land was cleared.

Threat

The council do anticipate issuing a number of notices this coming year to clear litter from private land (Litter Clearing Notice).

Recommendations

Keep Wales Tidy isn't suggesting that there is one solution to the problems identified in the report with regard to litter and fly tipping, but we have identified the following recommendations that could lead to improvements, save money and resources and contribute to improving local environmental quality.

We recommend that:

1. We ask the Welsh Assembly Government to encourage local authorities to use the legislation that is in place to deal with fly-tipping and litter on private land
2. The Welsh Assembly Government raise awareness on the introduction of changes to the "duty of care" and waste carrier requirements, with campaigns to inform householders of their responsibilities.
3. The Wales Waste Strategy to consider how private landowners can deal with their waste, in particularly in relation to zero waste issues. This could include

advice on waste reduction and setting up of alternative sites for the collection of re-useable waste such as construction waste.

4. Keep Wales Tidy approach EnCams and Environment Agency to be involved in their project and seek to share examples of good practice, innovative solutions and set up similar partnerships with local authorities and private landowners in Wales.
5. Keep Wales Tidy works with local authorities, the Police and Community Safety Partnerships and through Tidy Towns projects to educate the public and businesses about issues relating to fly-tipping
6. We suggest the Local Environmental Quality Division in the Welsh Assembly Government works with Keep Wales Tidy to review the criteria for Fly-tipping Clearance Assistance Fund.

Extract from All Wales LEAMS report 2007-2008

Part 1: What is LEAMS and how is it used?

What is LEAMS?

The Local Environmental Audit and Management System (LEAMS) was originally piloted in Wales, by Keep Wales Tidy to help local authorities meet their obligations under Best Value. The methodology for the LEAMS surveys undertaken in 2007-08 was based on the 1999 Code of Practice for Litter and Refuse. For future surveys, the LEAMS methodology will be amended to reflect the changes introduced in the Code of Practice for Litter and Refuse and Associated Guidance issued by the Welsh Assembly Government in August 2007.

LEAMS is structured so that Keep Wales Tidy and all the local authorities, in Wales, can carry out exactly the same monitoring process to allow a full comparison between the authorities.

Methodology

The process involves the random selection of streets and an assessment of the cleanliness of a 50 metre transect on the streets selected. Transects are graded From A (no litter or refuse) to D (heavily littered with significant accumulations of litter). Grade A streets are given a score of 3 and grade D a score of 0.

The grading system is based on research into standards of cleanliness that most people regarded as being acceptable or unacceptable. Under this system Grade C and Grade D are unacceptable and must be cleaned (in most cases to a Grade A condition) within time specified in the Code of Practice 1999. Grade A is the standard which a thorough conventional sweeping/litter-picking should achieve. The overall aim, however, should be to operate a management system where acceptable standards of cleanliness (Grades A and B) are maintained at all relevant times, as set out in the Code of Practice on Litter Refuse.

Functional sites (such as public open spaces) adjacent to the street transects are also surveyed and graded. A 50 metre transect, not the whole of the functional site is surveyed. The number of functional sites surveyed in each local authority varies, but the number surveyed is usually insufficient to draw any statistical analysis.

During the survey litter bins which are full (over flowing) are noted, as are Adverse Environmental Quality Indicators (AEQIs). These are fly-posting, graffiti, dog fouling, vandalism, weeds and detritus. The only AEQI which can affect the grading of a transect is dog fouling and Grade B is the maximum grade a street can be awarded where dog fouling present.

With regard to weeds the LEAMS survey doesn't differentiate between potentially hazardous slippery moss and attractive 'garden escapes' flowers at the pavement backline.

The other criteria used in LEAMS are types of litter and sources of litter.

Comments are also recorded with regard to other useful information such as the type of business waste and fly-tipping.

Bibliography of acronyms

EnCams	Environmental Campaigns
LEAMS	Local Environment and Audit System
Flycapture	National Fly-tipping data base
EPA	Environmental Protection Act 1990
CNEA	The Clean Neighbourhoods and Environment Act 2005
Defra	Department for Environment, Food and Rural Affairs
LPA	Local Planning Authority
DETR	Department of the Environment, Transport and the Regions
CPAA	Control of Pollution Act 1974
NFTPG	The National Fly-tipping Prevention Group
MOU	Memorandum of Understanding
PiNT	Pride in Newport Teams.