

Detailed guide: Litter and refuse: council responsibilities to keep land clear

Updated: Section on 'Dealing with litter from businesses' added to explain Community Protection Notices and what councils must do with existing street litter control notices.

District councils and some other authorities must keep land in their area clear of litter and refuse (including dog mess), [as far as is practicable](#).

Authorities who must keep land clear

The councils that are litter authorities are:

- county councils
- district councils
- single-tier councils (unitary authorities)
- London borough councils
- the Common Council of the City of London
- the Council of the Isles of Scilly

Other authorities are responsible for litter on all or parts of their own land. These include:

- Crown authorities
- educational institutions
- Network Rail and rail and tram operators
- water companies

Land councils must keep clear

Council litter authorities are responsible for land where all of the following apply:

- it's open to the air on at least one side
- it's under their direct control
- it's publicly accessible (with or without payment)

This is called 'relevant land'. Relevant land includes beaches (above the average high water mark).

Highways

Councils must also keep any highway they're responsible for both clean and clear of litter and refuse (as far as is practicable).

Code of practice on litter and refuse

Litter authorities must 'have regard to' the [code of practice on litter and refuse](#) which explains how different types of land should be kept clear.

This means they must consider the code, and they must follow it unless there are clear, justifiable reasons not to do so in specific circumstances.

How to deal with littering

It's an offence to drop litter on land or into water that's accessible to the public even if it's private land. This applies to private land that the public can access, for example a right of way.

Offenders can be prosecuted in a magistrates' court and fined up to £2,500.

Litter droppers can get [fixed penalty notices \(FPNs\)](#). If they don't pay the FPN they can be prosecuted.

FPNs aren't appropriate for:

- people who leave their rubbish out for collection at the wrong time
- someone who drops litter accidentally
- cases where it's not in the public interest
- repeat offenders (they should be prosecuted)

Public space protection orders

Councils can issue public space protection orders (PSPOs) for problems in public spaces, including [the control of dogs](#).

PSPOs can make it an offence if dog owners do any of the following:

- don't clean up after their dogs
- allow their dogs to enter particular places that have a PSPO, like playgrounds or parks

Dealing with litter from businesses

Councils can issue community protection notices (CPNs) to require businesses or individuals to:

- clear litter from around their premises
- take steps to prevent future littering

Failure to comply with a CPN is an offence.

CPNs have replaced street litter control notices (SLCNs). SLCNs also gave councils the power to require businesses to clear litter from around their premises. Councils can no longer issue SLCNs, but they must keep a public register of existing SLCNs as long as they're in force.

Members of public must be able to do both of the following:

- inspect the register free of charge
- copy the register for a reasonable charge

Litter abatement orders

A litter authority can be taken to court if they don't keep publicly accessible land that they're responsible for clear of litter and refuse.

A litter authority can be ordered by a court to pay the complainant's costs.

A litter authority can avoid court action if they clear the land within 5 days of being notified.

Courts can issue a litter abatement order (LAO) requiring the litter authority to clear land of litter within a certain time.

A litter authority is breaking the law if they don't comply with an LAO and can be fined up to £2,500. They can also get further fines of up to £125 a day for each day the offence continues after conviction.

Cleaning and clearing roads

When clearing or cleaning roads, councils must do both of the following:

- warn approaching traffic using signs and barriers
- follow instructions from highways authorities about when cleaning can be done

If they need to restrict traffic, councils must apply to the highway authority for a traffic regulation order.

Removing refuse that blocks roads

If there's an object on the road, councils (or the Highways Agency if it's a trunk road) should either:

- remove it immediately if it's a danger to road users
- issue the owner of the object with a notice to remove it within a set time, if it's not an immediate danger

It's an offence to leave anything on the road that could interrupt its use – offenders can be fined up to £1,000, if convicted.

If the owner doesn't remove the object, councils can do one of the following:

- remove the object and apply to the magistrates' court for a disposal order

- apply to a magistrates' court for a removal and disposal order

Other ways to keep land clear

Councils have other powers to keep land clear by:

- [removing abandoned vehicles](#)
- [removing abandoned shopping trolleys](#)
- [controlling leafleting](#)