



Roadside Litter

A Keep Wales Tidy policy paper

2011

Introduction

Keep Wales Tidy considers it an appropriate time to examine the issue of litter alongside main roads in Wales. As part of the Local Environmental Audit and Management System (LEAMS), Keep Wales Tidy routinely surveys the extent of littering along the streets of Wales. These surveys assess only those streets within particular land use categories and do not include motorways and the majority of the A-road network. However we understand littering on such roads to be an issue, partly through reports received from members of the public.

Keep Wales Tidy has identified the following ways in which litter can accumulate on the verges of and in the central reservations of motorway and trunk roads:

- Irresponsible disposal of litter by motorists;
- Litter having come from waste/recycling carriers,
- Litter resulting from road maintenance works, and
- Litter blown to the proximity from elsewhere.

Irrespective of how the litter along motorways and trunk roads comes to be there, it is particularly problematic to collect; there is a genuine health and safety issue due to the proximity of high-speed traffic. This may necessitate lane closures, the use of crash barriers and additional signage and therefore litter picking in such circumstances can be carried out at night, with a view to having the least impact on traffic. Consequently, the cost of such operations can be substantial.

The Wales Environment Link Manifesto 2011-15 acknowledges that in tackling litter from vehicles we can improve the environment and change attitudes to it. It further suggests that this would reduce the costs associated with cleaning roads and any funds generated could be directed back into the local community¹. The UK government also acknowledges the risk of road accidents occurring because of litter being thrown².

This paper examines the responsibilities of landowners/occupiers to remove litter from road sides. It then considers the legislation in place to ensure duties are met. The paper then looks at the various approaches to tackling the problem that have been adopted elsewhere, before setting out Keep Wales Tidy's policy recommendations.

¹ Wales Environment Link Manifesto 2011-15, Policy Priorities for Wales 2011-15

²http://www.direct.gov.uk/en/TravelAndTransport/Usingmotorwaysandroads/Reducingroadcongestionandpollution/DG_185137

Responsibility on the landowner

Responsibility for road construction, maintenance and management is devolved to the National Assembly for Wales. The Welsh Assembly Government is the highway authority for over 1,000 miles of trunk road and 75 miles of motorway network. There are three Trunk Road Agencies operating in Wales on behalf of the Welsh Assembly Government, in North, Mid and South Wales.

In Wales, the Welsh Assembly Government and therefore the three Trunk Road Agencies only have responsibility to remove litter from Motorways and a specific section of the A55. The trunk road agencies do have other responsibilities for roads within their remit (shown in Appendix 1). However, these responsibilities do not cover litter. Litter on all other roads, including other trunk roads, is the responsibility of the 22 unitary authorities (as litter authorities)³. The responsibility is set out in Section 89 (2) of the Environmental Protection Act 1990⁴. The case study provided on page 7 shows an example of the litter clearing activities of the South Wales Trunk Road Agency and another demonstrates the extent to which health and safety must be considered.

The Code of Practice on Litter, Refuse and Associated Guidance 2007 (COPLAR) provides guidance on the discharge of duties as given in the Environmental Protection Act 1990. Of particular relevance to this paper are parts 89 (1) and (2) of the Act, which amongst other things, imposes a duty on the Welsh Assembly Government and local authorities to keep clean public highways for which they are responsible.

The COPLAR 2007 seeks to encourage duty bodies to maintain their land within acceptable standards. It outlines what might be considered by a court of law to be practicable on different types of land. The code also provides response times by which duty bodies are expected to return land to an acceptable standard; should the land fall below the standard. Appendix 2 provides a table which outlines response times by land type.

For the purposes of this paper, the relevant sections of the guidance (shown in Appendix 2) relates to 'low intensity of use' and 'special circumstances'. Motorway and trunk road roundabouts and lay-bys, approach and slip ways connecting to these roads are deemed to be low intensity of use and as such should be returned to grade A standard if they fall below grade B standard within 14 days. Meanwhile carriageway, verges and central reservations of motorways and trunk roads should be returned to grade A standard if they fall below grade B standard within 28 days or as soon as reasonably practicable (subject to health and safety considerations). Indeed the COPLAR 2007 acknowledges that safety issues are paramount.

³ <http://www.assemblywales.org/cr-ld7707>

⁴ <http://www.legislation.gov.uk/ukpga/1990/43/section/89>

The COPLAR 2007 meanwhile accepts that those areas of motorways which are deemed to be of low intensity of use (including roundabouts at motorways and trunk road intersections, run-on and run-off roads and lay bys on trunk roads) often have slow traffic flows and are the most littered. However it is suggested that such areas can be relatively easy to manage. The COPLAR 2007 recommends that cleansing of motorways be carried out alongside other maintenance work and suggests that moving blocks and scavenging crews have proved to be effective.

Keep Wales Tidy periodically advises members of the public that are dissatisfied with levels of litter to contact the relevant local authority and inform them of the problem. In most cases, we assure them, the local authority will address the issue accordingly, allowing for health and safety considerations. However, they are advised that should the local authority fail to act following informal and formal complaint from a member of the public, then action can be taken via the magistrate's courts to get a Litter Abatement Order served. Litter Abatement Orders can be served on any duty body, in regard to the Environmental Protection Act 1990. Keep Wales Tidy highlighted this point in its publication 'Litter and the Law'; however we are unaware of any such action having been taken in Wales.

Members of the public have, in the past, taken it upon themselves to remove litter from road sides. In Texas, USA, the acclaimed 'Don't Mess With Texas' campaign involved groups adopting stretches of highway from 1985. Currently 3800 groups remove litter from their stretch of highway four times a year in Texas alone⁵; but this programme is replicated across the USA. Safety guidelines are followed (including the use of personal protective equipment and signage) and participants are obliged to watch a safety video prior to any clear-up⁶. Additionally the nominated adoptee indemnifies themselves from claims against the State⁷. There are also sponsorship based schemes across the USA⁸, whereby individuals and organisations give monthly payments towards the upkeep of a particular stretch of highway.

The Roadside Care initiative was developed by the Keep Britain Group in the 1990s as a means for volunteers to remove litter. It was designed to complement the statutory obligations of relevant authorities but excluded motorways and other major roads.

⁵ McClure and Spence, Don't Mess With Texas, 2006

⁶ <http://www.dot.state.tx.us/trv/aah/video.htm>

⁷ <http://www.dep.wv.gov/dlr/reap/aah/Pages/default.aspx>

⁸ <http://www.adoptahighwayusa.com/>



Enforcement

Dialogue between Keep Wales Tidy and local authority staff working on local environmental quality issues has given the impression that some enforcement staff remain unsure as to their right to request registered keeper details from the Driver and Vehicle Licensing Agency (DVLA) when investigating littering from vehicles. However the DVLA has confirmed that ‘as littering is an offence, it can be considered to be a legitimate reason for keeper information to be released to the bodies that are entitled to request such information on these grounds’⁹. This follows Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002, which provides for the release of information to the police and local authorities for purposes connected with the investigation of an offence or decriminalised parking contravention, and to anyone who can demonstrate ‘reasonable cause’ to have it¹⁰. However there is a limitation in regards that such details can only be sought when the offence is witnessed by an enforcement officer or where a Section 9 witness statement has been taken from a member of the public. Keep Wales Tidy understands that all local authorities have been informed of the current situation.

A further issue has been reported in that local authorities have some difficulty in issuing fixed penalties in circumstances where litter has been disposed from a moving vehicle. With a basic need to identify the person who has dropped the litter, enforcement action is particularly difficult when the vehicle in question is moving. Further it has been reported that due to these difficulties, some local authorities are not issuing FPNs for such littering offences.¹¹

It has been suggested by England’s Local Government Association that Section 87 of the Environmental Protection Act 1990 (which relates to the offence of leaving litter) could be amended in line with Section 33(5) of the Environmental Protection Act 1990¹². This states that:

Where controlled waste is carried in and deposited from a motor vehicle, the person who controls or is in a position to control the use of the vehicle shall, for the purposes of subsection (1)(a) above, be treated as knowingly causing the waste to be deposited whether or not he gave any instructions for this to be done (Section 33(5) EPA 1990).

It seems that such an amendment would simplify the enforcement procedure and remove the potential loophole whereby enforcement action is restricted by the need to identify the

⁹ email received from DVLA 16/11/10

¹⁰ <http://www.dft.gov.uk/dvla/data/legal.aspx>

¹¹ <http://www.cieh.org/ehp/ehp3.aspx?id=8314>

¹² <http://www.lga.gov.uk/lga/core/page.do?pagelid=13324819>

actual litterer. Keep Britain Tidy has also suggested legislative amendments for tackling litter from vehicles¹³. These suggestions are listed in Appendix 3. A detailed amendment to the EPA 1990 has been proposed by Local Government Regulation (LACORS) to DEFRA, which proposes that a person in a position to control a vehicle from which litter has been discarded shall be taken to have deposited that litter. Safeguards have been written into the amendment to exclude taxis, buses and similar public service vehicles and further safeguards have been written in to allow persons to provide “such information as is available to them” of any other person who was in control of the vehicle at that time.

Alternative grounds for enforcing against littering from vehicles have been considered alongside existing driving offences. The Crown Prosecution Service (CPS) has a policy for prosecuting cases of bad driving¹⁴. According to the CPS, there is no statutory definition of bad driving, but there are a number of general offences that directly concern or relate to the way in which a vehicle is driven. For the most part these relate to cases which resulted in death and one offence relating to the theft of vehicles. The exceptions are summarised in Appendix 4. Keep Wales Tidy’s interpretation of the offences listed in Appendix 4 would be that littering from a vehicle would not, in itself, relate to any particular driving offense. It would instead be down to the discretion of the Police Officer to make a charge that the act of littering from a vehicle constituted careless driving, as has been the case in the past where charges have been made relating to driving whilst eating food at the wheel¹⁵. Alternatively a new offense could be drafted specifically detailing littering from a vehicle as a driving offence. A new offence was created, for instance, for ‘using a mobile phone while driving a motor vehicle’. This has clearly helped clarify the law. There may however remain difficulties in issuing the driver with a fine for littering should the driver dispute who in the vehicle littered.

Initial conclusion

Clearly there are two distinct Duty bodies within Wales - the Welsh Assembly Government (WAG) and the 22 local authorities. Also with an important role are service providers, to whom maintenance work on motorways is essentially contracted out by WAG. From Keep Wales Tidy’s perspective, however, the line of responsibility is straight forward. Whether or not cleansing work is contracted out, the duty body remains responsible if its land is not maintained to an acceptable standard (section 4.3 of COPLAR 2007 and section 89 (2) of the Environmental Protection Act 1990).

¹³ Vehicle Litter Research Report, 2009, Keep Britain Tidy

¹⁴ http://www.cps.gov.uk/publications/prosecution/pbd_policy.html#_01

¹⁵ <http://news.bbc.co.uk/1/hi/magazine/4788910.stm>

It has been acknowledged that there are constraints to the current enforcement legislation; both perceived and real. Feasible solutions have been suggested at a UK level and Keep Wales Tidy sets out its favoured solutions as a recommendation, on page 11 below.

Case Studies

-The South Wales Trunk Road Agency (SWTRA) has stated that in order to comply with the requirements of the national Trunk Road Maintenance Manual and the Environmental Protection Act 1990, litter picking exercises on the verges and embankments is undertaken twice a year on the main carriageways, at a cost in excess of £500,000, which includes monthly litter collection on all slip roads as part of SWTRA's program of planned routine highway maintenance. Safety inspections are carried out across the M4 on a daily basis and occasionally these highlight the need for litter/debris removal in particular areas. Such additional litter picks, though, are dependent on maintenance budgets¹⁶.

SWTRA acknowledge that 'motorway slip roads often suffer more than most other roads'. This adds to Keep Wales Tidy's stance that COPLAR 2007 contains some inconsistency in terms of providing guidance on land use classification and appropriate response times. Specifically COPLAR 2007 places motorway trunk road roundabouts, lay bys and run-on and run-off roads in the 'low intensity of use' land category despite acknowledging that these areas are often most littered. SWTRA regard these areas as being particularly problematic.

-The genuine safety risks to people carrying out cleansing work on trunk roads is real as indeed are the health and safety obligations of agencies employing staff. This was made vividly clear when an operative was killed whilst collecting litter from a road verge in Kent, in 2007. The operating contractor has since been prosecuted by the Health and Safety Executive for breaches to the Health and Safety at Work Act 1974.¹⁷

-One individual recently challenged the Secretary of State for Transport in relation to litter along the M40. The case was brought before High Wycombe Magistrate Court and it was reported that, on getting to court, lawyers argued that there was no just cause for a litter

¹⁶ http://www.swtra.co.uk/en/news/archive2009_page2.htm

¹⁷ http://www.newshopper.co.uk/news/8437428.SWANLEY_Veolia_ES_fined_225_000_for_litter_picker_s_death/

abatement order. It was counter-argued that the litter in question had only been cleared as a result of the case; which the court agreed with and awarded the complainant.¹⁸

-Cardiff Council, in 2010, displayed anti-littering messages on matrix signs along stretches of the A48 and the A470, which it manages. The messages inform that 'littering is a crime'. Meanwhile the Council has encouraged Cardiff residents to report to them instances of littering from vehicles.

-The issue of litter alongside main roads has been highlighted by Transport Scotland, who has instigated the Transport Litter Team Forum. A basic problem that needs to be addressed in Scotland involves identifying who is responsible for what road. Amey (one of the main operating contractors in Scotland) request that their safety inspectors highlight hot-spot litter areas and areas blighted by fly-tipping. A number of preventative measures have been put in place: fencing has been erected; enforcement cameras are in place and staff act as witnesses to offences.

-The Highways Agency of England has initiated a campaign to reduce litter on the verges of the roads which it manages. This involved distributing bags designed to be used to hold litter in vehicles. As well as highlighting general impacts of litter, the Highways Agency has pointed to the risk to staff from moving traffic when collecting litter from road sides and that such work diverts from other maintenance and repair work. The campaign work has been supported by the Campaign for the Protection of Rural England.¹⁹

-In August 2010 England's Local Government Association called for an amendment to the Environmental Protection Act 1990, to make the registered keeper of a vehicle responsible for litter dropped from it.²⁰ At the time of writing, LACORS has proposed a detailed amendment to the EPA 1990.

¹⁸ <http://www.guardian.co.uk/world/2010/jun/20/motorway-litter>

¹⁹ http://www.direct.gov.uk/en/N11/Newsroom/DG_069885

²⁰ <http://www.lga.gov.uk/lga/core/page.do?pagelid=13324819>





- Keep Britain Tidy has also carried out a campaign against litter from vehicles. Particular success was reported in the use of posters that target a particular segment of litterers, placed in service station washrooms, using the tag-line 'Don't be a tosser!'.

KBT has since called for the registered keeper of a vehicle (having had litter thrown from it) to be fined and issued with penalty points on their license, unless they provide details of the offender²¹.

- It has been acknowledged that fast food litter can be a particular eyesore and indeed that such litter frequently comes from vehicles²². McDonalds staff have helped the Vale of Glamorgan Council in tackling fast food litter by both carrying out regular litter picks and assisting enforcement action. On witnessing litter coming from vehicles, McDonalds staff are encouraged to fill in statement books and pass on details to Council enforcement staff who then gather registered keeper details from the DVLA and then request details as to who was driving the car at the time. It has been reported that the Council has been successful in issuing FPNs from this approach. Braintree District Council has carried out similar work with McDonalds and in the past car registration details have been placed within the packaging of drive through customers. Cleansing staff then keep an eye out for marked McDonalds packaging on roadsides and pass on information to enforcement staff.²³

²¹ <http://www.keepbritaintidy.org/News/Default.aspx?newsID=713>

²² Keep Wales Tidy Fast Food litter policy paper 2008

²³ <http://www.braintree.gov.uk/Braintree/greenheartofessex/Green+Heart+News/>

Recommendations

- Keep Wales Tidy should direct complaints about litter on motorways (including those from members of the public) to the appropriate regional Trunk Road Agency. It may be also be appropriate to inform local authorities of litter along trunk roads within their boundaries. This could form an additional section to LEAMS reports, as for example, information on observed fly-tipping is reported. Members of the public should continue to be advised that, following complaints to the duty body, action can be taken via the magistrates courts to get a Litter Abatement Order served on the offending authority.

-Keep Wales Tidy recommends that litter cleansing along the motorway and trunk road network be prioritised along slip roads (on-off roads) and roundabouts. It has been accepted that such areas are often particularly prone to litter accumulations but at the same time, such litter is relatively easy to manage (compared to sections of roads with high speed traffic flows).

-Keep Wales Tidy will lobby for better coordination between Trunk Road Agencies and local authorities in terms of timing maintenance works. Trunk Road Agency responsibilities across all trunk roads in their area involve cutting grass and vegetation at junctions and within the central reservation to improve visibility²⁴. It would be sensible for local authorities to carry out litter picks prior to TRAs carrying out grass/vegetation cutting. This would seem to necessitate TRAs giving local authorities notice of when grass cutting is scheduled to take place.

-Enforcement staff should be reminded that they may request registered keeper details from the DVLA when investigating cases of littering from vehicles. Keep Wales Tidy will work with local authority staff to satisfy the conditions of accessing the information and help overcome any issues.

-Welsh Assembly Government Highways staff could act as witnesses to littering offences on the trunk road/motorway network. There is even potential for such staff to be made active Enforcement staff, with agreements with local authorities.

-Keep Wales Tidy and local authorities should publicise enforcement action relating to littering from vehicles. This could be done via newsletters and the internet and other social networks and would alter the perception among the public that they are unlikely to be penalised or prosecuted for littering offences.²⁵ Keep Wales Tidy research suggests people are less likely to litter if they feel they will be caught doing so. It is also advised that

²⁴ http://www.swtra.co.uk/en/knowledge_centre/routine_maintenance.htm

²⁵ Littering in Wales; Understanding Littering and Litterers, 2010

enforcement staff consider the range of approaches to dealing with litter from vehicles, including those mentioned as case studies, above.

-Keep Wales Tidy advocates an amendment to Section 87 of the Environmental Protection Act 1990 (which relates to the offence of leaving litter) to ensure that the person in control of the vehicle bears responsibility for any littering offence from the vehicle in question and would therefore be subject to an FPN. It should not be necessary for the enforcing officer to positively identify the actual litterer. Keep Wales Tidy should monitor any developments of this kind within the Department for Environment Food and Rural Affairs and the UK Government. Should Keep Wales Tidy remain unsatisfied with progress, then action within Wales should be taken. Such action may be taken with litter held to be a nuisance under Schedule 7 of the Government of Wales Act 2006 and may include Keep Wales Tidy:

- Working alongside the Welsh Assembly Government to request that the National Assembly for Wales consider action (see Appendix 5), and

- Submitting a petition to the Petitions Committee of the National Assembly for Wales (see Appendix 5).

-Keep Wales Tidy should explore the possibility of running a specific campaign targeting litter from vehicles. Lessons should be learnt from previous such campaigns (including those by Keep Wales Tidy, Keep Britain Tidy and the Highways Agency). Any such campaign may involve acquiring and distributing a solution to the problem; possibly in the form of bags designed to act as litter bins within vehicles. Research by Keep Britain Tidy suggests some people who admit to littering from vehicles would use 'car bags' if they were given them free of charge²⁶. A further possibility is to seek sponsorship for the production of such products.

²⁶ Vehicle Litter Research Report 2009, Keep Britain Tidy

Appendices

Appendix1: Sub-structure of the South Wales Trunk Road Agency (one of three operating trunk road agencies in Wales).

In the SWTRA region, routine maintenance (including litter picking) is carried out through three local authority partnerships and therefore the South Wales region is further sub-divided. Individual service delivery contracts have been issued by SWTRA to three sub-regions, headed by lead local authorities:

South East Wales	South Central Wales	South West Wales
<p>Lead Authority: Monmouthshire Provider Partner: Cardiff Network includes: M4 (Severn Bridge II to J34), M48, A48(M), A4232 (M4:J33 to Culverhouse Cross), A449, A4042, A465 (Dowlais to Llangua), A40 (within Monmouthshire); A470 (M4 J32 to Taffs Well)</p>	<p>Lead Authority: Neath Port-Talbot Provider Partners: Bridgend and Merthyr Network includes: M4 (J34 to J49), A48 Sunnycroft to Earlswood, A465 (West of Dowlais), and A470 (Cefn Coed to Taffs Well), and A4060</p>	<p>Administering Authority: Carmarthenshire Provider Partner: Pembrokeshire Network includes: Trunk roads West of M4 (J49), A40, A487, A4076, A477, A48 and A483</p>

Appendix 2: Response times by land use as set out in the Code of Practice on Litter and Refuse and Associated Guidance 2007.

Response times are the time advised to return the land to an A grade standard should the land fall below the B grade standard.²⁸

	High intensity of use	Medium intensity of use	Low intensity of use	Special circumstances
Nature of the area	Areas which, through intense pedestrian and/or vehicular movements, are prone to fluctuations in litter and refuse and require both high levels of monitoring and frequent cleansing	Areas affected by moderate levels of pedestrian and vehicular activity. And therefore less prone to fluctuations in litter and refuse, usually situated outside centres of retail or commercial activity, but used regularly by members of the public	Areas subject to low or infrequent levels of pedestrian and vehicular activity and therefore less prone to fluctuations in litter and refuse, often located in more rural areas	Types of land where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work (includes legislative restrictions for all land types)
Maximum time to restore to grade A standard if it falls below grade B	1/2 a day. This means by 6pm if reported before 1pm or by 1pm the next duty day if reported between 1pm and 6pm on the previous day	1 day. This means by 6 p.m. the following evening.	14 days	28 days or as soon as reasonably practicable
Roads	Main roads and other highways running through the above areas	Main roads and other highways running through the above areas	Rural roads and other highways running through the above areas Motorway and trunk road roundabouts and lay-bys, approach and slip ways connecting to these roads	Carriageway, verges and central reservations of motorways and trunk roads

²⁸ Code of Practice on Litter and Refuse and Associated Guidance 2007

Appendix 3: Legislative options for tackling litter from vehicles as presented by Keep Britain Tidy.²⁹

-The person in control of the vehicle is deemed responsible for littering offences and would be issued with the Fixed Penalty Notice (FPN) regardless of whether they were the person littering from the vehicle or not.

-A letter is sent to the person responsible for the vehicle requesting information as to the perpetrator of the offence. It would be an offence not to reply to the letter. The named person is then issued with a FPN.

-Vehicle littering is a criminal offence and the offender is prosecutable with a maximum penalty of £2500 or paying a FPN (current legislation)

-Civil sanctions – littering from vehicles becomes decriminalised. This allows Penalty Charge Notices (PCNs) to be given to the vehicle owner and would work in a similar way to parking tickets. The case would be pursued by the civil courts in the event of the fine not being paid.

²⁹ Vehicle Litter Research Report 2009, Keep Britain Tidy

Appendix 4: Driving offences as outlined by the Crown Prosecution Service³⁰

Offense	Description
Dangerous driving	<ul style="list-style-type: none">• Section 2A of the Road Traffic Act 1988 provides that a person is to be regarded as driving dangerously if the way he or she drives falls far below what would be expected of a competent and careful driver and it would be obvious to a competent and careful driver that driving in that way would be dangerous. A person is also to be regarded as driving dangerously if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.<ul style="list-style-type: none">• The offence can be tried either in a magistrates' court or in the Crown Court. On indictment it carries a maximum sentence of 2 years' imprisonment.• Disqualification from driving for a minimum period of 12 months followed by an extended retest is mandatory.
Careless or inconsiderate driving	<ol style="list-style-type: none">1. Careless driving is an offence contrary to Section 3 of the Road Traffic Act 1988. S3ZA of that Act (see note 9) defines careless driving as driving that falls below what would be expected of a competent and careful driver.2. Inconsiderate driving requires the prosecution to prove in addition that other persons were inconvenienced by the driving.3. The offence can be tried only in a magistrates' court.4. The offence is not imprisonable. Disqualification is discretionary. <ul style="list-style-type: none">• Careless driving includes the sub categories of driving without due care and attention and driving without reasonable consideration of other road users. Keep Wales Tidy understands that these offences could potentially be made for littering from vehicles.

³⁰ http://www.cps.gov.uk/publications/prosecution/pbd_policy.html#_01

Wanton and
furious driving

1. Wanton and furious driving is an old offence - predating the invention of the internal combustion engine - contained in Section 35 of the Offences Against the Person Act 1861. The prosecution must prove that the defendant drove dangerously (careless driving is insufficient) and caused some injury to another person.
2. The offence is not limited to a road or other public place and is therefore useful for prosecuting cases where the bad driving occurred off-road.
3. The offence can be tried either in the magistrates' court or in the Crown Court. At the Crown Court it carries a maximum sentence of 2 years' imprisonment.
4. Penalty points and discretionary disqualification are now available to courts (see [note 10](#)).

Appendix 5: Options available to Keep Wales Tidy in pursuing a legislative change.

This annex sets out the potential to influence legislation in Wales should Keep Wales Tidy remain unsatisfied with progress at a UK level. Keep Wales Tidy advocates that the registered keeper of a vehicle should be responsible for any littering offence from that vehicle. The most appropriate means for this to happen would be for Section 87 of the Environmental Protection Act 1990 to be amended in line with Section 33(5) of the Environmental Protection Act 1990.

Litter is broadly admissible as a nuisance under the environmental subject area of Schedule 7 to the Government of Wales Act 2006. As such the National Assembly for Wales does have legislative powers relating to litter.

Keep Wales Tidy evidence could be directed at the Welsh Assembly Government as a means of influencing their annual legislative programme. A policy advocated by the WAG is likely to have more impact at the NAW level than one from the third sector.

An alternative means to recommend legislation in Wales (and one deemed a very accessible route for getting third sector issues raised at a National Assembly level³¹) is through the petitions process. This would involve Keep Wales Tidy submitting a petition in writing or on the NAW website, via the E-petitions system (which has been seen to be appropriate when circulating information and gathering signatures online³²). The Petitions Committee team can assist with the precise wording and advice as to the time the petition remains 'open' on the NAW website. In order for any petition to be admissible and therefore be considered by the Petitions Committee of the NAW, amongst other criteria, it must have 10 signatures or have come from a corporate body. It would follow, however, that a petition with more signatories would appear more persuasive, particularly so if support came from partner organisations.

³¹ WCVA/ Voices for Change Cymru, Influencing the Assembly Resource Pack

³² WCVA/ Voices for Change Cymru, Influencing the Assembly Resource Pack