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Environment: Local authority responsibilities

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You are concerned about a health and safety issues in your local area, including noise or air pollution, waste disposal, road problems or planning issues. Tony Wright MP tells you what to do

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[Guardian Unlimited](#)

This section describes the kinds of environmental problems that are the responsibility of the local authority (LA). Most other environmental problems come under the remit of one of the government agencies: see [Environment: Government agencies](#).

Who can you complain to?

The address and phone number of your local authority can be found in the phone book. Some LAs list the departments to approach according to the nature of your complaint, others operate a "one-stop shop" which will deal with all complaints.

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Local government was restructured in April 1996. A single tier "all-purpose council" is now responsible for all local authority functions in the whole of Scotland and Wales and some parts of England (also known as

unitary, metropolitan or London borough authorities). England has a mixed system: single tier authorities functioning in some areas and two-tier (county and district councils) remaining in other areas.

England

- metropolitan district councils, unitary authorities and London boroughs are responsible for all local environmental services
- district councils provide environmental health, waste collection, planning, housing and leisure services
- county councils provide education, consumer protection, planning, and leisure services and are responsible for disposal of waste
- some responsibilities overlap between district and county councils
- town, parish or community councils get involved with very local issues such as footpaths and planning applications.

Wales

Contact the environmental health department of your local unitary council.

Scotland

Contact the environmental health department of your [local unitary council](#)

Northern Ireland

Contact the environmental health department of your [local district council](#)

What grounds do you have to complain?

Air pollution

LAs have overall responsibility for regulating air quality in their areas and most have air pollution monitoring networks. The Department of the Environment, Food and Rural Affairs (DEFRA) is able to direct LAs to take steps to achieve air quality standards and objectives, according to the government's national air quality strategy.

LAs are involved in regulating industrial air pollution from small industrial processes only; larger industrial pollution issues and licenses are dealt with by the agencies. Complaints about smoke from people's homes and property are dealt with by LA environmental health officers (EHOs).

Complaints about excessive exhaust fumes from vehicles should be made to the local department of transport vehicle inspectorate (the number will be in the phone book, and may also be listed under "smoky vehicle hotline").

Beaches

You can complain to your LA about the following problems; litter (including dog mess) between May and September; oil pollution and any dangerous items, such as drums of chemicals or explosives, that may be washed ashore; dogs, for example if you feel that dogs are a nuisance on a particular beach the LA can, if it

agrees with you, ban dogs from a beach.

LAs monitor the seawater every week from May to September and will post their results on the beaches, at lifeguard posts, on the internet or at council offices. Also see [Environment: Government agencies](#).

If you live in an area where the coast is subject to erosion, your LA may provide coast protection works. You are not, however, entitled to compensation if your property suffers damage as a result of coastal erosion.

Common land

You have a right to know which open spaces in your area are designated as public common land.

If common land is owned by a body, eg a rail operator, the LA or the Crown, that body is responsible for its upkeep. If the LA is the owner it can designate common land as a litter control area, in which case you can apply for a litter abatement order if appropriate (see below).

If common land has no legal owner it can be difficult to make sure it is kept tidy or to solve any problems.

Dog nuisance

LAs must clear dog mess from streets, roads and parks except where there is heath or woodland or where there are grazing animals, and may make byelaws to force owners to clear up after their dogs, under the Dogs (Fouling of Land) Act 1996. If you think a particular dog is a danger you should contact the police. If you feel a dog is more of a nuisance, contact the LA. They have the power to make byelaws to make owners keep dogs on leads, or to ban dogs from certain areas (eg children's playgrounds).

The environmental services in your LA have a duty to collect stray dogs. If your dog is picked up as a stray you must reclaim it within seven days (you will be charged for the costs of holding your dog, plus up to £25 extra). If you do not claim your dog, the LA may give it a new home and the new owners will have a legal right to keep it. Unclaimed dogs may also be put down.

Drainage

You are responsible for all drains leading from your property until they connect to a public sewer; your LA will have a map showing where the public sewer starts. If a neighbour refuses to unblock their drains you can complain to the LA and they will take action. You can also do this if your landlord fails to clear drains. Some authorities may offer a service to clear domestic drains for a fee.

Your "sewerage undertaker" - usually your water company - is responsible for maintaining the public sewer. Flood defence is the responsibility of the appropriate environmental agency (see [Environment: Government agencies](#)).

Drinking water

LAs have a duty to monitor the quality of drinking water, and if you are worried about your own supply you can

ask the LA to test it, but both supply and drinking water quality are now the responsibility of the water company. [The drinking water inspectorate](#) is responsible for monitoring how LAs fulfill their duties.

If you get water from a private source such as a well or spring, your LA has a responsibility to test its quality. The LA can also make a supplier improve a supply. Lead pipes can be a risk to health. If you have lead plumbing bringing the water into your house and are on a low income, your LA may give you a grant for the replacement of those pipes.

Licensing

All-night cafes, nightclubs and some sports arenas need a licence from the LA to do business, as do one-off open air concerts and street-traders in some areas. You have the right to object to any licensed business at the time of original licence application or at annual renewal, and can also complain if you believe that the terms of a license are being contravened.

Litter

The [litter code of practice](#) sets the standards of cleanliness for public spaces throughout the UK and provides practical guidance to local authorities who have statutory responsibilities under part IV of the Environmental Protection Act 1990. Under the code, for the first time, private railway companies will be responsible for keeping both stations and tracks clear of litter and could be faced with a litter abatement order in a magistrates court if they fail to do this.

You can complain to your LA if it fails to clear litter within the target times set down by the litter laws. For example, a very heavily littered town centre should be cleared within one hour, a moderately littered public area within three hours etc. There are longer target times in residential areas and the countryside. Details can be found in the [litter code of practice](#) available from HMSO and other bookshops.

If the rubbish is still not cleared after five days written notice, you may apply to the local magistrates for a litter abatement order. If the council still fails to comply it may be fined by the magistrate, and fined for each additional day that the litter remains uncleared. Dumped refuse (also known as fly-tipping) is illegal and now carries a heavy fine.

The LA can also:

- insist that some privately-owned places (such as car parks, shopping centres and land outside sports stadiums) are kept clear of litter, by turning the land into a litter control area
- issue 'street litter control notices' to shop owners to ensure they keep the pavement near their shop clear of litter
- collect any abandoned shopping or luggage trolleys in their area and charge a fee for returning them to their

owners

- appoint litter wardens or allow other staff to issue 'fixed penalty tickets' to anyone who drops litter and refuses to pick it up

Noise, smoke, smells and other nuisances

You can complain to an environmental health officer of your LA if you think your health or enjoyment of your home or property is being spoilt by a problem such as:

- noise from buildings or land and certain street noise which may include: barking dogs, hi-fi, parties, car or house alarms, machinery or equipment. Noise pollution nearly always comes under the remit of local authority EHOs and not the police
- smoke coming from any buildings or land
- dust, steam or smells coming from factories, shops or offices
- fumes or gases coming from private homes
- buildings or areas of land which are left in a dangerous state or are a risk to people's health
- animals which are being kept in an unsuitable way

If the health officer decides that you are suffering a "statutory nuisance" they will first try to sort out the complaint informally. If this does not work, the LA can issue the offending party with an "abatement notice" which may require the nuisance to stop immediately and/or prohibit or restrict its occurrence.

If the noise continues EHOs can seize offending noise-making equipment if they feel this is necessary; the offender may also be taken to court and fined up to £5,000. The issuing of an abatement notice and/or the confiscation of the offending noise-making equipment can theoretically be performed within one hour.

If the council is having difficulty dealing with your complaint (because the nuisance only happens occasionally for instance), you may go to the magistrates court yourself.

As a last resort you may take private legal action against the offender (this is not the same as approaching a magistrates court). However, private legal actions can be very expensive. Disputes with neighbours are often best resolved by mediation. For a list of neutral mediation schemes around the country contact: [Mediation UK](#), Alexander House, Telephone Avenue, Bristol BS1 4BS (Tel: 0117 904 6661 Fax: 0117 904 3331) Email:

enquiry@mediation.org.uk

Obstructions in the road

You can complain to your LA if you think that a builder's skip, scaffolding, street stall or objects such as bricks or cement are causing a danger or nuisance.

If a car is causing an obstruction, is illegally parked or has been abandoned, the LA (and the police) can remove it. If a vehicle is merely causing an inconvenience, there is probably little that can be done.

Pest control

In general you are responsible for dealing with any pests found on your own property. Contact a specialist pest control company who can survey the area and advise on the best means of control. The LA environmental health department usually has a pest control service, but this may not be free.

If you have reason to believe there are pests in a neighbouring property and the owner refuses to deal with the problem, you can complain to your LA. The LA can inspect the property and clear up the problem itself, and charge the owner for this. Your LA must keep pests under control on its own property.

Planning

You are entitled to examine any planning application, and make objections or comments before it is considered by councillors. You can inspect all current applications, including drawings and supporting documents, at a central register and major applications will also be published in the local newspaper. The time limit for comment or objection is usually 28 days after their advertisement in the paper. Councils will consider later objections if a decision has not yet been made. All objections to applications are open to public inspection and it is not possible to treat objections in confidence. The LA must consider your comments before they decide on the authorisation.

Rights of way

Your rights are outlined in the [Countryside and Rights of Way Act 2000](#). You can ask your LA to create new rights of way. The council can alter, restrict or even close rights of way, but only after consulting the public. The council must advertise any proposed changes in local newspapers and notices on the site.

You have a right to inspect an up-to-date map showing the rights of way in your area. A right of way allows you to cross land, but it does not include the right to picnic or play games there. LAs must maintain and signpost all rights of way and must clear obstructions if requested. They may charge any costs to the landowner and if necessary can take the owner to court.

Recycling

You have a right to see your LA recycling plan, comment on it and make suggestions. There are financial incentives for some kinds of recycling.

Roads and pavements

LAs have a duty to maintain all local roads and pavements and roads properly. You should tell the appropriate LA if you think that defective or icy pavements or roads may cause an accident. The LA can also take action to put up and improve road signs. Councils provide a winter maintenance service that will permit the movement of traffic on designated roads and minimise delays caused by adverse weather conditions. This may run from November 1 to mid March, 24 hours a

day, every day.

English motorways and trunk roads are the responsibility of the [highways agency](#) (0845 9556575) although LAs may carry out day-to-day maintenance of stretches passing through their areas.

If you have been injured because the council has failed to maintain a road or pavement properly, you may be able to claim compensation. You may also be able to claim if there was damage to something you own, like your car. You can complain to your LA about problems arising from utilities' street works if the utility company is being uncooperative, for example:

- if they make it hard to get to your property;
- if you are disturbed by noise created by the utility company;
- if the works are dangerous, either when they are in progress or when they have been finished;
- if a road or path is not put back to its original condition;
- if you are worried about cable or other utility companies damaging the roots of trees in the road (see also section 18).

Rubbish collection and illegal dumping

The LA has a duty to collect everyday household rubbish. It can charge you for this service if live in a particularly isolated or inaccessible place. The LA should tell you how often they will collect and what to do if a collection is missed.

The LA must also collect other rubbish from your home such as old sofas, fridges and waste for gardens (a charge may be made for this) and the LA must collect rubbish from offices and shops if they are asked to do so, but they must charge for these services unless there is a good reason to do it free.

You can also complain to your LA about "fly tipping" or if you think a business is not fulfilling its legal obligation to keep its rubbish safely and securely, dispose of it to someone legally authorised to take it, and make a record of what the waste was and who collected it.

Traffic management and parking

You should complain to the LA about any local traffic and parking problem. They can introduce permanent, temporary and/or peak hour controls. They can also carry out "traffic calming" measures, for instance by installing road humps to slow down traffic.

LAs have a duty to publicise, and you have a right to comment on, any proposed traffic management or parking controls

Trees

Your LA is responsible for trees in parks or on the highways only. LAs will investigate complaints regarding tree pruning within three working days and remedial action will be undertaken within 10 working days of investigation.

The UK has strong legislation that protects trees and

woods in conservation areas, and gives local authorities wide powers to make tree preservation orders. This protection is similar in many ways to the listed buildings system.

Protected trees: a guide to tree preservation procedures gives a brief introduction to tree protection procedures and answers some of the most common questions asked by tree owners and the public.

More detailed guidance is available from "[Tree preservation orders: a guide to the law and good practice.](#)" Hard copies (£8) may be obtained from DEFRA publications sales centre (01709 891 318).

If you own a protected tree you must usually apply to the LA for permission if you want to carry out work on it. If you don't you can be fined up to £20,000. If the LA refuse your application (or grant it with conditions) you can appeal to the secretary of state for DEFRA.

If a tree on your land is dangerous you can ask your council to make it safe (they may charge for this). You can also ask them to take action on dangerous trees that affect your property.

Wildlife areas

Sites of special scientific interest (SSSIs) in England and Wales are notified by the conservation agencies English Nature (EN) and the countryside council for Wales (CCW) because they represent our most important habitats and earth heritage sites, and provide a home for many of our rarer species. They are protected under the Countryside and Rights of Way Act 2000.

As planning authorities, LAs are vital to the existence of SSSIs. You have a right to see the local land charges register kept by your council, which gives details of SSSIs and other details of wildlife sites. LAs must take account of SSSIs when considering development proposals, and you can draw attention to the possible impact on nature conservation when you comment on LA draft development plans and on individual development proposals

Access to environmental information: Local government must comply with the Freedom of Information Act 2000. Access to environmental information is also upheld by the convention on access to information, public participation in decision-making and access to justice in environmental matters signed at Aarhus on June 25 1998.

LAs are obliged to provide reasonable [public access](#) to all environmental information, such as sampling and survey results and reports as well as registers of authorisations, consents and licenses, applications for any of these, and any enforcement actions taken.

What will happen if you are successful?

The most likely outcome is redress of your initial complaint.

What else can you do?

See individual categories.

Useful links

[The Green party](#)

[Environment agency](#)

[DEFRA environmental protection](#)

[The Environment council](#)

[National air quality information archive](#)

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