

TO

Dear { },

STATUTORY INFORMATION DEMAND – *Environment Act 1995 (Section 108(4)(k)(l)(m))*

HOUSEHOLDER DUTY OF CARE & FLY-TIPPING – *Environmental Protection Act 1990 (Section 34(2A) & 33)*

I am writing to inform you that on {DATE} dumped rubbish {MATERIAL DESCRIPTION} linking to your name / your address / your vehicle – {DELETE AS APPLICABLE} was found at {LOCATION}, approximately {DISTANCE} from your property: -

{IMAGES OF MATERIAL, IF AVAILABLE}

We are making enquiries because the council is working to stop local communities being spoiled by rubbish dumping.

In the first instance we are seeking your comment and explanation as to why the material described above was left at the location. You should send your comments to the following email:

flytipping@birmingham.gov.uk

If you are unsure about your legal rights in responding to this letter you may wish to contact a solicitor or independent legal advisor. You are advised that if you fail, without reasonable excuse, to assist our enquiries or you knowingly supply false information you may be committing an offence under section 110 of the Environment Act 1995.

Yours sincerely,

WASTE ENFORCEMENT UNIT

THE INFORMATION ON THE NEXT PAGE EXPLAINS HOW TO PROPERLY
DISPOSE OF RUBBISH

HOUSEHOLDERS

The council will collect most types of household waste free of charge through the weekly collection. The council will not take away 'bulky items' free of charge and this usually means rubbish that is too large to fit inside a standard wheelie bin. The council will collect these larger items for a charge, or you can take them for disposal to one of the council's *Household Recycling Centres*.

For full details of your weekly collection day; what you can recycle; how to book a chargeable bulky waste collection; and details of your nearest Household Recycling Centre please visit:

https://www.birmingham.gov.uk/info/20009/waste_and_recycling

BUSINESSES

All businesses that generate waste in the course of their daily trading activities must make arrangements for its proper disposal. This means that all business must pay for their waste to be collected. It is also a legal requirement to keep records of the waste transfers for a minimum of 2 years. It is illegal for a business to take waste home and to dispose of it through the household collection system or to leave it on the street or in litter bins for the council to collect. Failures in business waste disposal systems could result in £400 on the spot fine or unlimited fine if convicted at court.

USING A COMMERCIAL WASTE COLLECTOR

Householders and businesses that chose to use a private waste collection operator must ensure that the person they use is registered with the Environment Agency... Waste collectors need to hold a *Waste Carriers Registration*.

You should ask the collector to provide their Registration number and their business contact details before they come and collect your rubbish. If they won't do this or can't do this, they will be illegal operators and you should not use them because if they dump your rubbish you might end up with a £400 on the spot fine or criminal conviction if a case goes to court.

It is wise to check the Waste Carriers Registration number of a collector you intend to use and you can do this by using the Environment Agencies checker:

<https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers>

Businesses who use a commercial waste collector must also obtain a written document from the collector, called a waste transfer note and this must be kept for inspection for at least 2 years. (Failure to do this could result in a business being given a £300 fine).