

Waste escaping from vehicles

South Gloucestershire Council spends tens of thousands of pounds a year clearing roadside verges of rubbish. Major routes have to be closed for clear-up operations, causing severe disruption and inconvenience to motorists and haulage companies.

Don't be part of the problem – it's the law.

What can we do to make sure we comply with the law?

1. Only use equipment that is fit for purpose; any defects should be noted and brought to the attention of the driver. Vehicles and securing systems should be inspected and fit for purpose before leaving the depot.
2. All waste must be completely enclosed with an appropriate securing system.
3. No container should be overfilled or have waste projecting over the top. Loose waste should be removed prior to the journey.
4. Inspect vehicles to make sure that the load is secure before they leave.
5. Ensure drivers can inspect containers and securing systems and provide an emergency kit for minor repairs.
6. Drivers and employees must be fully trained in procedures and processes and be aware of their **personal liability** if found in breach of the law.
7. Adopt an audit checking system to ensure company procedures are being followed at all times. Keep records of all training and vehicle checks.

What will happen if we are found to be in breach of the law?

South Gloucestershire Council is one of the only authorities in the country to have successfully prosecuted waste carriers for failing to ensure waste is transported legally. Under the Environmental Protection Act 1990, anyone involved in the storing, loading, transporting or disposing of waste must take all reasonable steps to ensure it is contained safely and securely.

Previous cases have resulted in fines of £5,000 and costs of £18,000.

Waste transfer stations and recycling centres must:

1. Taken all reasonable steps to prevent waste escaping from a vehicle prior to it leaving a depot.
2. Ensure all employees involved in the process are fully trained and are aware of their **personal liability** and potential to be prosecuted.



Who will be prosecuted if a vehicle is stopped carrying waste like this?

1. **The driver** who, with or without training, should not have taken this load out.
2. **Transfer station employees** responsible for loading the waste and allowing the load to leave.
3. **The waste transfer station company** if it does not have appropriate procedures and staff training programmes in place.
4. **The waste carrier company** if it does not have appropriate procedures, checklists, training and maintenance records in place.

We do not need to witness waste escaping from a vehicle to bring a prosecution. You can be fined for failing to take all reasonable precautions to stop waste littering our verges.

Remember:

1. All drivers on the public highway have their own personal responsibilities and liability.
2. Any driver, including agency staff, is potentially liable to prosecution.
3. Any employer is liable to prosecution if training and procedures are not in place.
4. Even when a container is empty, it must still be secure to prevent residual waste from escaping.
5. Single items of litter add up to a big problem which costs the council tens of thousands of pounds to clear up and causes severe disruption to motorists.

Produced in consultation with Mr T March, FCIWM.

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