



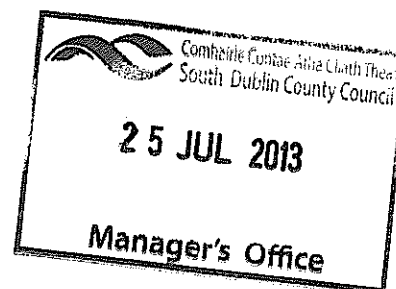
Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



Oifig an Aire
Office of the Minister

22 July, 2013.

Ms. Emer O'Gorman,
Meetings Administrator,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24



RE: REP1895/PH/13

Dear Ms. O'Gorman,

I have been asked by the Minister of Environment, Community and Local Government, Mr Phil Hogan T.D., to respond to your recent correspondence in relation to the motion (M7/0513) passed by South Dublin County Council – 'that this Council supports stronger measures in combating the scourge of littering and illegal dumping, including increased penalties and expanded community service requirements for offenders supported either by statute or legislation; and that this Council calls on the Minister for Environment, Community and Local Government to support this local authority and others in the battle against litter and dumping by liaising with the Data Protection Commissioner and, if necessary, seeking amendments to the Data Protection Act to allow for the naming and shaming of those engaged in such practices.'

Current provisions are made under the Litter Pollution Act, which allows for local authority enforcement officers to issue a €150 on-the-spot fine for littering offences which can include small scale illegal dumping offences.

Under the Protection of the Environment Act 2003, penalties attaching to litter offences are substantial. This Act amended sections 19, 21 and 24 of the Litter Pollution Act, 1997 and introduced conviction on indictment for litter offences, with a maximum fine of €130,000 and set the maximum fine for summary conviction at €3,000. The fines for continuing offences are €600 per day for summary offences and €10,000 per day for indictable offences. A person convicted of a litter offence may also be required by the court to pay the local authority's costs and expenses in investigating the offence and bringing the prosecution.

The local authorities, as the bodies responsible for enforcement of the legislation, also have it at their discretion to decide whether any offence committed warrants the application of the Litter Pollution Acts, or in more serious cases, the Waste Management Acts which carry further punitive provisions for offences.

The Minister recognises the on-going challenge presented in dealing with litter offences and illegal dumping. In an effort to deal with the issue the Minister adopted a three pronged strategy as follows:

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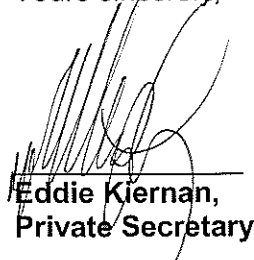
- A Departmental review of the legislation governing this area,
- A National Anti-Litter Campaign in the print media which was conducted during the summer months of 2012. This focused on the importance of keeping our environment litter free and encouraged the reporting of cases of illegal dumping to the national environmental complaints hotline 1850 365 121, and
- A once off targeted Litter Enforcement Grant Scheme which was introduced in early 2012, providing funding to Local Authorities to tackle the problem of fly-tipping and small scale illegal dumping.

On behalf of the Minister, I would like to thank South Dublin County Council for their on-going help and support in the fight against litter and inform you that the Department, as a result of the review of existing legislation in the area, has prepared the Heads of a Bill, for approval by Government, that will provide for the introduction of on-the-spot fines for incidences of fly tipping or small scale illegal dumping. Subject to approval by Government, the Department will submit the Heads to the Office of the Attorney General for consideration with the intention of preparing a Bill for publication later this year.

With regard to the issue of local authorities naming and shaming individuals as a result of offences committed under the Litter Pollution Acts, as explained in Circular WP 20.10, the Data Protection Commissioner contacted this office in relation to the publication of the names and addresses of individuals convicted under the Litter Pollution Acts and advised the Department that this activity was in direct contravention of the Data Protection Act.

I wish to acknowledge the content of your correspondence calling for the strengthening of the Litter Pollution Acts to provide for the naming and shaming of people in breach of the laws under the act. We are examining this issue in the context of a policy review in this area and have noted your proposal.

Yours sincerely,



Eddie Kiernan,
Private Secretary