
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	17th OCTOBER 2018	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR, SERVICE DELIVERY	OPEN/EXEMPT PARAGRAPH NO:
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SUBJECT:	TACKLING LITTER ACROSS THE DISTRICT	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee notes the current work of the Council in tackling litter across the District that support the ambitions of the Government's Litter Strategy published in April 2017.
- 1.2 That the Committee welcomes proposals to further curb litter within the District through education and awareness raising, partnership working, infrastructure improvements and enforcement activity.
- 1.3 That the Committee considers the resource implications of further investment in tackling litter across the District.

2.0 Purpose of Report

- 2.1 This report provides a summary for Members about activities undertaken by the Council to tackle litter within the District which support the ambitions of the Government's Litter Strategy for England which was published in April 2017. The strategy acknowledges the impact of litter and the implications it causes in taking up cleansing resource. The strategy highlights the Government's current work and future proposals that it will seek to implement before 2020 to create cultural change to reduce littering.
- 2.2 The report also highlights the resource implications of further investment in this area of work.

3.0 Detail

- 3.1 South Derbyshire District Council is designated as a Principal Litter Authority under the Environmental Protection Act 1990 and is responsible for ensuring that land within its remit (plus public highways) are kept free from litter. Parish Councils and Highway Authorities are also litter authorities with similar responsibilities. The Council's schedules and timescales to response to cleansing service requests are based on the Government's current Code of Practice for Litter and Refuse. Litter problems within the District are not restricted to land within the Council's control but also occur on private land or land in the control of other statutory undertakers.

- 3.2 In the last 12 months the Council has received three formal complaints from members of the public regarding litter in the District. In addition it has received 179 service requests for litter removal including dog fouling and syringes and 678 reports of fly-tipping.
- 3.3 Litter is often raised as a cause for concern by Elected Members, via the Council's Area Forums and at meetings of the Swadlincote Town Team in particular where issues such as dog fouling in the parks, pigeon mess and leaves in the town centre, fast food packaging on pavements and roads and fly-tipping are topics of discussion.
- 3.4 Every year the Council spends just over £200,000 on litter collection, a further £122,250 on fly-tipping collection, over £13,000 on weed control, £50,000 on litter/fly-tipping enforcement and a small sum of around £2,000 on litter collection from public toilets.
- 3.5 There are 623 litter bins, 49 trade litter bins, 74 dog bins and 119 dog trade bins in South Derbyshire, the table below highlights the regularity of bins emptied across the district each week.

Type of bin	No. emptied per week	Type of bin	No. emptied per week
Dog bins trade	144	Litter bins trade	53
Dog bins	93	Litter bins	624
Town Centre litter bins	301	Total empties	1,215

- 3.6 There are 8 recycling points / centres across South Derbyshire where you can deposit glass, cans / tins, plastic bottles, textiles, Tetrapak cartons and WEEE electrical items, see table below for location details.

Area	Green Glass	Clear Glass	Brown Glass	Cans / Tins	Plastic Bottles	Textiles	Tetrapak Cartons	WEEE electrical items
Castle Gresley								
Hatton								
Hilton								
Melbourne								
Midway								
Overseal								
Ticknall								
Willington								

- 3.7 The Council issues fines for littering offences, these start from £50 and can be up to £2,000. Litter ranges from a single sweet wrapper to a bag full of rubbish. The Environmental Protection Act of 1990 states that if a person drops, throws, deposits, or leaves anything that causes defacement in a public place, they are committing a littering offence. Members of the public are encouraged to tell the Council if they see someone littering or dumping waste so it can be investigated.
- 3.8 The Council has made increasing use of fixed penalty notices in recent years for dealing with littering offences (see table below). Many of the penalty notices issued have been in relation to the ongoing problem of inappropriate waste being left at the recycling sites at Hilton and Hatton or have been as a result of members of the public providing sufficient information to us to enable criminal charges to be brought against identified individuals.

	2013-14	2014-15	2015-16	2016-17	2017-18
Litter Fixed Penalty Notices (section 88 Environmental Protection Act)	2	4	8	65	54

- 3.9 The Council has implemented a Public Space Protection Order, which makes the registered driver of a road vehicle legally responsible for any items of litter which are thrown from the vehicle using the 2014 Anti-Social Behaviour, Crime and Policing Act.

Fly-tipping

- 3.10 Each household is provided with an easy green recycling bin, brown compost bin and a black refuse bin for non-recyclable items. The Council also offers a competitively priced service for businesses to dispose of their trade waste.
- 3.11 A large amount of household and trade waste can be recycled, the Council provides advice via the Recycling advice page of its website to encourage this. The Council also offers householders a bulky waste collection service for large items such as fridges and furniture and a waste collection services for trade waste for an additional charge.
- 3.12 Fly-tipping is illegally dumped rubbish and last year the Council spent around £122,250 clearing it from public land. Fly-tipped waste can range from a single black bag to several lorry loads of dumped waste. The Council issue £400 penalty notices or prosecute anyone caught fly-tipping waste. The fly-tipping of controlled waste is a serious criminal offence which carries a fine of up to £50,000 (unlimited if dealt with at the Crown Court) or an offender can even be sent to prison.
- 3.13 Fly-tipping is often associated with dumping waste from vehicles. In this case the person controlling the use of the vehicle can also be prosecuted, which means that it is possible for a prosecution to occur when only the vehicle, not the driver, is identifiable. The Council also has the power to seize and destroy vehicles used for fly-tipping.
- 3.14 Fly-tipping investigations and surveillance operations are complex and time consuming and absorb a considerable amount of the operational time of our three Safer Neighbourhood Wardens. In recent years the Council has secured around six criminal convictions a year in court for fly-tipping and the same number of £400 fixed penalty notices. Encouragingly, the courts seem to be handing down significantly sterner penalties for these offences than has historically been the case. The Council is, therefore, keen to keep the enforcement resources available to focus on investigating this type of offence.

Street cleaning

- 3.15 The Council undertakes regular cleaning of streets and other public spaces to keep them clean and tidy. The Environmental and Development Services Committee approved a set of Service Standards in May 2018 which sets the bar high in terms of the service it expects to deliver. The Standards require the Council to:
- empty litter bins and dog hygiene bins every week
 - clean road channels four times a year, main routes 11 times a year
 - sweep footways twice a year
 - pick up litter once, three or 12 times a year depending on the area
 - clean road drains once a year; twice a year on major routes
 - clean bus shelters and lay-bys four times a year
 - clean Swadlincote town centre and public toilets every day except Sunday
 - assess street cleanliness every three months
- 3.16 The Council has a Rapid Response Unit called the Clean Team that is deployed to clean up fly-tipping, dog fouling, syringes, litter, fly-posting, graffiti or hazardous substances. The Council also works with Parish Councils to help keep areas tidy and free of litter.
- 3.17 The Council employs three Safer Neighbourhood Wardens who provide five primary roles:

1. Use legal powers to prevent people causing anti-social behaviour
 2. Catch people who illegally fly-tip waste in our towns and countryside and take appropriate action to reduce fly-tipping incidents
 3. Deal with abandoned vehicles
 4. Enforce controls on dog fouling and dog control contained in Public Spaces Protection Orders across South Derbyshire
 5. Take action to prevent littering offences and other waste offences from businesses
- 3.18 The Wardens are also tasked with providing stewarding support at Council run events; providing high visibility patrols in parks and open spaces; offering back-up for other Council officers in conflict situations (Housing Officers, Planning Enforcement Officers); supporting the Police with anti-social behaviour patrols and supporting awareness raising campaigns such as the Green Dog Walker Pledge.
- 3.19 270 of South Derbyshire residents have signed up to the Green Dog Walkers Pledge which was launched in 2015. This is a statement of intent by the responsible dog owners of South Derbyshire that they will always clean up after their dog and that they will help other dog owners to clean up after theirs. By signing the pledge they are making a commitment to:
- always clean up after their dog and dispose of the waste in a bin
 - encourage others to clean up after their dog if they take it for a walk
 - carry extra doggy bags to give to others if they don't have them or have run out
 - wear the Green Dog Walker logo (branded armband, lead, dog collar, dog collar cover and badges available)
 - promote the scheme and encourage others to behave responsibly
- 3.20 Research has shown that 90% of dog owners think that they 'always' pick up after their dog, whereas observational studies show that this figure is actually closer to 70%. The concept of the Pledge is that by getting dog owners to make a simple, conscious commitment to always pick up.
- 3.21 The Pledge was originally marketed and administered by the Safer Neighbourhood Wardens. However since 2016 Wardens have focused on investigations into fly-tipping, anti-social behaviour and abandoned vehicles and therefore they have been unable to sustain the initial level of promotion.

Community Solutions - Tidy Ups

- 3.22 As a result of complaints from local businesses in the town centre and with the support of Swadlincote Town Team, a Swadlincote Heroes Tidy Up campaign took place on Tuesday 17th July 2018. The Council supported this by providing members of staff and resources such as litter pickers for over 60 volunteers that registered to help tidy up the town. There were 57 bags of rubbish collected on the day and several reports of fly-tipping. As a follow up to the event a letter has been sent to businesses and landowners in the town centre to encourage them to aspire to achieving higher levels of environmental quality in the town centre by keeping their areas clean and tidy.
- 3.23 Swadlincote Heroes Tidy Up volunteers took part in another litter picking event in the town centre as part of World Cleanup Day on Saturday 15th September. 12 volunteers helped on the day and collected 30 bags of rubbish.

Business responsibilities

- 3.24 The Council has written to businesses across the District to highlight the role they play in making South Derbyshire a great place to work, visit and live, and asked them to pledge to become a 'Litter Hero' by making some simple maintenance commitments of their own by:
- Regularly clearing litter from the front of their premises;

- Clearing gutters of debris yearly, ensuring the longevity of the premises and discouraging birds from roosting and weeds from growing;
- Checking with Planning Services before making any changes to their property;
- Checking out the Council's handy maintenance guides for business in conservation areas available for download here: <https://www.south-derbys.gov.uk/sths>;
- Reminding them to report litter, fly-tipping and anti-social behaviour via the Council's website

Parish Council Lengthsman

3.25 In July the Council undertook a survey of Parish Councils to ask whether they employ Lengthsman, to understand the nature of their role and to ask how much time, if any, they spend on picking litter within their Parish. Over 90% of Parish Councils responded to the survey and in total there are 20 part-time Lengthsmen across the District who are employed to tackle litter and keep the environment tidy. Details of the survey can be found in Appendix B.

4.0 Litter Strategy – Main Provisions

Measuring litter

- 4.1 The Government's Litter Strategy for England which was published in April 2017 acknowledges measuring the extent of littering in a given area is not always straightforward. The nature, size, quantity and type of litter can all affect how much impact there is on visual amenity but other factors including location and how often the area is cleansed must also be taken in to account to measure the extent of a problem. A working group has been set up to develop a baseline and methodology to assess the extent of littering in England and to consider the feasibility of litter reduction targets for specific littered items.
- 4.2 The Strategy also aims to make recycling more openly available to small businesses and to ensure that residents are able to easily dispose of D.I.Y waste.
- 4.3 The Government has been working with the Waste and Resources Action Programme (WRAP) and local authorities to explore the management of Household Waste and Recycling Centres, to review charging practices and to facilitate access for waste streams, other than household waste, at a proportionate cost.

Education and Awareness

- 4.4 The Strategy highlights the current work and proposals seeking to change behaviour through education and awareness. These include:-
- establishing a working group to deliver a national anti-littering campaign.
 - working with youth associations to raise awareness of the environmental and economic costs of littering.
 - establishing a working group to look at the barriers to engaging and involving citizens in tackling litter.
 - supporting and encouraging Councils and landowners to aspire to high levels of environmental quality and have them recognised through national award schemes.
 - encouraging all businesses to work in partnership with the local community to address littering near their premises.
 - Working with teachers to review teaching resources on the subject and make sure they are easily accessible.
 - continuing to support and endorse national clean up days.
 - establishing a working group to consider voluntary and/or regulatory controls to improve recycling and reuse of packaging.
 - promoting the role packaging artwork and reviewing how the design of the packaging itself could reduce littering and littering behaviour.

Improving Enforcement

- 4.5 The Strategy acknowledges that to back up its education and awareness measures it will also need appropriate and proportionate enforcement. These proposals include:-
- consulting on whether littering fines should be increased.
 - introducing regulations to allow issuing of a Penalty Charge Notice against the keeper of a vehicle from which litter has been thrown.
 - promoting the use of new powers such as fly-tipping penalty notices and Community Issuing Protection Notices to improve local environmental quality and providing guidance to enforcement authorities on the use of their powers.
 - encouraging local councils to communicate their enforcement activities more effectively.
 - exploring opportunities with Probation Services to promote activities involving removing litter and fly-tipped waste.

Better Cleaning and Infrastructure

- 4.1 The Strategy stresses the importance for Councils to maintain cleanliness in order to attract business and potential investment. It states local authorities will need to improve their cleansing and work more effectively with neighbouring authorities and Highways England to keep highways and roads into towns clean. Proposals include:-
- establishing a working group to explore and understand the practical barriers in keeping roadsides clear of litter and promote best practise in roadside litter prevention.
 - commissioning and publishing an independent assessment of road cleanliness and publish cleanliness reviews by authority with a view to setting a deadline for improvement by underperforming authorities.
 - proposing to reallocate responsibility for cleansing activities from any authority that is not fulfilling its statutory duties on the road network and consider how to recover the cost of these activities from the local authority.
 - updating The Code of Practise on Litter and Refuse, to clarify its standards and review the mechanism by which councils and land managers can be held accountable to the standards set out.
 - establishing a working group to explore and identify best practice in 'binrastructure' with a view to proving guidance on design, number and location of public litter bins.

5.0 Implications for the Council

- 5.1 The Strategy does not have any immediate practical or resource implications for the District Council, however, it proposes to strengthen enforcement powers and educational work regarding littering which may be of benefit to the Council. A review of the Code of Practice on Litter and Refuse and a focus on cleansing may mean more accountability with regard to litter and its removal with the potential sanction of having the cleansing duty, and budget, on main roads removed from the Council.

6.0 Future proposals to support litter reduction

- 6.1 The Council currently devotes considerable effort and resource to dealing with litter across the District. Working collaboratively with residents, businesses and other partners there are a number of practical measures that the Council could undertake to further its efforts in this area:

Neighbourhood Wardens

- 6.2 Officers are currently considering the potential for strengthening the Neighbourhood Warden Service to provide a preventative and educational role, in addition to working with communities to identify solutions, source potential funding streams and implement them.

6.3 Work priorities could include:

- Managing the Green Dog Walkers Pledge scheme.
- Developing volunteer resources.
- Co-ordinating and running district-wide litter awareness or “Litter Heroes” events.
- Supporting the creation of a Litter Strategy, alongside the development and implementation of policies to improve environmental standards across the District. This would support the work of the new Environmental Sustainability Group, the creation of which was approved by Environmental and Development Services Committee (E&DS) in August 2018.

6.4 A business case for strengthening this area of activity by utilising Community Safety, Environmental Health and a range of other funding streams is currently being developed and will be reported to E&DS in due course.

Education and Awareness

6.5 The Council could work with key partners such as Derbyshire County Council, The National Forest Company and neighbouring local authorities to implement a litter awareness education project which would target all primary and secondary schools in South Derbyshire.

6.6 The Council could run a District-wide litter awareness or “Litter Heroes” event over a specified timescale to raise public awareness of litter issues across the District. Activities to support this event would include supporting litter picking events across the District which would be supported by businesses, schools and volunteer groups.

6.7 Publicise the dangers created by dog fouling through the use dog fouling posters and signs. These posters and signs should be placed in key locations, for example, parks, schools, libraries and surgeries. The publicity should include initial short-term intensive promotion.

7.0 Financial Implications

7.1 At a national level keeping the country’s streets clean cost local councils almost £700 million in 2017. Much of this is avoidable litter, and money that could be better spent in the community.

7.2 The costs associated with litter for South Derbyshire are:

Authority	Description	Tonnes	Cost
Derbyshire CC	Landfill Tax on cleansing waste	1,242	£161,460
South Derbyshire DC	Fly-Tipping		£122,250
South Derbyshire DC	Litter collection (Street cleansing - chewing gum cigarettes)		£200,119
South Derbyshire DC	Weed control		£13,300
South Derbyshire DC	Litter / fly-tip enforcement		£50,000

8.0 Background Papers

Litter Strategy for England – April 2017

Appendix B - Parish Council Lengthsman Survey - July 2018