

SCRUTINY
21 JUNE 2021

MDDC DRAFT LITTER STRATEGY

Cabinet Member(s): Cllr Colin Slade, Cabinet Member for the Environment and Climate Change
Responsible Officer: Darren Beer, Operations Manager for Street Scene

Reason for Report: To respond to Scrutiny Committee's request for a report on the proposed MDDC Litter Strategy.

Recommendation: We invite comment and feedback from the Scrutiny Committee on the content and proposal of the draft Litter Strategy (Appendix 1) prior to the report and draft Litter Strategy being presented to the Environment PDG.

Financial Implications: There are no financial implications as a result of this report. Funding will be dealt with via separate business cases and within council budget setting processes.

Budget and Policy Framework: This report sits within the current budget and policy framework.

Legal Implications: The Council as the litter authority for the district must comply with its legal duties as set out in the Environmental Protection Act 1990

Risk Assessment: Failure to comply with the said legal duties will damage the Council's reputation as well as expose it to potential legal action in the courts

Equality Impact Assessment: It is considered that there are no equality issues raised

Relationship to Corporate Plan: Priorities within the Corporate Plan are economy, homes, community and environment. The litter strategy through current operations and future plans will assist in upholding these priorities.

Impact on Climate Change: There are no climate change implications associated with this strategy, although an increase in recycling from the utilisation of recycling bins may reduce the carbon impact. There is also the potential to use bin sensors that could reduce bin emptying and thus reduce the mileage of our fleet.

1.0 Introduction/Background

1.1 The Environmental Protection Act 1990 ("the Act") extends the powers and duties of local authorities in respect of litter. Mid Devon District Council is a principal litter authority for the purposes of the Act. Section 89(1) of the Environmental Protection Act 1990 places a duty on principal litter authorities to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter.

- 1.2 The council does not currently have a Litter Strategy in place that draws together the actions in place to reduce litter in our district.
- 1.3 It is now commonplace for grants in respect of street cleansing and environmental initiatives to require a Litter Strategy to be supplied as part of the grant application process. In a recent grant application the council has been successful in obtaining funds in updating our bins including the installation of 'recycling on the go' recycling bins. The publication of a strategy in relation to litter and bin infrastructure will assist and support any future funding bids.
- 1.4 Mid Devon District Council clearly has a significant role to play and currently dedicates a large resource to providing and emptying bins and picking up litter in general. There is lot more however, that could be done and this will be the basis for this report and strategy.

2.0 Implications for Mid Devon

- 2.1 Litter is a big drain on Council resources, it looks unsightly and can impact on investment and tourism and is a potential hazard for wildlife. Clearly there is a need to do more. Finance, will always be an issue but we need to be creative within existing budgets. There are aspects of litter prevention that are best left to Government including running high profile anti-litter campaigns.
- 2.2 When looking at our response to littering it is useful to look at the context of National strategy, which is predominantly around changing behaviours.
- 2.3 It is also useful to look at County strategies along with guidance and initiatives from national charities along with partnership working to share; expertise, intelligence and ideas.
- 2.4 The Litter Strategy in line with the National strategy covers:
 - Education and awareness
 - Better cleaning and litter infrastructure
 - Improving enforcement
- 2.5 If adopted the Litter Strategy will be reviewed on a yearly basis to ensure:
 - It is in step with the changes to the environment which may increase levels and types of litter
 - Changes to relevant legislation are brought into the strategy
 - Actively review new technology and innovation
 - We involve and empower the community to do their bit

3.0 Use of Surveillance Cameras

- 3.1 It is noted that there have been calls for the use of covert surveillance cameras to catch those creating litter. Covert surveillance for the purposes of investigation is strictly controlled by the Regulation of Investigatory Powers Act 2000 (RIPA). The use of covert surveillance cameras requires RIPA

authorisation and judicial approval. It should be noted that the statutory tests to obtain such authorisation and judicial approval cannot be satisfied for littering offences. RIPA authorisation and judicial approval cannot be obtained for surveillance for criminal offense which are not punishable by at least 6 months imprisonment. The littering offence under Section 87 of the Environmental Protection Act 1990 is only punishable by a fine

- 3.2 There have been calls for use of body cameras to be worn by council officers. Different legislation than RIPA applies if such cameras are overt (i.e. highly visible to the public). The Protection of Freedoms Act 2012 & the Surveillance Camera Code of Practice deal with the regulation of such overt CCTV. There are 12 guiding principles within the Code of Practice which would need to be complied with. The use by council staff of such CCTV must also be shown to be proportionate, legitimate, necessary and justifiable in relation to the Human Rights Act 1998. In addition, use of the equipment should address a 'pressing social need'. It is considered that the Council should not use body cameras until it has adopted a detailed policy addressing these issues.

4.0 Outcomes and Recommendations

- 4.1 The lack of clear strategy could lead to inconsistencies in the Council's approach to provision of litter infrastructure, enforcement and education/awareness.
- 4.2 We welcome comment and feedback to ensure the Litter Strategy is fit for purpose/adoption.

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Circulation of the Report: Cllr Colin Slade, Leadership team

List of Background Papers:

Litter strategy for England:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630999/litter-strategy-for-england-2017-v2.pdf

Litter strategy for England: Annual Report (2017-2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727987/litter-strategy-annual-report-2017-2018.pdf

Litter strategy for England: Annual Report (2018-2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836953/litter-strategy-annual-report-2018-2019a.pdf

Code of Practice of Litter and Refuse:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834331/pb11577b-cop-litter1.pdf

Resource and Waste Strategy:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

Environmental Protection Act 1990:

<https://www.legislation.gov.uk/ukpga/1990/43/contents>

Draft Resource and Waste Management Strategy for Devon and Torbay 2020 – 2030:

[Draft Resource and Waste Management Strategy for Devon and Torbay 2020 - 2030 - Waste and Recycling](#)

A Green Future: Our 25 Year Plan to Improve the Environment:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

Clean Devon

<https://cleandevon.org/>