

Mid Devon District Council draft Litter Strategy

Contents

1.0	Introduction	2
2.0	Strategy and Sustainability	2-6
3.0	Education and Awareness	6-7
4.0	Better cleaning and litter infrastructure	7-8
5.0	Improving enforcement	8
6.0	Future Plans and Conclusions	9

1.0 Introduction

In April 2017 the Government published its litter strategy. This was part of an overall commitment to “make ours the first generation to leave the natural environment of England in a better state than we found it”. Nationally it is estimated that street cleansing costs local government almost £1 billion a year. It is estimated that waste collection authorities in Devon (including Torbay) spend more than £9 million per year on street cleansing activities. This strategy aims to tie in with the wider Government strategy and provide a broad framework for managing litter in our district over the coming months and years.

It is not only cost which is an issue. Litter blights the local environment, reduces overall quality of life, influences people’s choice of where to live, discourages investment and visitors to our area and can be damaging to wildlife and habitats. We want Mid Devon to be a place that people want to live and visit to enjoy our towns, villages and beautiful countryside.

Our nation’s future prosperity will greatly depend on how well we manage our environment and therefore it is important that we all play our part in reducing litter and stopping people from dropping litter in the first place.

2.0 Strategy and Sustainability

The MDDC Corporate Plan is a document which sets out what we want to achieve in the district to support and enrich our communities and businesses and the environment we are in. Our Corporate Plan for 2020-2024 retains the four key priority areas that were identified in 2016 and for the next four years our elected members and officers will work together to ensure these areas continue to be the focus of our work, these priorities are:

- Homes
- Environment
- Community
- Economy

Within the Corporate Plan you will see the key areas of work the Council aspires to deliver over the next three years, but also how each of these priorities can be delivered in a way that supports our focus on sustainability, be it through creating sustainable and prosperous communities, a sustainable planet or by encouraging sustainable participation.

Within these four priorities the Council will work towards the following:

- Homes - Use new development as opportunities to help communities to become increasingly sustainable and self-sustaining at neighbourhood level (district heating, energy use, recycling/re-use systems etc.)
- Environment - Increase recycling rates and reduce the amounts of residual waste generated
- Environment - Support community activities that improve the environment such as litter-picks, guerrilla gardening, or community adoption of assets
- Community - Promote community involvement in Council activity

- Economy - Develop and deliver regeneration plans for all three main towns in partnership with town and parish councils, private and third sector and communities

In order to ensure sustainable and prosperous communities, long distance commuting will have to drastically reduce in future to deliver on our carbon objectives, and we will support people seeking to lead a more 'local' life; living, working, eating, shopping and spending locally.

The Resources and Waste Strategy for Devon and Torbay includes measures that will help to change attitudes about resources and help to reduce litter along the way. Such measures include ensuring producers pay the full costs for disposal or recycling of packaging they place on the market, by extending producer responsibility – including items that can be harder or costly to recycle. Another measure is a deposit return scheme to increase the recycling of single-use drinks containers.

There is no statutory definition of litter. The Environmental Protection Act 1990 provides for certain items to be included in the definition of litter (e.g. cigarette ends and chewing gum) but does not provide a full definition of the term. The Government's Statutory Code of Practice on Litter and Refuse (2013), gives a practical guide to the legislation and defines the terms litter.

"Litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are improperly discarded and left by members of the public; or are spilt during business operations as well as waste management operations. As a guideline, a single plastic sack of rubbish should usually be considered fly-tipping rather than litter"

It can be seen the guidance makes the important distinction between litter and fly-tipping. These are separate offences and are treated quite differently in the courts.

Mid Devon District Council is a principal litter authority for the purposes of the Environmental Protection Act 1990. 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

All organisations having a duty to collect litter are required to have regard to the Statutory Code of Practice on Litter and Refuse for England

If a member of the public feels that a litter authority is not fulfilling its duties to keep public land clear of litter, he or she may apply to a Magistrates' Court for a litter abatement order 76. If the court is satisfied that the litter authority is in dereliction of its duty under section 89 of the Environmental Protection Act 1990, it may issue a litter abatement order requiring the body to clear the area of litter.

There is a comprehensive range of legislative enforcement measures in place the Council can take to combat litter and littering in England.

Section 87 of the Environmental Protection Act 1990, as amended, makes it a criminal offence to “throw down, drop or otherwise deposit any item, and leave it”. The offence applies to all land (or water) that is publicly accessible (with or without payment) and open to the air. An area is open to the air if it is open on one side, even if the area is covered. It is not an offence to drop litter if it is authorised by law or if it is done with the consent of the owner or occupier of the area where the litter is dropped (except in the case of ponds, lakes or watercourses, where the owner or occupier giving permission for litter to be dropped must have control of the whole area of water for no offence to be committed.) The maximum fine for littering is £2,500.

As an alternative to prosecution the Council can issue a fixed penalty notice as permitted by section 88 of the Environmental Protection Act 1990. A fixed penalty notice sets a penalty to be paid within a set amount of time; it is not a fine or a criminal conviction. The recipient can opt for the matter to be dealt with in court instead of paying.

The Council can issue a Community Protection Notice (CPN) under the Anti-Social Behaviour Crime and Policing Act 2014 against people or organisations that are suspected of repeated littering. It does not provide an immediate response to general littering but can provide a response to littering that is continuing or persistent in nature. A CPN can include any or all of the following:

- a requirement to stop doing specified things;
- a requirement to do specified things; and/or
- requirement to take reasonable steps to achieve specified results.

It is a criminal offence to breach a Community Protection Notice. The Anti-Social Behaviour, Crime and Policing Act 2014 contains a measure (section 154) that makes littering from vehicles a civil offence and allow penalties to be imposed on the registered keepers of the vehicle (rather than needing to establish the culprit).

The Devon authorities are acutely aware of the negative impact of litter on citizens, businesses, tourism and agriculture. Each council has their own responsibility under the law for dealing with litter, however, in the last year the benefits of having an umbrella group (the Clean Devon Partnership) collaborating to combat issues such as litter has been realised. There are 15 partners in addition to all the councils and these range from the Police, to the National Parks, to the Federation of Small Businesses. Clean Devon is a partnership of organisations working together to tackle issues such as litter across Devon. The group will share expertise and intelligence and work with local and national businesses, local and parish councils and the Devon public to reduce litter

Litter is putting a major and growing financial burden on society. This environmental vandalism blights communities and has serious public health consequences. With the key roles that the world class environment, agriculture and tourism play in Devon and Torbay’s prosperous economies it is critical that litter which impacts seriously on these areas are tackled with an innovative, enterprising and collaborative approach.

The purpose of Clean Devon is as follows; to significantly improve our environment for wildlife, residents, businesses and visitors through a coordinated partnership to

prevent, detect and deter issues such as litter in Devon, leading to a reduction in costs, crime, and environmental, social and economic impacts.

Objectives:

- To establish a baseline position to identify and map sources of waste and litter using smart technology and digital techniques including social media
- To collate and share intelligence and information
- To collaborate to align and improve protocols and procedures including to develop a standard reporting method
- To develop a plan to carry out a clean-up of hotspots across the county by partner agencies including the development of better ways of working and a more coordinated multi agency approach
- To lead a high profile, multi-faceted series of public awareness raising campaigns
- To engage with businesses
- Effective enforcement and monitoring by Clean Devon partners
- To lobby relevant parties to further the reach and impact of Clean Devon

The Devon Authorities will continue to support the Clean Devon Partnership which will assist them in achieving their own responsibilities as “duty bodies”.

This strategy has also been influenced by and supports guidance issued by WRAP “Binrastructure – The right bin in the right place”. We intend to apply best practice in education, enforcement, and infrastructure to deliver a substantial reduction in litter and littering behaviour. Good infrastructure and clear expectations, supported by proportionate enforcement, helps reinforce social pressure to do the right thing. This suggests that in order to change, litterers need to both understand what they ought to be doing and be motivated to do the right thing. It also suggests that they must have the opportunity to do so.

Dealing with litter places a significant burden on the District Council, with an annual cost to the local tax-payer which would be better spent improving other local services. Living in a littered environment makes people feel less safe in their communities, and less likely to venture out which in turn affects mental and physical health. It is in all our interests to tackle this problem, to make littering socially unacceptable, to make it easy for people to do the right thing, and remove any possible excuse for anti-social behaviour.

When looking at our response to litter it is useful to look at; the Litter Strategy for England, the WRAP guidance – The Right Bin in the Right Place, the Waste and Resource Strategy for Devon and Torbay and the collaboration of the Clean Devon Partnership.

Therefore, it is useful to place the strategy aims under the following headings:

- **Education and awareness** – By changing the behaviours of people who feel it is acceptable to drop litter by sending clear messages
- **Better cleaning and litter infrastructure** – By making it easier to dispose of litter, provide the appropriate facilities in the right places, and collect litter in a timely fashion

- **Improve enforcement** - By exercising council powers to deal with anyone who drops litter

3.0 Education and awareness

We want to create a culture where it is totally unacceptable to drop litter. This means generating strong and lasting social pressure against littering, making it socially unacceptable to drop litter. A compelling communications plan is a common feature of almost all successful approaches to tackling litter. The Government's Litter Strategy believe that there is now a need for a more joined up approach led by Government to develop a national anti-litter campaign to help deliver sustained behavioural change for this generation. Mid Devon will promote these national campaigns including the Great British Spring Clean as well as more local campaigns through Clean Devon. We will aim to:

- Continue to facilitate strong and consistent anti-litter education and make sure that we support schools and other organisations in teaching about litter. Education and work with young people will be a consistent theme to our approaches in reducing littering and bring about long lasting behavioural changes so that good habits learned in school are followed through into homes and the community
- Continue to promote the development of litter-prevention partnerships among local businesses to deal with local litter problems and to encourage businesses to work in partnership with their local communities to help tackle littering near their premises and create clean, welcoming public spaces which are attractive to customers and staff
- Continue to use our position as the local authority to spread the message about the financial and environmental cost of litter through the use of social media and the Council website
- Continue to support and recognise community litter picking groups, providing litter picking sticks, advice and risk assessments and then collecting the litter collected by these groups
- Review systems used for the public to report instances of littering
- Continue to allocate areas to zones for monitoring and management
- Include dog-fouling in our definition of litter and promote ways of dealing with it - Within Mid Devon dog waste can be bagged and deposited in dog bins or in litter bins as there is an existing 'Any Bin Will Do' Policy
- Encourage producers and retailers of "food on the go" to work in partnership to tackle fast-food litter
- Examine the causes of littering which will help us deal with littering problems at source
- Continue to educate and discuss with premises/businesses that have trade waste agreements, what is best practice
- Continue to advise and educate residents on the correct disposal of household waste
- Advise residents on appropriate methods for disposing of household items using reuse services, bulky waste collections or waste disposal contractors with the correct waste carrier licence

- Work with businesses to review the waste hierarchy to think how products and packaging are used and the correct method if packaging or products need to be disposed of
- Install and promote the use of recycling on the go (RotG) bins in town centre areas of high footfall or high profile

4.0 Better cleaning and litter infrastructure

Mid Devon Council's priorities include ensuring a sustainable environment. Litter can deter visitors and customers from spending time in an area and businesses may also be put off moving to areas affected by litter. There are around 850 bins in the District that are audited and emptied at frequencies dependant on location and use.

An audit of litter and dog bin provision has been completed with photographs of all bins and locations entered onto a GIS mapping system. This audit also includes a condition survey and fill levels. We will:

- Continue to review route monitoring of sweeping and bin emptying rounds seeking staff views and using the technology available
- Continue to monitor the condition of bins and replace where necessary
- Continue to ensure any new bins are added to the GIS mapping system and audited in line with the existing system
- Continue to record fill levels and review schedules for emptying bins and ensure means of adapting where extra or fewer collections are needed - The emptying of litter and recycling bins must be sufficiently frequent to ensure that no litter bin or its contents becomes a nuisance or gives reasonable grounds for complaint
- Ensure bins are clean and easy to find while ensuring that the area around the bin is clean and tidy which promotes positive behaviours in the use of bins
- Ensure bins are only installed in areas where there is a genuine need through surveying and inspection of the vicinity by District Officers along with the current provision in the surrounding area
- Continue the policy of 'Any Bin Will Do' by placing stickers on all bins to ensure all waste including dog waste is placed in the bins available. Review signage located on or near bins, which may include education around chewing gum littering and impact
- Continue to review the types of bins available to maximise usage including reducing smoking related litter and the potential to use bin sensors in hard to reach areas to ensure bins are only emptied when full thus reducing distance travelled and therefore reducing carbon emissions
- Utilise the funding available for provision of recycling on the go (RotG) by placing dedicated recycle bins in areas of high footfall such as town centres and located in higher profile areas such as bus stations or where people may sit or congregate. These bins encourage and provide the opportunity for people to separate their waste for recycling. Much of what is placed in these litter bins can be recycled including drinks bottles and cans. This in turn will reduce the carbon footprint

- Continue to focus on what works. Nudge-type interventions are often small changes that are relatively cheap to implement, compared to traditional behaviour-change tools like large-scale campaigns or enforcement. For example, there is no difference in cost between using positive social norm messages (e.g. “be part of a clean community”) rather than negative instructions (e.g. “don’t drop litter”), yet nudge theory suggests that positive messages should be more effective
- Continue to be part of the Clean Devon initiative by learning from others and sharing ideas to strive for best practice
- Work with communities, Towns and Parishes to understand patterns and changes in littering

5.0 Improving enforcement

Education and awareness measures will embed a culture which views littering as socially unacceptable and we recognise that prevention of littering through education and awareness is more effective than cleaning up after the event - the clean ups costs are a huge drain on our resources. Enforcement is a last resort but necessary tool to stop the behavioural pattern of habitual litterers. We will:

- Continue to employ District Officers who can issue fixed penalty notices for littering up to a maximum £150
- Continue to use existing prosecution powers, which may lead to unlimited fines or imprisonment
- Continue to review the viability of partnership working with external providers
- We will promote and encourage the reporting of littering from vehicles, using the evidence provided to take the necessary action
- Work with the Clean Devon partnership to review best practice with regards enforcement
- Promote transparency and accurate reporting of enforcement action against littering, so that offenders know they will be punished if they are caught
- We will ensure that small scale takeaways and other food premises have adequate trade waste collections in place and pursue those that do not to ensure these areas are not used as additional dumping grounds
- Continue working with stakeholders to tackle litter hotspots
- Continue to promote and affirm the achievements of enforcement officers and increase their profile, visibility and presence, alongside the accountability of perpetrators
- Continue to communicate with the public through social media and the Council’s own website the enforcement actions that are taken
- Continue to build a strong sense of community where people care about the locations they regularly use or visit
- Continue to review how District Officers use their discretionary hours to best support the needs of the service

6.0 Future Plans and Conclusions

- We will look at new technologies and equipment as it becomes available and review its viability to ensure we continue to make efficiencies and remain cost effective
- It is clear that Government have plans to reduce litter in our environment through emerging strategies and changes to legislation. We will respond to these consultations and act upon new legislation
- Continue to explore initiatives and funding to assist with the collection of waste and recycling from our town centres, villages and countryside
- Look at ways to further monitor and evaluate progress through collection of data on littering hotspots, along with inspection routines and street cleansing reports/complaints
- Continue to review how we educate and enforce through utilisation of social media and our own website
- Look at how we engage school children into anti-littering campaigns
- Support, encourage and look at innovative ways to engage the community to share their experiences of what works to reduce littering to assist in the future direction and thinking for tackling littering in our District