

Mid Devon District Council draft Litter Strategy

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1.0 Introduction

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.

We all need to look ahead to protect our future. 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 stop people from dropping litter in the first place. This is about everyone owning litter issues and changing their behaviours.

This Litter Strategy focuses on community change and sits within our waste and recycling strategic targets of reducing and reusing waste, increasing recycling, which in turn are key to reducing our carbon footprint. It also focusses on raising the awareness of the public and providing the education and enforcement for behaviour change to reduce litter in our community.

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.



The Litter Strategy aims to support the council pledge to tackle climate change and cut carbon emissions and facilitate the achievement of the four priorities, which includes:

- 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

3.0 Context

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. This strategy aims to tie in with the wider strategies and guidance to provide a broad framework for managing litter over the coming months and years.

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.



The Waste and Resource Strategy for Devon and Torbay describes the way in which local authorities within Devon and Torbay will manage resources and waste (under their control) from 2020 – 2030 and to set both targets to reach and policies to manage waste. It includes measures that will help to change attitudes about resources and help to reduce litter along the way. It is estimated that waste collection authorities in Devon (including Torbay) spend more than £9 million per year on street cleansing activities.

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. Its purpose 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. 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 is tackled with an innovative, enterprising and collaborative approach.

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, be motivated to do the right thing and must have the opportunity to do so.

4.0 Current Provisions

4.1 Street Cleansing currently provides services across the district, including:

- Bin provision and emptying - There are around 850 bins in the District split into three zones that are audited and emptied at frequencies dependant on location and use. 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. 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.
- Street cleaning in the three town centres of; Tiverton, Cullompton and Crediton
- Litter picking of parks, open spaces and road side verges – This also includes clearing of litter blown or dropped from council waste and recycling vehicles
- Street sweeping of the district using two mechanical sweepers
- Clearing of fly tipping
- Bulky Waste collections

We also provide organised litter picking groups with; litter picking sticks, advice and risk assessments and picking up the litter collected by these groups.

4.2 The Street Scene Education and Enforcement Service is a frontline service which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement. The role of the four District Officers is to protect, promote and improve the health and environment of the district and all its people through education, guidance and enforcement. Related activities include; Litter patrols for which District Officers can issue fixed penalty notices (FPNs) for littering up to £150, Dog Fouling Patrols and Cleansing Inspections.

5.0 Strategic Objectives

In order to help deliver our pledge to tackle climate change and cut carbon emissions and facilitate the achievement of the four priorities it will be useful to look at the strategy under the following headings:

- **Education and awareness** – By supporting positive behaviour and ownership and 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. Current Legislation can be found in Appendix A

5.1 Education and awareness

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.



5.1.1 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 need to 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. We need to understand the cause of littering and 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.

- 5.1.2 Facilitate strong and consistent anti-litter education and make sure that we support schools in teaching about litter, working with Partnership Directors and Ambassadors. 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. We will work with the Devon Waste Education Programme to look at how we engage school children with anti-littering campaigns.
- 5.1.3 Understand why littering is more common in certain age groups than others. [Zero Waste Scotland](#) identifies four different kinds of influence; personal, social, material and habits. We need to look at the motivations and barriers that influence littering behaviour and proper disposal behaviour. We need to understand how individual’s feelings about and relationship to their community can also affect their behaviour. We will need to work with youth groups and the National Citizen Service to understand and develop interventions that engages youth to take personal responsibility and ownership and pride in their local area. This could be conveyed through; social media, peers and even the cinema.
- 5.1.4 Support and recognise community action groups including; CAG Devon, Sustainability groups, and litter picking groups to build a strong sense of community where people care about the locations they regularly use or visit through shared messaging and local initiatives.
- 5.1.5 Promote the development of litter-prevention partnerships among local businesses to deal with local litter problems and to encourage businesses especially “food on the go” producers and retailers to tackle fast-food litter and 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. We will look at how we can work with businesses regarding best practice and the waste hierarchy.
- 5.1.6 Advice and support - 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. Advise residents on the correct disposal of household waste and appropriate methods for disposing of household items using; reuse services, bulky waste collections or waste disposal contractors with the correct waste carrier licence. We will periodically review systems used for the public to report instances of littering.

5.2 Better cleaning and litter infrastructure

Our priorities include ensuring a sustainable environment. Litter can deter visitors and residents from spending time in an area and businesses may be put off moving to areas affected by litter. This Litter Strategy will support future 'binrastructure' funding initiatives.

- 5.2.1 We will 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 tidy and will help promote positive behaviours in the use of bins. Ensure bins are only installed in areas where there is a genuine need through survey and inspection of the vicinity, along with the current provision in the surrounding area. Work with communities, Towns and Parishes to understand patterns and changes in littering.
- 5.2.2 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. Such measures include ensuring producers pay the full costs for disposal or recycling of packaging they place on the market and by extending producer responsibility – including items that can be harder or costly to recycle. Finally, Government are reviewing a deposit return scheme to increase the recycling of single-use drinks containers.
- 5.2.3 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. We will 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. This will help ensure bins are only emptied when full thus reducing distance travelled and therefore reducing carbon emissions.
- 5.2.4 Explore initiatives and future funding to assist with the collection of waste and recycling from our town centres, villages and countryside. Utilise the funding available for provision of recycling on the go (RotG) by placing dedicated recycle bins in areas of high footfall. This could be town centres and high profile areas such as bus stations and 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. We will review signage located on or near bins, which could include education around chewing gum littering and impact.
- 5.2.5 We will work with Devon County Council and Highways England on joint partnerships to ensure our roadside verges are kept clean and tidy.

5.3 Improving enforcement

Education and awareness measures will embed a culture which views littering as socially unacceptable and we recognise that prevention is more effective than cleaning up after the event - the clean-up costs are a huge drain on our resources. Positive enforcement can work alongside education and awareness to back up good practice. It can be a necessary tool to stop the behavioural pattern of habitual litterers and we will use existing prosecution powers where appropriate.

5.3.1 We will promote transparency and accurate reporting of enforcement action against littering, so that offenders know they will be punished if they are caught.

5.3.2 Promote and affirm the achievements of enforcement officers and increase their profile, visibility and presence, alongside the accountability of perpetrators.

5.3.3 We will promote and encourage the reporting of littering from members of the public, using the evidence they have provided to take the necessary level of action.

5.3.4 Work with stakeholders to tackle litter hotspots.

5.3.5 Review developing technologies, along with local authority interventions.

6.0 Measuring and Monitoring

We need to look at ways to monitor and evaluate progress through collection of data on littering hotspots, along with inspection routines and street cleansing reports/complaints. Part of this strategy is to construct a system of monitoring and recording that can inform future planning and direct current activity and operations.

The Litter Strategy for England ([Research and Analysis – Litter and littering in England 2017-2018](#)) have looked at ways in their report and say 'robust measurement of litter presents interesting challenges' and have completed a dashboard that only gives an overall picture nationally. They have said that they will advise on evaluating anti-litter interventions from the strategy. They have published a group or 'dashboard' of indicators. The 'dashboard' covers litter from 5 angles:

- litter on the ground (including beach litter)
- public perception of litter
- cleanliness of public places
- involvement of the public in doing something about litter
- the cost (£) to the public of keeping the streets clean

There are no current national metrics in place although locally District Officer hours are used to grade roads/streets etc. in our district. Sites are assessed using a grading system based on the same principles previously used in Defra's Code of Practice on Litter and Refuse (NI 195). These are graded A-D:

- grade A meaning no litter is present

- grade B meaning - the area is predominantly free with some minor instances of litter
 - grade C meaning widespread distribution of litter and refuse, with minor accumulations
 - grade D meaning heavily affected with litter, with significant accumulations
- Grades A and B are classed as meeting an acceptable standard.
 In 2017 to 2018 the average number of sites that were graded as acceptable or higher was 86% - 96% from data supplied by Keep Britain Tidy and APSE.

Table 1 shows MDDC data from 2020-2021

	Number		Percentage	
	Litter	Detritus	Litter	Detritus
Number of Wards Surveyed	27	27		
Total Number of Transects Surveyed	820	829		
Transects Graded A	445	202	54.27	24.37
Transects Graded B	355	566	43.29	68.28
Transects Graded C	19	54	2.32	6.51
Transects Graded D	1	7	0.12	0.84
Percentage graded A or B:			97.56%	92.64%

Appendix A - Legislation

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 have a duty to collect litter and 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).