

ENVIRONMENT PDG
11 JAN 2022

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 and Open Spaces

Reason for Report: To provide Members of the Environment PDG with an opportunity to review the proposed draft of the Mid Devon Litter Strategy.

Recommendation: The PDG considers the contents of this report and the attached draft Mid Devon Litter Strategy – Appendix 1 and recommends it to Cabinet for adoption.

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 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. There are several key parts of the legislation that underpin the application of enforcement regarding potential littering offences by the public. Section 87, decrees it to be an offence for litter to be thrown or dropped from a car or vehicle and Section 88 of the Act sets out how an Authority can challenge a member of the public who we have reasonable belief has caused a littering offence. The technical aspect of initiating an enforcement action in relation to littering would be implemented through a Fixed Penalty Notice (FPN).

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 Mid Devon 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 Waste and recycling is responsible for delivering critical statutory front line services to the public but also for helping deliver critical environment targets. These targets include reducing refuse collection rates and increasing recycling rates, both of which are crucial to the reduction of our carbon footprint. The development of an effective workforce and appropriate transport plan are also vital components of our waste and recycling strategy.
- 1.2 Another key component of our waste and recycling strategy is to combine education and enforcement to ensure litter is better deposited in Mid Devon. This is critical to achieving our objective around reducing our carbon footprint.
- 1.3 This paper details the key components and steps of our Mid Devon litter strategy. Below we have detailed the current context to our litter strategy as well as the challenges that we face to achieve the better depositing of litter in the district of Mid Devon. We have then put forward practical steps for consideration on next steps and how we best take these forwards for the benefit of the district of Mid Devon.
- 1.4 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 to update our bins including the installation of 'recycling on the go' recycling bins. The publication of a Mid Devon strategy in relation to litter and bin infrastructure will assist and support any future funding bids.
- 1.5 Mid Devon District Council clearly has a significant role to play to help reduce litter and currently dedicates a large amount of resource (approximately £420,000) in supplying Street Cleansing services to both provide and empty bins and help pick up litter. There is more to be done however and this work will form the basis for this report and strategy.

2.0 Context and challenges for Mid Devon

- 2.1 Litter is a big drain on Council resources. It looks unsightly, can impact on investment and tourism as well and be a potential hazard for wildlife. Finance, will always be an issue but we need to be creative within existing budgets.
- 2.2 The challenges that Mid Devon District Council experiences around the depositing of litter are wide and varied. The towns and villages in Mid Devon are all focal points for litter depositing and it is vital to ensure that these areas continue to have the necessary bin infrastructure for litter to be collected in an effective way. Outside of the towns and villages the district can be affected by

litter being thrown from cars and by pedestrians without proper scrutiny so enforcement practice needs to be effective to ensure that the relevant legislation is properly applied.

3.0 The Way Forward

- 3.1 Key to the success in reducing litter is changing the behaviour of those who currently feel that it is acceptable to drop litter. The development of an effective litter strategy needs to combine education and enforcement together so they complement each others approach but also sends the right message and precedent to the public that the proper depositing of litter is an important priority for the district.
- 3.2 The Mid Devon Litter Strategy in line with the National strategy covers:
 - Education and awareness
 - Better cleaning and litter infrastructure
 - Improving enforcement
- 3.3 Whilst one would hope that education can pre-empt enforcement action in most cases, in others education does commence with enforcement action having to be taken. So the two approaches need to go hand in hand and reinforce one another.
- 3.4 It is vital that we effectively raise the awareness and knowledge of the public so we improve practice regarding the depositing of litter. There is a wide pool of accessible resource including; National campaigns, strategies and those that have been implemented by other local authorities and voluntary organisations to draw upon. These are predominantly around changing behaviours and to share; expertise, intelligence and ideas. These can be seen in the Litter Strategy (Table 1 – MDDC Litter Strategy Action Plan).
- 3.5 There are a number of components which underpin the effective application of enforcement. A separate short discussion paper has started to be compiled which sets out some of the key learning that has arisen from recent enforcement cases and where there are opportunities for improvements to be made regarding our enforcement practice in the future. Priorities include:
 - The streamlining and simplification of Enforcement practice and correspondence using flowcharts and template letters
 - Empowering and encouraging Officers to take difficult Enforcement related action where it is necessary to do so
 - The publishing of data to show where we have initiated enforcement action and the success of its implementation and subsequent follow through.
- 3.6 We will look to work more closely with our neighbouring authorities to share ideas and develop best practice.

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.
- 4.2 There have been calls for use of body cameras to be worn by council officers, which will be considered as part of a review to our work on enforcement by the new Environment and Enforcement Manager who will start in February. As part of this review, consideration will also be given to the views of staff regarding how we protect them with regards health and safety. It is important that the council has a consistent position that can be applied across the council.
- 4.2 The Environment PDG considers the contents of this report and the attached draft Litter Strategy and recommends it to Cabinet for adoption so we can start to implement the proposed actions that will help make a positive difference to the District.
- 4.3 Once adopted, the Mid Devon Litter Strategy will be reviewed periodically 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
 - Enforcement action is reviewed to assess effectiveness of implementation together with new technology and innovation
 - We involve and empower the community to take ownership of their litter (and related behaviour)

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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/>