

Chichester District Council

THE CABINET

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Litter and Fly Tip Action Plan

1. Contacts

Report Author:

Alison Stevens - Divisional Manager, Environmental Protection
Telephone: 01243 534550 E-mail: astevens@chichester.gov.uk

Cabinet Member:

John Connor - Cabinet Member for Environment Services
Telephone: 01243 604243 E-mail: jconnor@chichester.gov.uk

2. Executive Summary

This report outlines the outstanding projects in the Litter Strategy 2017-19 which require funding. Under the "Against Litter" brand a number of successful initiatives have been delivered. It is proposed that Year 2 builds on these and also introduces a comprehensive fly tipping and litter on roads publicity campaign and seeks continuation of litter enforcement with East Hampshire District Council.

The new action plan focuses on interventions where there is greatest cost to the Council and aims to make littering and fly tipping socially unacceptable, leading to fewer incidences and therefore reduced clearance costs.

There are financial costs of; an additional project officer, publicity materials and a risk that litter enforcement does not break even in the event that the level of fixed penalty notices issued reduces significantly.

3. Recommendation

- 3.1 That the Cabinet approves the revised Litter and Fly Tip Action Plan attached as appendix 1 to the agenda report.**
- 3.2 That the Cabinet approves expenditure of £13,300 funded from reserves to enable the appointment of one part time Project Officer for one year to undertake communication initiatives relating to fly tipping and litter.**
- 3.3 That the Cabinet approves expenditure of £7,500 funded from reserves to provide resources to support publicity campaigns related to fly tipping and litter.**
- 3.4 That the Cabinet approves £10,000 from reserves to enable litter enforcement in low littering areas.**

- 3.5 That the Cabinet approves entering into an agreement with East Hampshire District Council on the basis of ‘Scenario 3’ as set out in appendix 2 to the agenda report, to provide litter enforcement for a period of three years, with the detail of the scheme delegated to the Director of Planning and the Environment and the Cabinet Member for Environment Services to finalise.**
- 3.6 That the Cabinet notes the intention of the Chief Executive to report to the Council her use of Article 10.02 constitutional delegation to discharge the enforcement functions detailed in para 6.2 of this report to East Hampshire District Council under powers granted to the authority under section 101 of the Local Government Act 1997.**

4. Background

- 4.1 The Litter and Fly Tip Action Plan 2017-19 arose from ever increasing costs to the Council’s Contract Services of clearing litter and fly tips. The action plan was approved by Cabinet in September 2017 and has been implemented over the course of the last 12 months.
- 4.2 Many projects in the action plan have been (or are being) implemented. The revised action plan, attached as Appendix 1 shows the outstanding projects. Only those that require further funding, namely projects 1, 2 and 14, are referred to specifically in this report.
- 4.3 Three publicity/education campaigns were launched under the new brand, “Against Litter”. In the first year, the Adopt an Area campaign resulted in 158 areas being adopted by local community groups and over 300 people signed up for the Green Dog Scheme. The Council’s existing bin infrastructure was also audited as part of the project for ensuring the right bins are in the right place. Enforcement action since July 2018 has resulted in 5 fixed penalty notices (FPNs) being issued for fly tipping and between Nov 2017 - Oct 2018, 1325 FPNs were issued leading to 47 prosecutions and 34 outstanding summonses for littering. The costs associated with the trial have been covered by litter fines and therefore the trial has broken even.

5. Outcomes to be achieved

- 5.1 Overall, the initiative and associated projects implemented during the first year are considered to have been highly successful in contributing to a reduction in litter and cleaner streets, particularly in the city and larger settlements in the District. The revised action plan continues to support the maintenance of clean streets and an environment free from rubbish, focussing on interventions where there is greatest cost to the Council.
- 5.2 The main outcome is to seek to support work to make littering and fly tipping socially unacceptable in Chichester District. Year 2 is intended to focus on achieving behaviour change, leading to fewer incidences of fly tipping and littering and therefore reduced clearance costs for the Council. Identifying successes of individual projects is challenging as the problems are multi-faceted, with different sources and causes and the strategy tackles them from three very different approaches (Sending a clear message/Cleaning up the District/Improving enforcement) as set out in the action plan.

6. Proposal

- 6.1 That the revised Litter and Fly Tip Action Plan is approved and funding is agreed for the following projects;

Project 1 – To maintain the Green Dog Scheme which encourages people to pledge their support and become identifiable as green dog walkers who pick up after their own dog, encouraging others to pick up and providing dog bags to others.

Project 2 – To secure a Project Officer to deliver a tradesman publicity project focusing on road litter and fly tipping. This project will encourage residents and businesses to support us in our fight against fly tipping, including reporting incidents and helping to promote our messages. To raise awareness that we will not tolerate fly tipping and the penalties that are involved if you are caught fly tipping. To work with local DIY stores to help raise awareness of the importance of waste carrier licences – both in terms of making sure tradespeople are aware when they require one if they are removing waste and making sure that residents are aware of the importance of checking the licence when companies take their waste away and to highlight the amount of litter on our roads and to target messages at drivers that this is not acceptable and the penalties that they will face if they are caught.

Project 14 – Continue with litter enforcement. The proposed option is for the Council to enter into a 3 year agreement with East Hampshire District Council (EHDC) to provide a litter enforcement service by providing 2 officers, 3 days per week (Scenario 3 in Appendix 2) with the inclusion of a flexibility clause to reduce the level of service to 2 days per week if the no. of FPN's issued falls significantly. Also, to ensure the littering project is district wide, it is proposed to purchase additional patrols of low litter areas. The options and risks to the Council are set out in full in Appendix 2.

- 6.2 To enable the enforcement proposed in Project 14, the following enforcement functions will be delegated by the Chief Executive (as per the recommendation at paragraph 3.5 above) to East Hampshire District Council (EHDC); the offence of leaving litter (s87 of the Environmental Protection Act 1990), to issue FPNs for leaving litter (s88 of the Environmental Protection Act 1990) and breach of a PSPO (s67 & s68 of the Anti-social Behaviour, Crime and Policing Act 2014).

7. Alternatives that have been considered

- 7.1 Public Relations – to continue with ad hoc anti-litter and fly tip messages, however, it is considered that further dedicated resources are needed to be effective.
- 7.2 Enforcement – To provide in-house litter enforcement or use an alternative external provider. The In-house options considered included setting up a new dedicated unit or providing patrols using existing staff. Initial set up costs for these options were approximately £53,000 and £42,500 respectively. In addition, running costs would result in an estimated annual deficit of £75,500 for a new unit and for using existing staff, a deficit of £2,100 per year. The option of using existing staff could be given further consideration in the future in conjunction with the new litter from vehicles offence. The option of using a commercial operator has been discounted as a

commercial profit driven ethos is not considered appropriate. Full details of these options are set out in Appendix 2.

8. Resource and legal implications

8.1 The revised Litter and Fly Tip Action Plan identifies several requirements for funding:

- £13,300 for one fixed term PR Project Officer to deliver the promotional campaigns detailed in the action plan. £7,500 for providing suitable publicity and communication materials for the various awareness initiatives in the action plan.
- The intention of the litter enforcement scheme is that EHDC's patrol costs are covered by income from fines. Taking into account the additional costs for the Contact Centre support, based on the trial experience, 6 FPNs issued per officer/day would create an annual surplus to the Council of £7,500. The enforcement will be closely monitored as FPN numbers could reduce, resulting in a risk that there will be small cost to the Council of between £4,300 and £16,100 per year depending on the number of FPNs issued. This risk will be mitigated by the flexibility to reduce patrol days.
- Under the new agreement, EHDC will also process the associated litter prosecutions using the single justice procedure, recovering their costs from the court.
- Other than the budget identified above all projects in the action plan can be delivered from existing staff resources.

9 Consultation

9.1 The revised action plan has been developed following the recommendations of the Member/Officer working group.

10 Community impact and corporate risks

10.1 The action plan will enable the Council to tackle litter and fly tip related offences by either education and awareness or enforcement and improved bin infrastructure.

10.2 There is a risk that proceeding with enforcement action against individuals which the public considers is unfair or unreasonable could cause reputational harm. However, evidence shows the public do not like fly tipping and view littering as completely avoidable.

10.3 Due to the sources and causes of littering and fly tipping being influenced by many and varied factors, the initiatives may not result in significantly reduced clearance costs.

11 Other Implications

Are there any implications for the following?		
Crime and Disorder	If supported, the enforcement work will directly	Yes

address the offences of littering, dog fouling and dog exclusion, unauthorised disposal of waste and other waste associated offences, for example, duty of care in respect of waste and licences for carrying/transporting waste. The PR campaigns aim to tackle the growing problem of people illegally depositing waste and littering, in particular litter on roads.		
Climate Change and Biodiversity There would be a positive effect from reducing fly tipping which damages habitats and harms biodiversity	Yes	
Human Rights and Equality Impact The impact of enforcement action on people who commit offences of littering, dog fouling, dog exclusion, unauthorised disposal of waste, failing in their duty of care in respect of waste and unauthorised carrying or transferring of waste	Yes	
Safeguarding and Early Help		No
General Data Protection Regulations (GDPR) Personal data is not passed between EHDC as the service provider and CDC. All data is referenced with the Fixed Penalty Notice reference number and individuals cannot be identified by CDC. When taking payments for Fixed Penalty Notices, the Contact Centre do not record electronic bank details.	Yes	
Other (please specify): None		No

12 Appendices

12.1 Appendix 1 – Revised Litter and Fly Tip Action Plan 2018

12.2 Appendix 2 – Litter Enforcement Options

13 Background Papers

13.1 Equality Impact Assessment – Litter and Fly Tip Action Plan, September 2018