

TACKLING LITTER

THE MOST COMMON FORM OF ASB

Fact Sheet



TACKLING LITTER – THE MOST COMMON FORM OF ASB

DID YOU KNOW?

- The British Crime Survey 2004/05 revealed that 30% of respondents considered litter and rubbish lying around to be either a very or fairly big problem in their area
- It now costs taxpayers more than half a billion pounds a year to pay for street sweeping and cleaning
- Dropping litter, ANY litter is a criminal offence. The most common form being cigarette butts followed by confectionery wrappers then drinks containers

Dropping litter is a criminal offence. Persistent littering in our communities such as town centres, shopping precincts, residential areas and green and open spaces undermines community confidence in public services and an individual's enjoyment of the public spaces.

Litter left lying around is a key driver for people's perceptions of anti-social behaviour. It affects the quality of our lives, how we feel about where we live, work and where our children play. It contributes to feelings of fear and insecurity. The proliferation of litter, alongside graffiti, fosters a culture where other types of low level anti-social behaviour are seen to be acceptable. Litter is also a health hazard – discarded foodstuffs can attract rats, sharp items like broken glass are of particular risk and litter related to drugs and the sex trade is dangerous and intimidating.

As practitioners, we have a role in ensuring that people take responsibility and pride in the places and space where they live and work. But they will only do this if they see public services respond to this issue and take enforcement action against offenders who ignore requests to bin their litter.

TAKING ENFORCEMENT ACTION

POWERS AVAILABLE TO TACKLE LITTER DROPPED BY INDIVIDUALS

Almost every adult at one time or another drops litter. The majority of litter is deposited by the general public, who are too lazy to put it in the bin. Yet communities express disgust at seeing litter and a significant proportion of people see it as a problem in their area.

1) PROSECUTION FOR LITTERING

Section 87 of the Environmental Protection Act 1990, as amended by the Clean Neighbourhoods and Environment Act 2005 makes it an offence to drop, throw, or deposit and leave litter anywhere. This offence includes dropping litter in water such as rivers, streams and lakes and can incur a fine of up to £2,500.

However, prosecution for dropping litter is time consuming and expensive, making it very difficult to prosecute large numbers of the litter offence. As an alternative to prosecution fixed penalty notices may be issued. If the penalty is not paid, however, the case should usually be pursued to the magistrates' court.

2) FIXED PENALTY NOTICES

Authorised officers of litter authorities (including parish councils and national park authorities), police community safety officers and persons accredited under the Police Reform Act 2002 have the power to issue fixed penalty notices (FPNs) to tackle litter, graffiti, flyposting and dog fouling. They offer an on-the-spot alternative to prosecution. For more information about the power to issue fixed penalty notices, please refer to the TOGETHER website at www.together.gov.uk

Authorised personnel (see list above) may issue a fixed penalty notice for dropping, throwing, or depositing and leaving litter (including cigarettes or chewing gum). The standard amount is £75, but a local authority may vary this figure if they wish within a range set out in regulations. Defra has issued guidance on the use of FPNs for offences committed by young people and it is available from www.defra.gov.uk/environment/localenv/index.htm

It is important that when you are considering developing a strategy to issue FPNs, you include provisions to ensure the follow-up of non-payment is included. If the majority of your FPNs are going

unpaid, the strength of a FPN as a deterrent will be weakened and those prone to littering will be more inclined to do so.

3) OTHER ANTI-SOCIAL BEHAVIOUR POWERS

Remember, graffiti is not simply an offence. Perpetrators may also be committing other forms of anti-social behaviour. There are a range of other tools and powers that may be suitable for tackling graffiti related anti-social behaviour.

Acceptable behaviour contracts (ABCs), anti-social behaviour injunctions (ASBIs) and anti-social behaviour orders (ASBOs) are just some of the other measures that can be used to help protect the public from anti-social behaviour, including litter. These powers set out prohibitions to stop certain anti-social behaviour. The powers have been used successfully to tackle litter. For more information, read the TOGETHER Step by Step Guides on ASBOs and Warnings and Agreements along with information about ASBIs at www.together.gov.uk

TACKLING AND PREVENTING LITTER ON PRIVATELY OWNED LAND

Section 92A of the Environmental Protection Act 1990 allows Litter Clearing Notices to be served by a local authority against an occupier of any land (or owner, if land is not occupied). These require the land to be cleared of litter and refuse within a certain time, and may specify steps to be taken to prevent future defacement. Non-compliance with a Notice is an offence with a maximum fine of up to £2,500 on conviction and allows a principal litter authority to enter the land which is subject to the Notice, remove the litter and refuse and then impose a reasonable charge on whoever is the subject of the Notice. Fixed penalty notices of £100 (or locally-set level) may also be issued as an alternative to prosecution.

Section 215 of the Town and Country Act 1990 provides a power for local planning authorities to serve a Notice, specifying steps for remedying the condition of land, which is adversely affecting the amenity of their area. This could include land which has significant litter and refuse problems. The Notice is served on an owner or an occupier of private land, to require maintenance. Non-compliance can result in prosecution and a maximum fine of £1,000 (Level 3). The planning authority may also enter the land, make the necessary improvements and reclaim costs from the occupier or owner. Further Office of the Deputy Prime Minister (ODPM) guidance on the use of section

215 can be obtained from www.odpm.gov.uk or by visiting www.together.gov.uk

LOCAL AUTHORITIES: THEIR RESPONSIBILITIES

Under section 89 of the Environmental Protection Act 1990 local authorities have a legal duty (so far as practicable) to clear litter and refuse from public places for which they are responsible, such as streets, parks, playgrounds, beaches and pedestrianised areas.

Under Section 17 of the Crime & Disorder Act 1998, all Crime and Disorder Reduction Partnerships (CDRPs) are also under a duty to consider how they can prevent crime and disorder in their areas for the purposes of their work programmes. This duty has been extended to driving down enviro-crime and anti-social behaviour. (Section 1, Clean Neighbourhoods and Environment Act 2005 and Schedule 6 of the Police and Justice Bill).

To assist local authorities discharging their duty to clean-up litter, the Government has produced the Code of Practice on Litter and Refuse. This sets out the acceptable standards of cleanliness and the times to achieve this. The Code of Practice on Litter and Refuse can be downloaded from <http://www.defra.gov.uk/environment/localenv/litter/index.htm>

Local authorities' responsibility also extends to tackling the perpetrators responsible for littering. To help them do this, they have many powers that allows them to take action against individuals and public bodies in order to ensure that refuse and litter does not proliferate. Nevertheless, it is important to remember that a member of the public can apply to the magistrates' court for a *Litter Abatement Order* (under section 91 of the Environmental Protection Act 1990) requiring a particular area under the control of a local authority or other duty body to be cleared of litter and refuse. If a local authority or other duty body refuses to comply then they themselves can be prosecuted with a maximum fine of £2,500, together with a further fine of one-twentieth of that amount (£125) a day for each day that the offence continues after conviction.

COMPANIES AND PUBLIC BODIES: HOLDING THEM TO ACCOUNT

Section 34 of the Environmental Protection Act 1990 clearly states that companies have a legal responsibility to manage their waste. While the majority of companies respond to this obligation positively, there are laws in place that allow action to

be taken against firms who cause excessive damage to the environment. There is also a social responsibility to ensure that when customers leave premises after purchasing goods, they also act responsibly and bin any waste.

Fast food chains can often be a cause of litter in city and town centres, as the 'take away' nature of these businesses can mean that their litter is dropped outside the premises and throughout the town. This may be particularly acute at night as people make their way home after visiting pubs and clubs. Many businesses are keen to do more to minimise their waste and would often benefit from assistance. Engaging with these businesses in a proactive manner can often prove to be an effective and cheap way of reducing this type of litter, and in order to facilitate this, Defra have produced a voluntary code of practice for the fast food industry. This recommends how local authorities and businesses can work together to tackle litter problems.

The code can be viewed at: <http://www.defra.gov.uk/environment/localenv/litter/food.htm>

Nevertheless, if litter is emanating from a particular business and they refuse to conform to a code of practice, then it is possible to take action. Under section 93 of the Environmental Protection Act 1990 Street Litter Control Notices can be used to require owners or occupiers of certain types of commercial premises to prevent or remove accumulation of refuse in streets and adjacent open land where the litter is related to their activities. The types of business include:

- premises used for serving food or drink (including mobile vendors) that are to be consumed either off the premises or on an outdoor section of the premises by the street service stations used by the general public
- areas that are used for recreation purposes, e.g. cinemas and amusement arcades which may generate litter off or around their premises
- banks and building societies (predominately those with ATM machines fronted onto the street)

Section 94(8) and (9) of the Environmental Protection Act 1990 makes non-compliance an automatic offence, with businesses facing prosecution and a £2,500 maximum fine. Alternatively, a fixed penalty notice of £100 (or locally-set level) may be issued.

It is also possible to ensure that statutory undertakers (e.g. rail operators), schools and colleges uphold their responsibility to keep their land free of litter and refuse. This can be enforced by local authorities serving a Litter Abatement Notice under section 92 of the Environmental Protection Act 1990. This Notice requires the particular body to remove the specified litter and refuse within a specific timeframe (this varies depending on the type of the land). If the body fails to comply, local authority officers may enter the land, remove the litter or waste and reclaim their costs from the owner of the land. It is also an offence to fail to comply with a Notice, punishable by a fine of up to level 4 (£2,500) plus a further daily fine of £125 for continued non-compliance.

Some areas face a proliferation of litter caused by flyers, handouts, circulars and other freely distributed printed material. Section 94B and schedule 3A of the Environmental Protection Act 1990 gives local authorities the power to designate areas where distribution of these materials can only occur with permission. Distributing, or causing someone to distribute, free literature in a designated area without consent is an offence and prosecution can result in a maximum fine of £2,500. Fixed penalty notices of £75 (or locally-set level) may also be issued as an alternative to prosecution.

TAKING ACTION TO TACKLE LITTER – A STRATEGIC APPROACH

In order to really make a long-term impact on the problem and respond effectively to community needs, it is essential to take a combined approach to tackling litter, utilising education, efficient litter removal and cleaning services, and targeted enforcement together with effective public awareness campaigns. This section aims to give you some ideas of how to use these factors as complimentary measures, leading to a cleaner, safer and greener community.

Zero Tolerance: Many people who drop litter do so because they are lazy, it is convenient to do so and they think there will be no repercussion. However, it is this casualness which is a major contributor to litter in the community. A zero tolerance approach sends out a strong message, making it clear that anti-social littering is not to be tolerated. People who litter should be issued with a fixed penalty notice. It is critical that action should be taken when penalty notices are not paid, as inaction will be no deterrent.

Education and Communication: Education is a crucial factor in tackling litter. Many people are so used to dropping litter, it does not occur to them that they are breaking the law. For example, the Local and Environmental Quality Survey for England revealed that 70% of all litter was smoking related. However, many people when questioned seemed genuinely unaware that cigarette ends etc. were actually litter. A communication campaign highlighting that litter of any kind will not be tolerated and will be enforced against will act as a disincentive to those who previously may have dropped litter, and will also provide further support to staff on the ground. Local authority officers will be seen to be acting on the back of a highly visible campaign. It also removes the excuse that the perpetrator was unaware that what they were doing was wrong, while reassuring law-abiding members of the community that action is being taken. For an example of pilot public awareness campaigns to tackle irresponsible dropping of chewing gum visit the Chewing Gum Action Group at www.defra.gov.uk/environment/localenv/gum/actiongroup/index.htm

Cleansing and Litter Removal: Ensuring there are sufficient litter bins and having effective cleaning procedures are vitally important too. If there are not enough places to deposit litter or litter is not cleared away efficiently, many members of the community will feel less obliged to take the time to find a bin or will be more likely to throw their litter in streets and parks if they are already strewn with litter. This is why

effective bin placement and litter removal is a vital bolster to your enforcement campaign. In order to assist the efficient running of cleansing services, DEFRA have released a number of publications,

including Achieving improvements in street cleansing and related services, and the Code of practice on Litter and Refuse. These are available on the DEFRA website,

www.defra.gov.uk/environment/localenv

Gathering intelligence: Use police community safety officers (PCSOs), neighbourhood wardens, park attendants, and other local service staff as regular visible patrols to gather intelligence on litter hotspots so that resources can be most effectively deployed to tackle perpetrators and to clean up the litter when it does occur.

Clean ups: Another way of clearing an area of litter while simultaneously engaging with the community and instilling pride in the local area is through organising “clean ups”. This can be done through engaging with local community groups, who are often keen to make a positive impact. ENCAMS have released the document, Litter, organising a clean up, which can be downloaded from www.encams.org

DEALING WITH YOUNG PEOPLE

Research has indicated that young people see litter as a major problem in their neighbourhoods. However, as a group, young people can also be heavy litterers. This is why it is essential that you must have policies in place to deal specifically with young people. By taking your education and communication strategy into schools, you can engage directly with young people. If you liaise with teachers beforehand, you will ensure that your message is delivered in a manner that young people will appreciate, thereby increasing its impact. The fact that many young people are so concerned about litter suggests that these efforts should have a positive impact and that young people will not only be more likely to put their litter in the bin, but will be more likely to get involved with proactive initiatives.

Using enforcement powers against young people who drop litter is often viewed with caution. Therefore, when you have adopted a zero tolerance approach you will need to be sensitive to particular age groups. You may wish to work closely with schools and patrol

alongside teachers, exchanging FPNs for other sanctions that the teachers can enforce, such as detentions, whilst using ABCs for persistent litterers. Whichever approach you decide to adopt, it is important to be consistent and transparent. Defra has issued guidance on the use of FPNs for offences committed by young people and from April 2006 will be available from

www.defra.gov.uk/environment/localenv/index.htm

WORKING TOGETHER WITH THE LOCAL COMMUNITY

If there is a litter problem within a community then local people and local organisations need to be encouraged to work together with local services to tackle the problem. The most effective litter campaigns around the country are a result of partnerships between different local organisations. It is important that local businesses, community groups and others such as schools and youth groups are involved. Some good practise examples include:

Southwark Council: a leader in environmental campaigns & education

Southwark Council keeps pushing the boundaries to make people more aware and 'on board' in their drive to change peoples' behaviour and in doing so fight the problems associated with litter in the local area.

Some of their high-profile campaigns include:

Stalking Litter

A giant discarded crisp packet, half-eaten burger and a cigarette butt! What is this all about? These oversized pieces of litter rove the streets of Southwark doing a series of performances to entertain and remind people that littering is anti-social, a criminal offence and that it doesn't take much to use a bin. Information is given out to keep people up to date with the council's efforts to keep the streets clean and remind people of their responsibility to bin their litter.

No butts!

The Council has ensured that most litter bins in Southwark have ashtrays on and the council also gives away free stubbi holders, a small pouch for disposing of smoking related litter in a safe way, so there is no excuse for dropping litter on the floor!

Blingin' or mingin' - what are ya?

Blingin' or Mingin' is Southwark's youth litter campaign aimed at getting children to think about how their actions can affect their environment. People who look after where they live are blingin', and people who mess it up are mingin'.

For more information and contacts about these litter campaigns visit:

<http://www.southwark.gov.uk/YourServices/environment/CampaignsandEducation/>

Manchester City Council: taking up the challenge to widen its "clean-up" agenda

The Council's innovative ChallengeManchester campaign series which began as a traditional "clean-up" of city streets focusing on litter and graffiti in 2003 but has since widened its agenda. The 2005 campaign involved over 8,500 volunteers taking part in events ranging from community clean-ups to a recycled fashion show. Over 800 tonnes of rubbish was collected, 700 tonnes of which was recycled and total of 887 untaxed or abandoned vehicles were removed from Manchester's streets. Also, almost 1,500 fixed penalty notices were issued for street littering across the city. To make sure the good work continued beyond the campaign, 430 businesses signed up to the business pledge, committing themselves to improving the environment. In trying to improve local communities, anti-social behaviour was also targeted, and 6 anti-social behaviour roadshows were held across the city, attended by over 200 people. Parenting workshops also proved very popular.

The 2006 campaign still features litter picks and green initiatives but also seeks to promote environmentally-friendly lifestyles, better citizenship in young people and concentrates on issues such as truancy and giving young people a sense of respect. Details and contacts for ChallengeManchester 2006 can be found at: www.challengemanchester.co.uk

Partnership councils join ENCAMS Keep Britain Tidy campaign to stamp out cigarette litter

ENCAMS is running its 'Keep Britain Tidy' campaign 2006 to stamp out cigarette litter. The initiative is targeted at smokers who dispose of their cigarette ends incorrectly and is aimed at encouraging them to be more responsible and not litter. Campaign

advertising appears on billboards, phone boxes and other outdoor advertising sites throughout England.

ENCAMS has teamed up with 10 partnership councils to maximise the effectiveness of the campaign. Each partnership council will increase cigarette bin provision, carry out a local PR and media campaigns, distribute personal ashtrays to the public and increase enforcement where appropriate.

ENCAMS will be monitoring the cigarette litter in the 10 areas before and after the campaign period to evaluate the campaign's success. The 10 councils ENCAMS will be working with are Barnsley, Blackpool, Bolton, Bristol, Cambridge, Charnwood, Enfield, Leeds, Sheffield and Tonbridge & Malling.

For more info contact:

Keep Britain Tidy on 01942 612617/8 or (out of hours) 07768 880016

or visit www.encams.org

For further information and advice about anti-social behaviour visit www.together.gov.uk or call the TOGETHER ActionLine on 0870 220 2000.

