

Report to:	Scrutiny Committee
Date:	7 February 2022
Title:	Litter and Fly-tipping Reduction Strategy 2022-2027
Report of:	Tim Whelan, Director of Service Delivery
Cabinet member:	Councillor Colin Swansborough, Cabinet Member for Climate Change, Place Services and Special Projects
Ward(s):	All
Purpose of report:	To set out the council's approach to reducing litter, fly-tipping, graffiti and associated environmental issues
Decision type:	Key
Officer recommendation(s) to the Cabinet:	<p>That Cabinet approves:</p> <p>(1) The Litter and Fly-tipping Reduction Strategy 2022-2027 set out in Appendix 1; and</p> <p>(2) The associated Action Plan, set out in Appendix 2</p>
Reasons for recommendations:	To reduce littering in Eastbourne, with the majority of residents viewing it as totally unacceptable. Volunteer litter picking groups feel supported by the council and all residents value the council's work to tackle litter, dog fouling, fly-tipping and graffiti.
Contact Officer(s):	<p>Name: Jane Goodall</p> <p>Post title: Environment Lead</p> <p>E-mail: jane.goodall@lewes-eastbourne.gov.uk</p> <p>Telephone number: 07788 515359</p>

1 Introduction

- 1.1 The quality of the environment is of the utmost importance to our residents. Litter, fly-tipping, graffiti, fly-posting and dog fouling are a blight on our streets, parks and beaches and cost thousands of pounds to clear up every year. To tackle this antisocial behaviour, we take a multi-service approach working with our residents, community groups and other partners.
- 1.2 Neighbourhood First provides support to the community in engagement, education, monitoring and enforcement in relation to littering, fly tipping, dog fouling and other environmental services. Operational services are supported by the approach to communication and engagement.

1.3 Critical to our success is continuing communications and engagement using a range of media. The Reduce, Reuse, Recycle Bulletin is emailed to residents every month. There are also regular updates to the website, on social media, printed publications, leaflets and via the external media through the issuing of press releases.

2 Proposal

2.1 The approach to managing litter and associated environmental issues set out in the accompanying strategy and action plan is as follows:

- Education, communications and engagement to raise awareness and influence positive behaviours.
- Providing adequate bins to make it easy for residents and visitors to do the right thing.
- Prompt removal, as appropriate, of litter and detritus, fly tipping and graffiti.
- Support to community groups joining us in these endeavours.
- Investigative and enforcement activity where there is evidence of environmental crimes.

2.2 Our ambition is to improve the cleanliness of the borough by reducing litter and fly tipping and the harmful effects that these polluting activities have on Eastbourne's environment.

3 Outcome expected and performance management

3.1 Through delivery of the strategy and action plan, the council will improve its effectiveness in tackling littering and fly-tipping.

3.2 While it is preferable that people do the right thing and dispose of their waste responsibly, sadly not everyone does. Enforcement activity will be taken in line with the Enforcement Policy [background paper] when there is evidence of people committing an environmental crime, including littering and fly-tipping.

4 Litter and fly tipping enforcement

4.1 Neighbourhood First staff undertake structured street inspections quarterly to monitor the street scene, as well as continuous monitoring by virtue of being based in the community.

4.2 With a focus on local issues, we respond to complaints and enquiries, investigate fly tips as appropriate and take robust enforcement action where evidence is obtained. A prosecution will be considered for significant transgressions in liaison with the legal team. However, without identifiable evidence (e.g. name and address) it is almost impossible to begin enforcement action in most circumstances

4.3 Work has already started to improve litter bin provision across the town, including a programme to replace dog poo bins with general litter bins, wherever possible, to increase capacity.

- 4.4 Neighbourhood First continues to educate about littering and fly-tipping, as well as issue Fixed Penalty Notices (FPNs) where there is evidence of environmental crimes. The total number of fly tip incidents in Eastbourne for Q2 was 219; 8 fines were issued with a total value of £1,325.
- 4.5 It is anticipated that the Environment Act 2021 will bring a sharper focus to tackling waste crime. As the details emerge, the council will re-evaluate its approach in the light of new powers and will update relevant policy and practice accordingly.
- 4.6 While the Environment Act is now part of UK law, most of its required actions do not start either directly or immediately. There remain a range of preparatory actions that need to be undertaken by government before further implementation of the wider legal framework (secondary legislation or regulations) will take place. Statutory guidance is expected to come into law by the latter part of 2022.

5 Corporate plan and council policies

- 5.1 The strategy supports the protection of the environment across the borough and aligns with the Sustainability and Climate Change Strategy.

6 Business case and alternative option(s) considered

- 6.1 Resources for the action plan are within 'business as usual' constraints. No extra posts are required to support this strategy.
- 6.2 The council understands that tackling litter cannot be achieved without the active support of the community. While there is plenty of good work already being undertaken across the borough, it is important that the council continues to support all litter picking groups with guidance, bags and equipment. A full set of litter picking equipment – picker, bag hoop, gloves, high-visibility top and bag is in the region of £40 per person. Funding for litter pick equipment, previously held in generic budgets, will be allocated a specific code to ensure ongoing importance is recognised. Funds of circa £1,000 will be made available to this end.

7 Financial appraisal

- 7.1 The Litter Reduction Strategy Action Plan demonstrates the council's commitment to work proactively and collaboratively to reducing litter. It should be noted that increased levels of litter will generate additional collection costs, which are likely to cause a budget pressure if it continues. It is expected that we can take advantage of external funding opportunities but in any event, expenditure on new bins will be subject to business cases once those costs are known.
- 7.2 There are no immediate cost implications in agreeing the Strategy but there may be costs associated with rolling out specific Action Plans, including officer time and a small budget for the publicity campaign, which might be funded through the existing revenue resources. Any significant financial implications resulting from the adoption of this strategy will be reported back to Members for approval.

8 Legal implications

8.1 The Council's enforcement powers in terms of litter reduction stem from various pieces of legislation, as set out in paragraphs 5.1 to 5.5 of the Strategy (see Appendix 1). The Council's approach to enforcing these laws as stated in paragraph 5 "is to as be proactive and find solutions before they occur and apply a gradual approach to enforcement in line with our enforcement policy." Such an approach helps to avoid the risk of legal challenge where a party might claim the Council had acted in an ill-considered or disproportionate manner.

8.2 The Environment Act 2021 received royal assent on 9 November 2021 but its various parts will be brought into force in stages. In the context of litter reduction, the provisions of most relevance are in Part 3 – Waste and Resource Efficiency. Provisions including those relating to–

- producer responsibility for disposal costs (s.51)
- resource efficiency requirements (s.53)
- deposit schemes (s.54)
- charges for single use items (s.55)
- carrier bag charge (s.56)

commence on 9 January 2022. However, the substance of these provisions will be specified in regulations yet to be made by the Secretary of State; it is therefore not possible to provide any level of detail at present.

Date of legal advice: 13.12.21

Legal ref: 010542-EBC-OD

9 Risk management implications

9.1 The risks associated with not setting out the litter reduction approach and action plan are reputational and environmental.

10 Equality analysis

10.1 The Equality Act does not have implications for this strategy. Environment First will comply with the regulations to ensure street furniture does not cause an obstruction on the highway. SS 3/11/21

11 Environmental sustainability implications

11.1 The council is committed to supporting measures to help protect the environment. Education, comms and engagement; sufficient litter bin provision; and prompt enforcement activity have a positive impact on Eastbourne's environment.

12 Appendices

- Appendix 1 – Strategy
- Appendix 2 – action plan

13 Background papers

The background papers used in compiling this report were as follows:

- Enforcement Policy 2018