

Epping Forest District Council Litter Strategy

Working towards a litter free district – turning passive support into positive action.



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1. Introduction

We want Epping Forest District to be a great place to live and work, with clean streets, open spaces, and countryside. It is accepted that litter, attracts littering behaviour, and we will continue working to address the litter issue, because maintaining a clean local environment is good for both our wellbeing and our local economy.

This strategy will help to deliver the commitment to the Governments Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019).

This document explains how Epping Forest District Council (EFDC) and other relevant partners can meet their legal duties to keep streets and open spaces for which they are responsible clean and free of litter.

Dealing with litter places a significant burden on the District Council, with an annual cost to the local taxpayer 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.

Given this continuing pressure together with the Council's legal duty and the undoubted benefits to the wider community of maintaining a clean environment to live and work in means that we look to all the community to help in delivering the strategy and using litter bins and taking our litter home to achieve this. Pride in our area must make littering an anti-social behaviour and organisations including youth and schools must help us in educating the importance of this message by *turning passive support into positive action*.

Importantly the emphasis must change from it is the council's responsibility to clean up the mess to preventing the litter and fly tipping in the first place. In addition to the actions contained in this strategy we also expect that each of our Duty Body partners take full responsibility for their spaces; and our other partners including the City of London for Epping Forest along with Town and Parish Councils will make the necessary arrangements in their areas to prevent littering, fly-tipping, and dog fouling.

2. Vision and aims

The strategy aims to:

- **change the behaviour** of people who feel it is acceptable to drop litter through education and social media campaigns
- **make it easy 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

Changing Behaviour

We want to create a culture where it is totally unacceptable to drop litter. This means generating strong and consistent social pressure against littering, making it socially unacceptable to drop litter.

The Council will provide leadership, support and educational advice to those partners and the public to better enable them to understand and achieve the goals of the litter strategy which is to prevent litter and debris and report those that do litter and fly tip.

This will be achieved by:

- Spreading the message that litter is harmful to people, wildlife, and the environment through schools' work, social media campaigns, and using the recommended communications techniques from Keep Britain Tidy and WRAP.
- Promote Reuse and promote ways of disposing different types of litter correctly, for example at recycling centres or bring banks.
- Promote the bulky waste service and commercial trade waste service and its benefits to reducing fly tipping and littering locally.
- Support groups and schools to promote anti-litter and recycling messages
- Support national campaigns such as 'Keep Britain tidy' and clean up days through volunteering, supporting group with equipment and collection of waste and use of social media.
- Continue to support and encourage litter pick schemes with the public and internal and external partners by providing equipment, advice and guidance and the collection of litter.
- Optimise the use of the EFDC Community Champions programme who are local community volunteers that support and spread our EFDC wellbeing messages and initiatives along with organising community litter picks.
- All Council services will be made aware of the importance of litter prevention in managing costs
- Love Essex is an umbrella brand that acts on behalf of the Essex Waste Partnership and the Cleaner Essex group. Through the Love Essex brand, we aim to inspire Essex residents to reduce the amount of waste they throw away, recycle more, and reduce environmental crimes such as littering and fly-tipping.

Making it easier to dispose of litter

We will continue to provide an effective service and help support other partners and the public to ensure that we try to continue to reduce the amount of litter and debris in the district.

This will be achieved by:

- Optimise the use of recycling on the go (RotG) using WRAP guidelines and EFDC policy for the placement of litter bins along with the Litter Bin Installation Strategy to ensure we review and maintain bin infrastructure, to provide a suitable number of litter bins with support from parish and town councils.
- Maintain a good quality street cleansing service in line with national standards as set out in legislation.
- Ensure free flowing channels to maximise the capture capacity of our road gully's.
- Regularly review our weed removal programme with Essex County Council
- Ensure our drainage maintenance is optimised to ensure that detritus is not carried on to carriageways and pavements, in contract specification.
- Ensure that Waste Management carries out at least 25% of street cleansing inspections on the day of the scheduled cleanse or after.
- Continue and extend the pilot of recycling wheeled bins for environmental champions to replace recycling sacks and reduce litter from bags split by vermin.

- Ensure that contractors working on behalf of the Council are working to improve the local environment
- Continue to work with businesses to prevent and resolve litter related problems

Enforcement

Enforcement is an important part of keeping Epping Forest District clean and tidy, to do this we need to reduce the number of people who litter knowingly through education and enforcement.

We will use all our legal powers to fine or prosecute those who choose to fly-tip, litter or allow dogs to foul in public places.

We will be consistent in our approach and use all available enforcement options to ensure residents can live in a safe, clean and well-maintained environment.

We will work with stakeholders to tackle fly-tipping and litter hotspots.

3. Reporting Progress

Performance of the strategy will be monitored by the Council through reports to the Waste Partnership Board.

We will work with our neighbouring Councils to identify where efficiencies can be created in cross-working and to review any policy changes that may affect each other i.e., may lead to an increase in fly-tipping at Council boundary.

We will work with Keep Britain Tidy to ensure this strategy and associated actions are in keeping with the aspirations of the Governments Litter Strategy.

The Delivery of the Litter Strategy will contribute positively towards the Council's environmental polices including its intention to reduce carbon in response to the climate emergency. In addition to statutory performance indicators, success will be measured in the Council's reduced carbon footprint i.e., less waste to landfill. Additionally, the Strategy will provide a platform to engage with partners to enhance the local environment, by securing behaviour change which will positively contribute towards the continuing aspirations of the Council as an area to visit, work and play.

Appendices

Appendix 1: Useful Contacts & Information Sources

ORGANISATION	CONTACT DETAILS
Epping Forest District Council	www.Epping Forest District Council.gov.uk/contact-us/ 01992 564000
Essex County Council Highway Authority	www.essex.gov.uk/ www.essex.gov.uk/roads-streets-and-transport 0345 603 7631
Love Essex Love Essex is an umbrella brand that acts on behalf of the Essex Waste Partnership and the Cleaner Essex group.	www.loveessex.org/
Crime Stoppers (Reporting waste crime)	https://crimestoppers-uk.org/give-information/give-information-online/ 0800 555 111
Environment Agency (responsible for investigating illegal dumping and Environmental Incidents)	enquiries@environment-agency.gov.uk 03708 506 506
Essex Police (powers to fine/prosecute litterers/dog fouling and fly-tippers)	www.essex.police.uk/contact/af/contact-us/ 101
WRAP (Waste & Resources Action Programme) WRAP was established to promote and encourage sustainable resource use through product design, waste minimisation, re-use, recycling and reprocessing of waste materials.	https://wrap.org.uk/
Keep Britain Tidy (information on campaigning)	www.keepbritaintidy.org/home
TFL (Transport for London) Integrated transport authority responsible for meeting strategy and commitments on transport in London	https://tfl.gov.uk/ 0343 222 1234

City of London Responsible for the management of Epping Forest.	www.cityoflondon.gov.uk/footer/contact-the-city-corporation epping.forest@cityoflondon.gov.uk 020 8532 1010
National Highways Manage and improve England's motorways and major A roads	www.nationalhighways.co.uk/ Customer Enquiries 0300 123 5000

KEY INFORMATION SOURCES	WEB LINK
The Code of Practice on Litter and Refuse 2019	www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse
The National Litter Strategy	www.gov.uk/government/publications/litter-strategy-for-england
The Environmental Protection Act 1990	www.legislation.gov.uk/ukpga/1990/43/contents
Town and Country planning Act 1990	www.legislation.gov.uk/ukpga/1990/8/contents
Anti-social behaviour Crime & Policing Act 2014	www.legislation.gov.uk/ukpga/2014/12/contents/enacted
Prevention of Damage by Pests Act 1949	www.legislation.gov.uk/ukpga/Geo6/12-13-14/55/content

Appendix 2: Council's Legal Duty – Clearance of Litter and Refuse

The Council's Legal Duty

Epping Forest District Council has duties under the Environmental Protection Act 1990 (EPA 1990). There are two duties within section 89 of the Environmental Protection Act 1990 that mean certain organisations (mostly public bodies) are to, as far as is practicable:

1. Keep land clear of litter and refuse
2. Keep roads clean

Duty 1 Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse

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

Refuse should be regarded as having its ordinary meaning of waste or rubbish, including household and commercial waste, and can include fly-tipped waste. Dog faeces are to be treated as if they were refuse, when on certain descriptions of public land (Dog fouling is a separate offence from littering.)

Duty 2 Section 89(2) places a further duty on the Secretary of State in respect of motorways (National Highways) and a few other similar public highways, and on local authorities in respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean

The Legal Duty and where it applies

The Environmental Protection Act 1990 places a duty on the Council to ensure that streets/roads and open spaces are, **so far as is practicable**, kept clear of litter and refuse.

What this means

The duty means that the Council and responsible landowners must remove litter and/or refuse within certain time limits.

Where it applies

The duty applies to roads/streets and pavements and other open spaces areas accessible by the public.

The Legal Duty for Clean Roads

The Environmental Protection Act 1990 requires the Council to keep roads, as far as is practicable, clean.

This duty means that the Council and National Highways should keep litter and refuse by removing it within certain time limits as set out by the Code of Practice 2019.

This duty applies to all roads (the metalled surface which means the tarmac top) under the Council's control (this excludes motorways which are the responsibility of the National Highways).

Appendix 3: The Code of Practice

Zoning

The updated Code of Practice on Litter and Refuse 2019 (COPLAR); introduces a new zoning system to help Councils categorise their area which in turn allows it to define how quickly each zone should be returned (when littered) to a litter free standard.

The details of the requirements for Epping Forest District are specified below.

Each zone is examined in terms of its capacity to generate litter by determining:

- The intensity of activity in the area, from people and vehicles
- Health and safety limitations

As such, this revised Code has re-classified the different types of land managed by duty bodies into four main zones, based on these two variables. It is anticipated that this will help to guide duty bodies on the intensity of management required.

The classifications of zones are

- High intensity of use (busy public areas)
- Medium intensity of use ('everyday' areas, including most housing areas occupied by people most of the time)
- Low intensity of use (lightly trafficked areas that do not impact upon most people's lives most of the time)
- Areas with special circumstances (situations where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work)

In addition to the classified Zones above Epping Forest District Council in line with their current Waste and Street Cleansing Contract also has a further classification for High Zones, classified as Z. These will be areas within the High intensity classification which are allocated street cleansing on a daily schedule but receive additional street cleansing up to three times a day based on the intensity of use.

The graded standards shown below are as defined in the original Code of Practice on Litter and Refuse issued under section 89(7) of the Environmental Protection Act 1990.

For litter and refuse:

Grade A: No litter or refuse

Grade B: Predominately free of litter and refuse apart from some small items

Grade C: Widespread distribution of litter and/or refuse with minor accumulations

Grade D: Heavily affected by litter and/or refuse with significant accumulations

For detritus (to be removed on metalled highways and recommended to be removed on all hard surfaces):

Grade A: No detritus

Grade B: Predominately free of detritus except for some light scattering

Grade C: Widespread distribution of detritus with minor accumulations

Grade D: Heavily affected by detritus with significant accumulations

Timings

The Code of practice expects Duty bodies to set their cleansing schedules so that they meet the duty to keep their relevant land clear of litter and refuse, and highways clean.

In some areas, these standards can be effectively maintained during daylight hours. However, in others longer hours of management are required, for example, in town and city centres.

If the standard in high intensity areas should fall to an unacceptable level during the evening, it should be restored to grade A by 8am. Good practice would be that grade A is achieved earlier, by the time the area begins to get busy. This applies to weekends and bank holidays as well as weekdays.

Epping Forest District Council operates at two levels with COPLAR 2019 and its own specification of fortnightly street cleansing schedules and Z High Zones.

The Code of Practice and clean roads

The Code of Practice suggests that:

- A regular sweeping and maintenance schedule should be prepared to allow the duty to be met.
- It would be good practice to cut back vegetation that grows on to the road/pavement surface.
- Weed control is implemented and effective.

Standards

The Code of Practice defines standards (A-D: A being clean) that the Council must meet. Restoration to a clean condition must take place within a set period of time unless there are difficult circumstances such as snow and ice.

The Council intends to meet its statutory obligations, and the standards detailed above, by implementing, monitoring and reviewing the actions in this strategy.

The Council in turn expects each of its partners (including the wider community) and duty bodies particularly in relation to Roads, Essex Highways and National Highways through its contractor, to do likewise.

Keeping Motorways Clean

National Highways is responsible for maintaining a litter free and clean motorway network.

Both the M11 and M25 run through the Epping District with junctions at Waltham Abbey, Loughton and North Weald.

Monitoring our Work

Monitoring of work and standards will be undertaken by the contractor's operational staff who carry out the cleansing work on the day. EFDC Waste Management Officers will also inspect streets that are on the schedule and due to be cleansed either on the day or the day after through random inspections. Random inspections should cover a total of 25% of the scheduled work due to be done in an officer's area in any one day.

Alongside the random inspections of scheduled work EFDC also conducts its own key Performance Indicator (KPI) for Litter and Detritus. Whilst based on NI195, inspections are conducted quarterly with 320 inspections with a total of 1280 inspections annually and the targets for each are as follows

- Litter 5%
- Detritus 7%

We will undertake the training necessary to make this “self-assessment” process robust and auditable.

We will also use the following devices to monitor our work:

- Customer surveys
- Complaints
- Independent Quality Inspections

Appendix 4

Litter Enforcement Table

Legislation	ENVIRONMENTAL PROTECTION ACT 1990				ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014			TOWN AND COUNTRY PLANNING ACT 1990	PREVENTION OF DAMAGE BY PESTS ACT 1949	PUBLIC HEALTH ACT 1936
Section	33	87	59	80	43	59	59	215	4	78
Offending Activity	Fly-tipping	Littering	Fly-tipping	Statutory Nuisance	Litter	Litter	Dog Fouling	Litter	Litter	Litter & Dog Fouling
Enforcement Action	Fixed Penalty or Prosecution	Fixed Penalty	Fixed Penalty or Prosecution	Abatement notice	Community Protection Notices	Public space Protection Orders (PSPO)	Fixed Penalty Notice	Fine or Prosecution	Fine or Prosecution	Fine or Prosecution
Penalty	£400	£150	£400	£400*	£75	£75	£75	£1,000	£1,000	£200
Action Against	Individuals (and legal entities such as Companies)	Individuals	Occupier of Land	Person responsible (whose act, default or sufferance the nuisance is attributable)	Occupier of premises	Occupier of land	Individuals	Individuals (and legal entities such as Companies)	Occupier of land	Occupier of land
Objective	Penalty for fly-tipping	Penalty for dropping litter	Penalty for fly-tipping	The abatement of the nuisance or prohibiting or restricting its occurrence or reoccurrence	Conduct of individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality or deemed unreasonable	Prevent litter or refuse being detrimental to the amenity of the area	Penalty for not picking up dog faeces after dog	Land Adversely Affecting Amenity of Neighbourhood	clearing of common courts and passages	Scavenging of common courts and passages
				* Fixed Penalty option – industrial, trade or business and £150 in all other cases.			Local Authority can introduce public spaces protection orders	LPA's also have powers under s219 to undertake the clean up works themselves and to recover the costs from the landowner.		

