

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 16 SEPTEMBER 2008

REPORT BY EXECUTIVE MEMBER FOR ENVIRONMENT AND  
CONSERVATION

7. 'STOP THE DROP' – EAST HERTS COUNCIL CONSIDERATION OF  
THE ISSUES RAISED BY THE CAMPAIGN FOR THE PROTECTION  
OF RURAL ENGLAND

WARD(S) AFFECTED: ALL

'D' RECOMMENDATION - that (A) Members consider the Campaign for Rural England's 'Stop the Drop' Campaign; and

(B) the Council's current approach to tackle environmental crime and raising environmental standards be noted.

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1.0 Purpose/Summary of Report

1.1 To provide Members with background and context to assist their consideration of the Campaign for Rural England's 'Stop the Drop' campaign.

2.0 Contribution to the Council's Corporate Priorities/Objectives

**Pride in East Herts**

*Improve standards of the neighbourhood and environmental management in our towns and villages.*

**Caring about what's built and where**

*Care for and improve our natural and built environment.*

3.0 Background

3.1 At the last Environmental Scrutiny Committee on 10 June 2008, it was agreed that the committee would give consideration to Campaign for Rural England's (CPRE) 'Stop the Drop' campaign at its next meeting.

- 3.2 The CPRE is a registered charity founded in 1926. It claims to have over 60,000 supporters and a network of 200 district groups, with a group in every county in England, including Hertfordshire. The CPRE describes its role as to “campaign for a sustainable future for the English countryside, a vital but undervalued environmental, economic and social asset to the nation”. More details of this organisation can be found at <http://www.cpre.org.uk>
- 3.3 The CPRE is currently running a campaign called “Stop the Drop”, recently the subject of the BBC’s Panorama programme entitled “Notes on a Dirty Island”, screened on Monday 11<sup>th</sup> August 2008. The “Stop the Drop” campaign is aimed at discouraging litter and fly-tipping and encouraging local authorities and Government to take more action to address this issue.
- 3.4 This report aims to provide Members with details of the campaign; the context for East Hertfordshire (i.e. the levels of litter and fly tipping problems in this district); and how the Council has been addressing this issue.

#### 4.0 Report

##### The Stop the Drop Campaign

- 4.1 The “Stop the Drop” campaign was launched on 16 April 2008. It is a three year anti-litter and fly-tipping campaign, supported by Bill Bryson the President of the CPRE, to raise awareness, change behaviour and highlight the negative impact litter and fly-tipping has across England.
- 4.2 The basic premise of the campaign is that litter and fly-tipping is increasing, blighting both the countryside and the urban environment, and that local authorities are not doing enough to combat the problem.
- 4.3 The CPRE claims that litter and fly-tipping are a growing problem in both rural and urban areas and many previous campaigns have focussed on urban areas.
- 4.4 The campaign has highlighted the following points, which it believes if followed would help tackle the issues of litter and fly-tipping:
- Better enforcement of litter laws - While acknowledging that the current laws for dealing with litter and fly-tipping are ‘pretty good’, especially following the Clean Neighbourhoods and Environment Act 2005, the campaign claims that local

authorities are not doing enough to combat the problem of litter and are not making full use of the enforcement powers they currently have. The CPRE want all authorities to robustly and uniformly enforce existing laws.

- All authorities and land owners to take their responsibilities seriously - The campaign also wants landowners, such as Network Rail and the Highways Agency, to do more to clean up litter and fly-tipping on land they are responsible for. In addition it wants local authorities to enforce litter clearing through litter abatement notices.
- Better education – increased national awareness and educational campaigns, to persuade everyone that littering is anti-social and to discourage littering.
- More recycling and environmentally friendly packaging – the campaign wants manufactures to provide more environmentally friendly packaging that is able to be recycled. In addition the CPRE is pressing for the Government to reconsider the case for a bottle deposit scheme.
- Provision of more litter bins – the campaigns wants more litter bins in public places as it believes the public will use bins if they are provided.

4.5 As well as actively campaigning themselves, the CPRE seek to raise national and local awareness of the issues by actively involving the public, who are encouraged to support the campaign by:

- Reporting litter and fly-tipping issues directly to the appropriate authorities;
- Emailing their MP to endorse the Parliamentary Early Day Motion (EDM 1634) supporting the “Stop the Drop” campaign; and
- Signing up to the “Stop the Drop” newsletter and become more actively involved in the campaign.

4.6 Full campaign information and materials are available on their website [www.cpre.org.uk](http://www.cpre.org.uk) , including a “Stop the Drop” campaign toolkit, which is available free to download and offers practical support and advice to the public and groups on:

- Identifying what is litter and fly-tipping and who exactly is responsible for litter clearance

- Information on Local Authority responsibilities, including how to contact litter authorities
- How to raise awareness of the issues and guidance on community involvement, including how to organise a community clean-up days
- Press releases and local publicity campaigns
- Postcards, posters and publicity materials
- Background case studies

#### Environmental Cleanliness – Context for East Hertfordshire

- 4.7 The Environmental Protection Act (1990) determines the standards that must be met and the inspection criteria to be used in determining the performance of the street cleansing operation. Contractor performance is measured by the Council's Environmental Inspection Team, who conduct both programmed and complaint led inspections, grading streets accordingly. In addition, the Government requires additional inspections to be conducted against specific criteria and these are used to calculate statutory Best Value Performance Indicator BV199. This was introduced in 2004; however from 2008 this has been replaced by a new national indicator, NI 195.
- 4.8 This indicator, (NI 195), is based upon sample surveys conducted three times a year. The format and sample size is determined by Government and shows the percentage of inspections which identify significant levels of litter and detritus. (Note: the lower the percentage, the higher the performance).
- 4.9 East Herts performance against this indicator was 9.8% in 2007/08. This is broken down into litter 5% and detritus 15%.
- 4.10 In 2006/07 (the latest available data) the combined average for all English authorities was 13%. Performance of other Hertfordshire authorities is shown below:

2006/07	BVPI 199a – Litter and Detritus combined
Broxbourne	9.2
Dacorum	12
Hertsmere	20.0
North Hertfordshire	9.8
St Albans	14.0
Stevenage	7.0
Three Rivers	10.9
Watford	10.4
Welwyn	15.0

### Street Cleansing Complaints

- 4.11 Street cleansing service complaints have been falling, with a 17% decrease between 2006/07 and 2007/08. For more details of this please refer to Environment Scrutiny Report of 10 June 2008. Requests for service on wider environmental crime issues, however, have increased by 17% due to a positive publicity campaign increasing focus on reporting environmental crime through road shows in town centres and leaflets to householders. This has led to an increase in environmental crime reporting as residents are made aware of what environmental crime is and what actions can be taken against it.

### Fly Tipping

- 4.12 Unfortunately despite an increase in enforcement actions fly tipping has continued to increase from 1078 fly tips removed in 2006/07, to 1565 removed in 2007/08. This is partly due to an improvement in reporting arrangements, but also reflects an increase in fly tipping nationally due to rising disposal costs. Of these 63% were small fly tips (e.g. black sacks or waste left at recycling sites) picked up by our street cleansing contractor during routine cleansing operations.
- 4.13 Despite its size East Herts has a low level of fly-tipping compared to many authorities. Reports vary wildly due to differing ways of collecting data. Hertfordshire authorities reported fly tips ranging from 209 to 5000. Some authorities are not including small amounts of waste picked up during street cleansing.
- 4.14 It is estimated that in 2007/08 East Herts Council spent about £40,000 clearing up fly tips.

### Abandoned Vehicles

- 4.15 The numbers of abandoned vehicles removed has fallen over the last 5 years by 928%. In 2003/04, 473 vehicles were removed while in 2007/08 this fell to just 46 in 2007/08. The Council is part of a consortium of 9 Districts within Hertfordshire that have arranged to have abandoned vehicles removed by a designated contactor.

### What the Council doing to address Environmental Crime

- 4.16 The Council engages in a wide range of initiatives to encourage compliance with the law, raise awareness and change attitudes and behaviour on Environmental Crime. Following the Council's adoption of an Environmental Crime Enforcement Policy in 2006 there was a strengthening of skills and resources to increase enforcement activity.
- 4.17 The Council has powers to combat environmental crime and issue fixed penalty notices under the Clean Neighbourhood and Environment Act 2005. Littering and waste related offences for which FPNs can be issued include:

<b>Description of Act and Offence</b>	<b>*Early Payment Discount</b>	<b>Full Penalty Amount</b>
S. 87/88 -Environmental Protection Act 1990 S.18 of the Clean Neighbourhoods and Environment Act 2005. <b>Depositing litter</b>	£50	£80
S. 94/94A - Environmental Protection Act 1990, <b>Failure to comply with a Street Litter Control notice or Litter Clearing Notice</b>	£60	£110
S.88 of the Environmental Protection Act 1990, S.4 Dogs (Fouling Of Land) Act 1996. <b>Offence of Dog Fouling</b>	N/A	£50
Schedule 3a, Para 7(2) Environmental Protection Act 1990 - <b>Unauthorised Distribution of Literature</b>	£50	£80
S.43 Anti-Social Behaviour Act 2003 – <b>Graffiti and Fly posting</b>	£50	£80
S. 46/47/47ZA/47ZB -Environmental Protection Act 1990 – <b>Offences in relation to Waste Receptacles</b>	£60	£110
S. 5B(2) Control of Pollution (Amendment) Act 1989 <b>Failure to Produce Waste Carrier registration documents</b>	£200	£300
S.34A(2) Environmental Protection Act 1990. <b>Failure to Produce Waste Transfer Notes</b>	£200	£300
S.2A(1) of the Refuse Disposal (Amenity) Act 1978 <b>Abandoning a Vehicle</b>	£150	£200

4.18 In 2007/08 the Environmental Inspection Team carried out 77 waste enforcement related investigations, an increase of 140% over the previous year. These resulted in:

*10 Fixed Penalty Notices*  
*22 warnings*  
*4 prosecutions*

*23 statutory notices*

*2 cautions*

- 4.19 It should be noted that it is extremely difficult to catch fly-tippers and investigations with a view to prosecution can only be considered when there is sufficient evidence.
- 4.20 In addition to these investigations, the Council has undertaken a wide range of other initiatives to tackle environmental crime, some examples of which are listed below:
- Implemented controls on the distribution of free literature (which generates litter) in town centres resulting in 4 warnings and 49 applications for permits.
  - Joint training of EHC staff and Police Community Support Officers (PCSO's) on tackling environmental crime.
  - Joint events undertaken with PCSO's, including road shows publicising environmental crime issues to raise public awareness in town centres and main parks.
  - Training and authorisation of PCSOs to issue fixed penalty notices for litter, dog fouling, graffiti and fly posting.
  - Stop and Search campaign with Police and other agencies to catch fly tippers and illegal waste carriers.
  - The sharing of joint intelligence on crime and anti-social behaviour with the police.
  - District wide campaign in 2007 which included road shows, talks, banners and posters, environmental crime and Council's enforcement leaflet sent to every household.
  - New Environmental Crime section on Council's Web Site with online reporting.
  - Promotional signs on EHC vans advising of penalties.
  - Targeted enforcement against businesses whose activities are resulting in litter or graffiti, for example Rail operators.
  - Presentations on litter standards and environment crime at public meetings, including Community Voice.
  - Needs based approach to determining street cleansing frequencies, at the individual street level.



- Replacement of old / damaged street litter bins.
- Programme of installing dog bins on public highways.
- Ongoing cleaning programme for heavily parked roads.
- Ongoing programme of street washing and chewing gum removal in town centres and neighbourhood shopping areas.
- Support for community litter picking events, such as Ware in Bloom.
- New equipment, chemicals and training for contract staff on graffiti removal.
- Establishing a database of graffiti occurrences in the District to speed up removal and aid enforcement.

4.21 The CPRE campaign to 'Stop the Drop' ties in with the Council's priorities and overall vision to improve the quality of people's lives and preserve all that is best in East Herts. However Members should consider the wider implications and potential financial issues.

4.22 Issues for consideration:

- Raising public expectations unrealistically.
- The financial cost of more enforcement relative to its effectiveness
- The strict legal rules that East Herts must comply with when carrying out enforcement (e.g. meeting legal standards for providing evidence and avoiding collateral intrusion).
- Risk of alienating the public - East Herts must be proportionate in its response when carrying out enforcement duties including education and warnings.
- The potential for negative publicity arising from over zealous enforcement.
- The effectiveness and cost of litter bins and their impact on the street scene.
- The application of street cleansing resources necessary to achieve legislative standards which reflect a lower speed of response to litter problems in less frequently used public areas

and targeting resources at high amenity areas such as town centres.

- Constraints on the judiciary when sentencing offenders.

### Summary

4.23 Any initiative that raises awareness about these important issues, and seeks to reduce litter and fly tipping should be commended. However, it is important to recognise there are significant challenges and difficulties associated with enforcement against environmental crime. The Council's current approach seeks to take a balanced approach between enforcement, persuasion and effective street cleansing, recognising the merits and likely impact of each and balancing these against costs.

### 5.0 Consultation

5.1 None

### 6.0 Legal Implications

6.1 The Council's powers and duties with respect to dealing with litter and fly tipping are laid down in the Environmental Protection Act (1990). This includes the standards that local authorities must meet in bringing streets up to a legally acceptable level of cleanliness. The Clean Neighbourhoods and Environment Act (2005) extended powers of enforcement available to local authorities and provided statutory guidance on how these powers can be employed. East Herts Council has formally adopted these provisions and has an Environmental Crime Enforcement Policy, agreed in 2006.

### 7.0 Financial Implications

7.1 There are no additional financial implications arising from this report. The Council currently spends around £1m per annum on street cleansing services, including fly tipping. The Council is currently meeting and exceeding legislative standards and Government targets for street cleanliness. Raising standards still further would result in significant additional costs.

### 8.0 Human Resource Implications

8.1 There are none.

### 9.0 Risk Management Implications

9.1 There are none.

Background Papers

Environment Scrutiny Report - 10 June 2008

Contact Member: Councillor Terence Milner – Executive Member for Environment and Conservation.

Contact Officers: Cliff Cardoza – Head of Environmental Services,  
Extn: 1698.  
Nick Kirby – Environmental Inspection Team Manager  
Extn: 1689.  
Jackie Bruce – Service Development Officer,  
Extn: 1654.