

Cabinet – 12 December 2012

Response and Action Plan to the Community Services and Environment Scrutiny and Performance Panel Report on the Littering Working Group

Portfolio: Councillor Zahid Ali – Public Protection

Related portfolios: Councillor Tom Ansell – Transport and Environment

Service: Neighbourhoods

Wards: All

Key decision: No

Forward plan: No

1. Summary

- 1.1 Cabinet will recall at its meeting on 24 October 2012 receiving the report of the Community Services and Environment Scrutiny and Performance Panel relating to the Litter Working Group. Cabinet will also recall agreeing a further report in response to the recommendations of the Panel be submitted to the next meeting.
- 1.2 This report is in response to the recommendation of the Community Services and Environment Scrutiny and Performance Panel and includes an action plan (**Appendix A**) for their implementation should Cabinet approve the recommendations.

2. Recommendation

- 2.1 That Cabinet approves the full response to the recommendations made by the Community Services and Environment Scrutiny and Performance Panel as set out in paragraph 3 of this report.

3. Report detail

- 3.1 The Environmental Scrutiny and Performance Panel established a working group to consider littering during the 2011/12. This was subsequently re-established by the Community Services and Environmental Scrutiny Performance Panel in 2012/13 to allow it to complete its investigations.

- 3.2 The working group's final report and recommendations were presented to and approved by the Community Services and Environmental Scrutiny Performance Panel on 30 August 2012.
- 3.3 The recommendations of the Community Services and Environmental Scrutiny and Performance Panel were presented to Cabinet on 24 October 2012. Those recommendations are set out below with points for consideration and relevant actions also detailed.

1 That a report be submitted to a meeting of the Community Services and Environment Services Scrutiny and Performance Panel detailing:-

a) The feasibility of designating litter control areas. This should include evidence gathered from authorities who have used this power, the effectiveness and costs involved in doing so and the possibility of using one of the District Town Centres as a pilot with the possibility of extending it to the entire Borough;

The power for a local authority to designate a new "Litter Control Area" has now been repealed and consequently, it is no longer possible to designate a "Litter Control Area" within Walsall.

b) The feasibility of introducing Street Litter Control Notices.

The principle of Street Litter Control is to encourage businesses and local authorities to work together preferably using a voluntary code of practice to promote a cleaner local environment for everyone's benefit. Examples of this may include the provision of litter bins and litter picking/clearance in the immediate vicinity of the premises concerned or any other solution that best fits the individual scenario.

The more formal aspect of Street Litter Control includes the service of Notices when informal approaches fail. These Notices transfer some liability for street cleansing to a specified standard in the immediate vicinity of the premises concerned. There is a punitive measure in the form of a Fixed Penalty Notice and/or prosecution if the standards are not complied with.

Discussions with other local authorities indicate that an informal written approach to such businesses prior to the service of any notices generally receive a positive response from traders. Businesses have also voluntarily undertaken to install litter bins for which they are responsible and to carry out litter picking duties, removing the debris left by patrons of their establishment.

The procedure for the service of Street Litter Control Notices is detailed in the attached **Appendix B**.

It is proposed that Enforcement officers from Environmental Health will begin working with colleagues in Street Pride, District Centre Management and Area Partnerships to identify areas of concern. The process of engagement over street litter control will then be initiated and where circumstances are appropriate enforcement action taken. The process will be reviewed over the course of the next three months to see if it has been successful compared to the resources required to implement it.

2 Officers investigate the feasibility of training all Environmental Operatives with powers to issue Fixed Penalty Notices.

Street Pride is currently going through a restructure to integrate Green Space activities into the service area, this is scheduled to be complete by April 2013. It is considered that it would not be appropriate to train all Environmental Operatives in enforcement activities but the re structure will create a reduced number of Team Leaders who have greater responsibility which will include some Enforcement Powers. Appropriate training will be sourced when the re structure is complete and delivered in 2013/14.

3 All Park Rangers have undertaken training to enable them to issue Fixed Penalty Notices.

The proposed Street Pride re structure will realign the number of Park Rangers from 23 to 10 from April 2013. Currently all 23 Rangers are trained in enforcement activities with 10 actively pursuing enforcement actions. Through the Street Pride restructure the remaining ranger roles will provide a physical presence in parks and as such will continue enforcement activity over a number of premier sites. The training of Environmental Team Leaders as detailed above will also supplement the existing Park Rangers trained in Enforcement Action and funded from current approval revenue resources.

4 Further high visibility patrols be undertaken to deter people from dropping litter.

In response to Elected Members' desire for increased levels of litter enforcement staff from Environmental Health have undertaken 16 high visibility litter patrols since August 2012. The patrols have incorporated Walsall Town Centre, Brownhills, Bloxwich, Caldmore and Aldridge resulting in the issue of 16 Fixed Penalties and 7 warning letters. Further routine monthly patrols across the borough are scheduled throughout 2012/13. Additionally, litter patrols will be undertaken on a needs basis should intelligence identify littering "hot spots". Action is currently being undertaken to improve intelligence by building relationships with the Street Champions to promote the reporting of litter hot spots within their areas. This intelligence will assist the proposals set out in the annual litter plan attached.

The proposed Street Pride re structure will put more people on more parks on a continuous basis Monday to Friday. A reduced resource over the weekends will maintain some visual presence.

Further to a recommendation from the Portfolio Holder for Public Protection a text messaging service has been set up to promote and improve the reporting of littering and other environmental crime to Environmental Health and to assist in the targeting of enforcement action.

5 Officers explore the crossover between the anti-social behaviour unit and enforcement in general to improve targeting and cross departmental working.

The evidential requirement required to take enforcement action in relation to environmental infringements will be shared amongst appropriate enforcement teams.

Action will be taken to educate local authority staff, the general public and Street Champions as to how to notify the enforcement team of littering and fly tipping problems together with the information required for the team to carry out further investigations.

The new text messaging service and the use of modern technology will be utilised to assist with the process.

6 The costs of procuring head cams for all officers with appropriate training and authority to issue Fixed Penalty Notices be investigated as this would provide evidence of offences and encourage the public to comply with providing details in the knowledge that they were being filmed.

Currently, six Environmental Health and 10 Green Spaces staff can issue Fixed Penalty Notices. It has been calculated that the total cost per officer is £147.88 and that the total cost to equip 16 staff is £236.08.

Discussions with suppliers revealed that head cams can be difficult to use and those using them will need a degree of training. One company is discontinuing their supply and recommends a small, overt, camera (body cam) that can be clipped to the Officer's jacket or worn on a lanyard round the neck.

It has been calculated that the total cost of a body camera per Officer is £186 and that the total cost to equip 16 staff is £2982. As training needs can be addressed by the supplier via demonstrations and in-house training there are no additional costs compared to head cams.

It is hoped that the use of head or body cams will act as a further deterrent to those littering or refusing to cooperate with Enforcement staff.

7 The feasibility of introducing a quick payment reduction for Fixed Penalty Notices be investigated.

Guidance issued by the government allows for a discount to be made for early payment of a Fixed Penalty Notice

Currently, Fixed Penalty Notices issued for littering in Walsall are set at £80 for those issued by Environmental Health and at £50 for those issued by Green Spaces. These levels should be aligned if an early payment discount scheme is to be considered.

It is not possible to further discount the Green Spaces payment as it is already at the statutory minimum therefore it is recommended that either the maximum figure for both services is set at £80 with a £50 early payment option.

Alternatively both services are set at £50 which may be more affordable for many residents and which avoids the requirement for an early payment scheme. If the level had been fixed at £50 in this financial year the number of Fixed Penalty Notices issued would have resulted in a loss of £600 to date. The increase in

enforcement activity in this area ought to raise the number of Fixed Penalty Notices issued in the short term and that may negate this shortfall.

8 The following be explored further to start a campaign with a small budget including:-

a) Making online posters available for residents to print and display, as seen at Sandwell Council.

Environmental Health has developed its own electronic posters which relate to the depositing of litter, food waste, dog fouling and the feeding of pigeons. These posters are in a basic design which could easily be upgraded to a corporate format suitable for public downloading from the Walsall Council web page.

During January to March 2013 it is proposed to make online posters available to residents at a minimal cost. Concurrently, it is also proposed to explore the possibility of creating a branding image that will advertise litter problems and which could link into litter enforcement and educational activities. The proposal is for officers to produce the material electronically for the use of community groups and others who may wish to print off the material at their own cost. Should a branding promotion be explored it is intended to cost that within normal educational activities and budgets.

b) Using Youth Offenders or Community Payback to undertake promotional activities about preventing litter.

The feasibility of using Youth Offenders or Community Payback to undertake promotional activities about preventing litter will be explored in December 2012 and January 2013.

c) Rewarding and/or recognising those who picked up other people's litter.

From January 2013 it is proposed to develop further ways of acknowledging/rewarding those who demonstrate good practice in relation to litter including handing out stickers or rewards to children. This can also include press releases and Council web site articles which coincide with litter patrols and Environmental Awareness events to be organised by cross service teams.

9 Consideration be given to attaching additional ash trays/chewing gum bins to lamp posts, particularly within the town and district centres, to encourage people to dispose of cigarette ends properly.

A review of potential and available "Ash Trays" and "Cigarette Trays" will take place including costs and a review of potential locations will be carried out Nov 2012 – March 2013 Installation will be carried out April to June subject to existing funds being prioritised and available.

10 The Council approach local businesses such as pubs which have exits/entrances onto the public footway to encourage them to erect wall ash trays to help prevent the accumulation of cigarette ends around entrance/exits to these premises;

Through a reactive response to complaints and as part of their proactive inspection regime environmental health staff will engage with businesses in relation to cigarette ends at the entrances and exits to their buildings.

Businesses will be encouraged to erect wall ash trays to prevent customers dropping cigarette ends onto the public footway and additional advice will be made available for those whose buildings may be listed.

Town Centre Management is able to support the suggested initiative where the Council and local businesses work together to improve the environment within Walsall Town Centre with regards to litter. This includes

- Liaising with conservation to identify cigarette bins/disposal bins suitable for use within the town centre.
- Following approval of product(s) seek a company that could supply – preferably local.
- Liaise with businesses to seek a group buy to minimise supply costs and share installation costs amongst businesses who would like to partake
- Attach Town Centre logo to brand disposal units
- Press release to show council and local businesses working together to keep Walsall tidy

This campaign could be incorporated into a 'Front Door Policy Scheme. The Walsall Town Team Board is currently exploring the possibility of adopting and is seeking to progress a scheme where a small leaflet is set out requesting shop owners and businesses to keep the front of their businesses tidy, including window cleaning, shop signage and display. This would be a voluntary scheme which could promote the same level of standards for all businesses.

11 The feasibility of purchasing 'Butt Pouches' for smokers to store their cigarette butts in until they are able to dispose of them be explored and if possible a publicity event be held in the town centre to raise awareness of the impacts and costs of littering and distribute free butt pouches.

On 1 November 2012 a joint team from Environmental Health, Street Pride, ASB, Reassurance and Town Centre Management organised an Environmental Education Day in Walsall Town Centre. During the event 657 people were engaged and advised about environment issues including littering, 150 "Butt Pouches" for smokers were distributed and 10 Fixed Penalties were issued for littering including the deposit of cigarette butts. Due to the enormous success of this Environment Day it is proposed to organise further similar events in 2013 and beyond. Funding obtained by the issuing of Fixed Penalty Notices ought to be used for supporting the activity and any revenue raised by Fixed Penalty Notices could be used to fund the further purchase of Butt Pouches.

4. Council priorities

4.1 Communities and Neighbourhoods

The Council is committed to reducing litter within the borough. Action against littering helps to improve the image of the borough and build a sense of civic pride.

4.2 Economy

Reduced litter positively influences perceptions of the borough and can help attract business and visitors to it.

4.3 Health and Well Being

In the borough wide survey “Your Place, Your Well Being” Clean Streets are identified as one of the top five things that makes somewhere a good place to live.

The initiative falls within the Marmot principle to create and develop healthy and sustainable communities.

5. Risk management

5.1 No adverse risks.

6. Financial implications

6.1 Additional costs would have to be met if body or head cams were procured. Procurement costs are estimated to be £236.08 for head cams and £2982 for body cams. The use of these cameras will be evaluated following implementation. Cabinet are requested to fund this one off expenditure from reserves.

6.2 With regard to the new text messaging service the cost of outgoing messages (e.g. acknowledgements) is 8.5p and that is funded by ICT.

6.3 If the level of Fixed Penalty Notices had been fixed at £50 in this financial year, the number issued would have resulted in a loss of £600 to date. The increase in enforcement activity in this area ought to raise the number of Fixed Penalty Notices issued in the short term, and that may negate this shortfall.

7. Legal implications

7.1 The introduction and use of Street Litter Control Notices would involve the application of previously unused powers conferred by Sections 93 and 94 of the Environmental Protection Act 1990 and the production of associated documentary templates.

8. Property implications

8.1 There are no direct implications from this report,

9. Staffing implications

- 9.1 There are no staffing implications associated with this report. The Environmental Enforcement team comprises six officers and is now fully staffed.

10. Equality implications

- 10.1 Proposed actions benefit all parts of the community equally. The enforcement approaches to tackle litter would be consistently applied across the borough.

11. Consultation

- 11.1 The report emanates from the recommendations of the Community Services and Environmental Scrutiny and Performance Panel which were presented to Cabinet on 24 October 2012. It has been prepared in consultation with Street Pride, Community Safety and the Town Centre Management Team.

Background papers

Report of the Community Services and Environment Scrutiny and Performance Panel relating to the Litter Working Group as approved on 30 August 2012.

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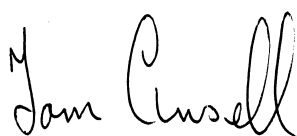
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A handwritten signature in black ink, appearing to read 'Jamie Morris', with a stylized, cursive script.

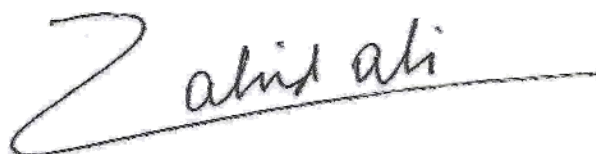
4 December 2012

Councillor Ansell
Portfolio Holder

A handwritten signature in black ink, appearing to read 'Jamie Ansell', with a cursive script.

4 December 2012

Councillor Ali
Portfolio Holder

A handwritten signature in black ink, appearing to read 'Zahid Ali', with a cursive script and a long horizontal line extending from the end.

4 December 2012

Appendix A

Annual Litter Action Plan

(Response and Action Plan to the Community Services and Environment Scrutiny and Performance Panel Report on the Littering Working Group)

Recommendations	Who	Comments	Timeframe
<p>1. That a report be submitted to a meeting of the Community Services and Environment Services Scrutiny and Performance Panel detailing:-</p> <p>a) The feasibility of designating litter control areas. This should include evidence gathered from authorities who have used this power, the effectiveness and costs involved in doing so and the possibility of using one of the District Town Centres as a pilot with the possibility of extending it to the entire Borough;</p> <p>b) The feasibility of introducing Street Control Notices.</p>	<p>Regulatory Services (Paul Rooney)</p>	<p>The Legislation that enabled the creation of Litter Control Areas has now been repealed so it is not possible to take this action forward.</p> <p>The Environmental Health Service will adopt and assess the effectiveness of a procedure from January 2013 to control street litter over a 3 month period. The trial will employ DEFRA's voluntary Code of Practice and the issue of Street Litter Control Notices. An appropriate annual program will then be implemented.</p>	<p>January to March 2013.</p>
<p>2. Officers investigate the feasibility of training all Environmental Operatives with powers to issue Fixed Penalty Notices;</p>	<p>Street Pride (Dave Roberts)</p>	<p>Street Pride are currently going through a re structure to integrate Green Space activities into the service area, this is scheduled to be complete</p>	<p>April 2013 to March 2014</p>

		by April 2013 It is considered that it would not be appropriate to train all Environmental Operatives in enforcement activities but the re structure will create a reduced number of Team Leaders who have greater responsibility which will include some Enforcement Powers Appropriate training will be sourced when the re structure is complete and delivered in 2013/14	
3. All Park Rangers undertake training to enable them to issue Fixed Penalty Notices;	Street Pride (Dave Roberts)	The proposed Street Pride re structure will reduce the number of Park Rangers from 23 to 10 from April 2013. Currently all 23 Rangers are trained in enforcement activities but only 10 actively pursue enforcement actions. The training of Environmental Team Leaders as detailed above will supplement the existing Park Rangers trained in Enforcement Action	April 2013 to March 2014
4. Further high visibility patrols be undertaken to deter people from dropping litter;	Regulatory Services (Paul Rooney) Street Pride (Dave Roberts)	During 2012/13 Enforcement Officers in Environmental Health programmed monthly litter patrols across the borough. In 2013/14 patrols will be targeted at identified hot spots. The use of a text messaging reporting service for litter is currently being implemented and the promotion of the reporting of litter hot spots by Street Champions is to be further explored. The proposed Street Pride re structure will put more people on more parks on a continuous basis Monday to Friday. A reduced resource over the weekends will maintain some visual presence.	There will be at least six targeted patrols carried out during 2013 per month.
5. Officers explore the crossover between the anti-social behaviour unit and enforcement in general to improve targeting and cross departmental working;	Regulatory Services (Paul Rooney)	The evidential requirement required to take enforcement action in relation to environmental infringements will be shared amongst appropriate enforcement teams.	Activity has already commenced and will be further developed.

		<p>Action will be taken to educate local authority staff, the general public and Street Champions as to how to notify the enforcement team of littering and fly tipping problems together with the information required for the team to carry out further investigations.</p> <p>The new text messaging service and the use of modern technology will be utilised to assist with the process.</p>	
<p>6. The costs of procuring head cams for all officers with appropriate training and authority to issue Fixed Penalty Notices be investigated as this would provide evidence of offences and encourage the public to comply with providing details in the knowledge that they were being filmed.</p>	<p>Regulatory Services (Paul Rooney)</p>	<p>The cost of procuring head and body cams for 16 Officers authorised to issue Fixed Penalty Notices has been investigated. Procurement costs are estimated to be £2366 for head cams and £2982 for body cams. The use of these cameras will be evaluated following implementation.</p>	<p>Activity has already commenced and will be further developed.</p>
<p>7. The feasibility of introducing a quick payment reduction for Fixed Penalty Notices be investigated.</p>	<p>Regulatory Services (Paul Rooney)</p> <p>Street Pride (Dave Roberts)</p>	<p>It has been established that it is legally feasible to introduce early payment reduction scheme for litter Fixed Penalties issued by Environmental Health. However, Green Spaces has set its litter Fixed Penalty at the legal minimum of £50 making it unfeasible for it to introduce a reduction scheme</p> <p>Fixed penalties have not been set at the same level by Green Spaces and Environmental Health and should be aligned to secure consistency.</p>	<p>Review of level of Fixed Penalties to be undertaken in December 2012 and January 2013</p>
<p>8. The following be explored further to start a campaign with a small budget including:- a) Making online posters available for residents to print and display, as seen at Sandwell Council.</p>	<p>Regulatory Services (Paul Rooney)</p>	<p>Environmental Health has developed posters relating to the deposition of litter, food waste, dog fouling and pigeons. It is proposed to upgrade these posters and make them available online for residents to print in January to March 2013. The possibility of linking these posters to educational</p>	<p>Ongoing actions during from January 2013 to March 2013</p>

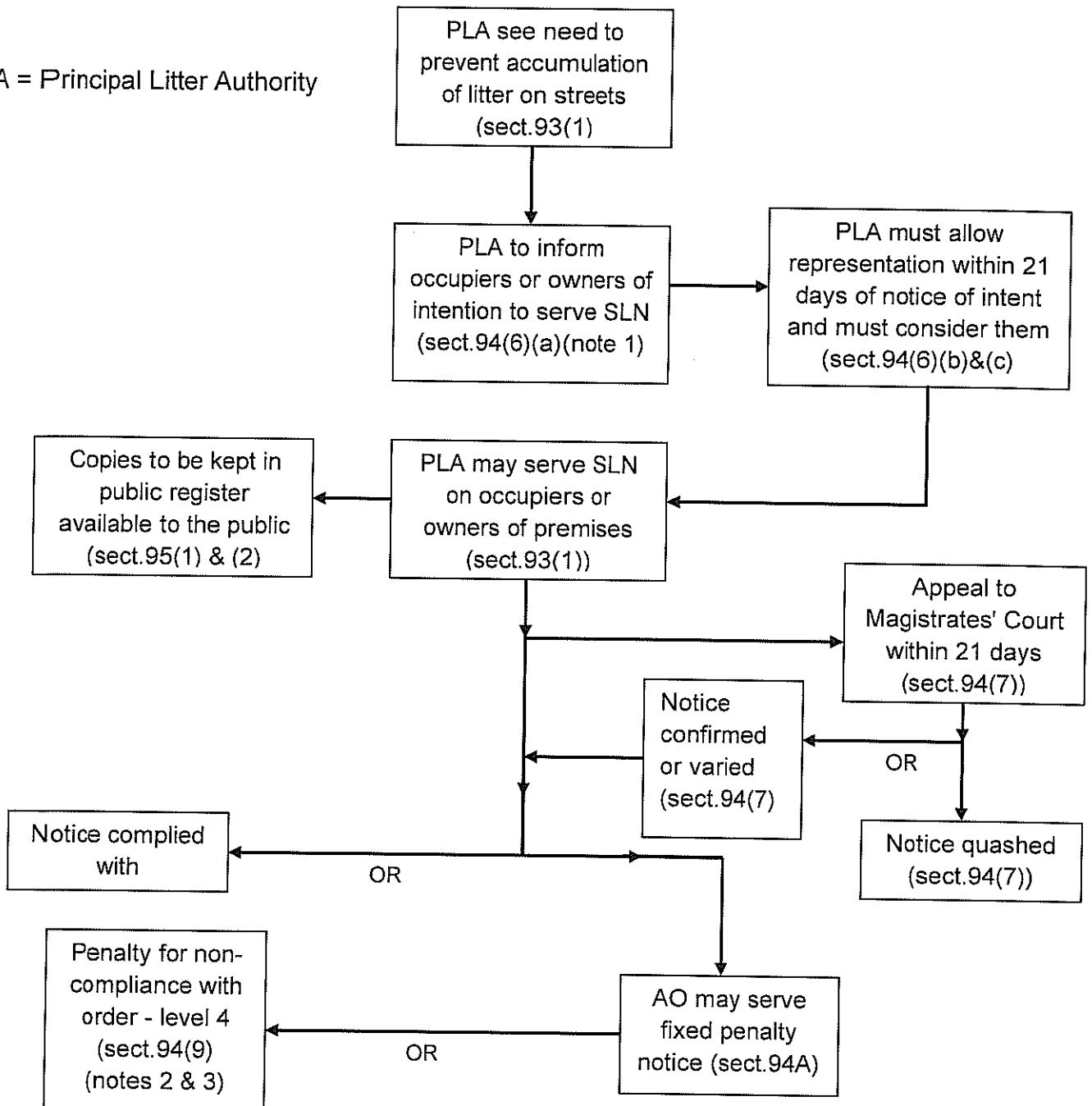
<p>b) Using Youth Offenders or Community Payback to undertake promotional activities about preventing litter;</p> <p>c) Rewarding and/or recognising those who picked up other people's litter.</p>		<p>and enforcement activities will also be explored concurrently.</p> <p>The feasibility of using Youth Offenders or Community Payback to undertake promotional activities about preventing litter will be explored.</p> <p>From January 2013 it is proposed to develop further ways of acknowledging/rewarding those who demonstrate good practice in relation to litter for example handing out stickers or rewards to children. This can also include press releases and Council web site articles which coincide with litter patrols and Environmental Awareness events to be organised by cross service team.</p>	<p>December 2012 to January 2013.</p> <p>Ongoing actions from January 2013 coinciding with litter patrols and Environmental Awareness events.</p>
<p>9. Consideration be given to attaching additional ash trays/chewing gum bins to lamp posts, particularly within the town and district centres, to encourage people to dispose of cigarette ends properly;</p>	<p>Regulatory Services (Paul Rooney)</p>	<p>A review of potential and available "Ash Trays" and "Cigarette Trays" will take place including costs and a review of potential locations will be carried out Nov 2012 – March 2013. Installation will be carried out April to June subject to funds being made available.</p>	<p>November 2012 to June 2013</p>
<p>10. The Council approach local businesses such</p>	<p>Regulatory</p>	<p>Environmental Health Officers and Environmental</p>	<p>Ongoing actions from</p>

<p>as pubs which have exits/entrances onto the public footway to encourage them to erect wall ash trays to help prevent the accumulation of cigarette ends around entrance/exits to these premises;</p>	<p>Services (Paul Rooney)</p> <p>Town Centre Management Team (Helen Kindon)</p>	<p>Enforcement Officers will approach local businesses and encourage them to erect wall ash trays when investigating complaints and during routine Food Safety and Health and Safety inspections.</p> <p>Town Centre Management is currently seeking to progress a "Front Door Policy Scheme" in Walsall town centre which promotes businesses keeping their frontages tidy and which could be used to encourage businesses to erect wall ash trays</p>	<p>November 2012 coinciding with routine inspection programmes.</p>
<p>11. The feasibility of purchasing 'Butt Pouches' for smokers to store their cigarette butts in until they are able to dispose of them be explored and if possible a publicity event be held in the town centre to raise awareness of the impacts and costs of littering and distribute free butt pouches.</p>	<p>Regulatory Services (Paul Rooney)</p> <p>Street Pride (Dave Roberts)</p>	<p>On 1st November 2012 a cross service team held an Environmental Education Day in Walsall town centre. During the event 657 people were advised about litter and 150 "Butt Pouches" for smokers were issued. It is proposed to hold similar events from January 2013 and beyond.</p>	<p>Quarterly environmental awareness events to commence in January 2013</p>

APPENDIX B

Street litter control notices

PLA = Principal Litter Authority



Notes

1. This notification does not need to be in writing but it is suggested that this should be the case.
2. No daily penalty is specified.
3. There is no provision for action in default and recharging.