

# **EXECUTIVE SUMMARY**

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Since 1993, Tidy Britain Group, the national agency for litter abatement, has carried out a survey of local authority progress in implementing Part IV of the Environmental Protection Act (EPA) 1990, which amongst other things, makes 'duty bodies' responsible for keeping their land clear of litter and refuse so far as practicable. In June 1999 a revised study was carried out to evaluate the utilisation of the anti litter powers available to local authorities and the public and to give a more precise account of how these powers are exercised.

- A postal questionnaire was sent to all local authorities throughout England and Wales.
- 175 questionnaires were returned, giving a response rate of 48%.

## **Littering Offences**

- 39 (22%) local authorities had adopted the Fixed Penalty Scheme for littering, 7 (4%) were considering adopting it.
- 33 (85%) of these local authorities employed authorised officers to issue Fixed Penalty Notices.
- 18 (55%) of local authorities who had adopted the Fixed Penalty Scheme employed between 1 and 5 officers.
- 10 (21%) local authorities with the Fixed Penalty Scheme issued 422 Fixed Penalty Notices. 173 (41%) of these notices were paid within the 14 days allowed, and of those not paid, 7 (2%) resulted in enforcement through the Magistrate's court.
- 8 (5%) local authorities brought a total of 26 prosecutions under section 87 of the EPA for the offence of leaving or dropping litter, during April 1998 – March 1999. One local authority stated that they brought a total of 9 of these prosecutions.

## **Litter Control Areas**

- 6 (3%) local authorities designated Litter Control Areas under section 90 of the EPA, during April 1998 – March 1999. 14 (8%) were considering designating areas.
- 3 (50%) of these authorities said they had one designated Litter Control Area. One authority also stated that they had a total of 14 designated Litter Control Areas.
- None of the recipients of a Litter Control Area made an appeal to the Magistrate's Court.
- 5 out of the 6 authorities who had designated litter control areas kept a public register of them. In total, 22 (13%) local authorities kept a public register of their Litter Control Areas, regardless of whether they had designated any during April 1998 – March 1999.

## **Litter Abatement Orders**

- 7 (4%) local authorities received letters during April 1998 – March 1999, advising them that a member of the public intended to use the redress powers under section 91 of the EPA.
- No summonses were served on any local authorities by the Magistrate's Court.

## **Litter Abatement Notices**

- One local authority served one Litter Abatement Notice under section 92 of the EPA during April 1998 – March 1999. This notice did not need to be enforced through the Magistrate's Court.

## **Street Litter Control Notices**

- During April 1998 – March 1999, under sections 93 and 94 of the EPA, 7 (4%) local authorities had served a total of 11 Street Litter Control Notices. 10 (6%) local authorities were considering serving them.
- One of the Street Litter Control Notices served needed to be enforced through the Magistrate's Court.
- 4 out of the 7 authorities who had served Street Litter Control Notices kept a public register of them. In total, 19 (11%) local authorities kept a public register of Street Litter Control Notices regardless of whether they had served any.

## **Abandoned Shopping or Luggage Trolleys**

- 41 (24%) local authorities had adopted a scheme to retrieve abandoned shopping or luggage trolleys under section 99 of the EPA.
- Approximately 4877 trolleys were retrieved during the financial period April 1998 – March 1999.

## **Litter Complaints/ Reports**

- 146 (83%) local authorities received complaints or reports about litter during April 1998 – March 1999.

## **Sharing Information**

- 153 (87%) local authorities gave their permission for Tidy Britain Group to pass on information from their responses on to other local authorities to help them make the best use of their litter abatement powers.

Although many of the local authorities agreed to pass on information, few are making full use of the anti litter powers available to them, therefore Tidy Britain Group believe that both local authorities and the public need to make more use of these powers to clean up their local environment.

# INTRODUCTION

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The EPA (1990) Part IV brought in tougher laws to create a cleaner Britain, particularly within streets and public open spaces, it also made littering a more serious offence giving both local authorities and citizens the right to take legal action to get littered areas cleaned up.

## 1.1 Aim

This study was carried out to investigate the extent to which local authorities and the public throughout England and Wales, utilise and exercise the anti litter powers available to them, through Part IV of the EPA (1990), to control litter and refuse.

## 1.2 Survey Design

A postal questionnaire was sent to all local authorities in England and Wales.

## 1.3 Survey Method

The questionnaire, consisting of 10 questions, was designed by Tidy Britain Group. The questionnaire encompassed all the anti litter powers within Part IV of the EPA, with each question relating to the financial period April 1998 – March 1999 (inclusive), to ensure comparability of results with previous surveys and in the future. A copy of this questionnaire can be seen in Appendix 1.

All returned questionnaires were then analysed and comparisons carried out by fully qualified Statisticians within the Research and Development Section of Tidy Britain Group. The results were also broken down into Tidy Britain Group regions. All percentages were calculated from those local authorities who responded to each individual question.

# RESULTS

# 1999 RESULTS OVERALL

## 2.1 Response Rate

A total of 175 questionnaires were completed out of a total of 363 local authorities in England and Wales, giving an overall response rate of 48%.

## 2.2 Littering Offences

Under section 88 of the Environmental Protection Act, 39 (22%) local authorities had adopted the Fixed Penalty Scheme for littering and 7 (4%) were considering adopting it. 33 of these local authorities had authorised officers employed to issue Fixed Penalty Notices. Of the remaining 6 authorities, 3 had no officers employed and 3 did not respond to the question.

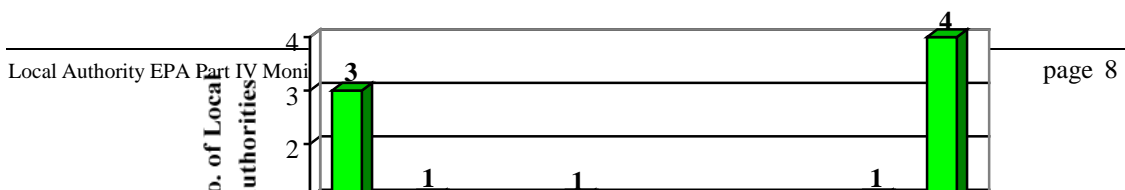
Figure 2.2.1 illustrates the proportion of the 33 local authorities employing varying numbers of authorised officers.

**Figure 2.2.1 Percentage of Local Authorities**

Of the 33 local authorities, the majority, 18 (55%) employed between 1 and 5 officers. Their specific job titles are listed in Appendix 2. A full list of these can be found in Appendix 2.

Of the 39 local authorities, 9 (74%) did not issue any Fixed Penalty Notices, 11 (28%) did issue Fixed Penalty Notices, figure 2.2.2 illustrates the numbers issued during April 1998 – March 1999.

**Figure 2.2.2 Fixed Penalty Notices Issued April 1998 – March 1999**



The 10 (21%) local authorities who had issued Fixed Penalty Notices, issued a total of 422 fixed penalty notices. One of these authorities issued 297 Fixed Penalty Notices within the specified period. 173 (41%) of the fixed penalty notices issued were paid within the 14 days allowed and of those not paid, 7 (2%) resulted in enforcement through the Magistrate's Court.

8 (5%) local authorities brought prosecutions between the financial period April 1998 – March 1999 (inclusive), under section 87 for the offence of leaving or dropping litter. Figure 2.2.3 illustrates the number of prosecutions brought by these local authorities.



## **2.4 Litter Abatement Orders**

During April 1998 – March 1999, 7 (4%) local authorities received letters advising them that a member of the public intended to use the redress powers under section 91 of the EPA. 4 of these authorities received one letter, 2 authorities received 2 letters and the remaining authority received 5 letters. No summonses were served on these local authorities by the Magistrate's Court, therefore no Litter Abatement Orders were served against the authorities.

## **2.5 Litter Abatement Notices**

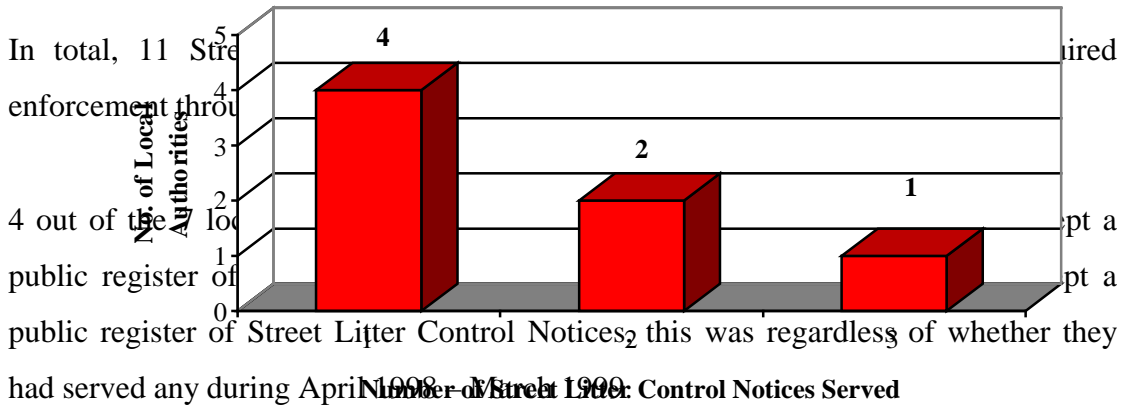
One local authority served a Litter Abatement Notice under section 92 of the EPA during April 1998 – March 1999.

Only one notice was served by this local authority, this did not result in enforcement through the Magistrate's Court.

## 2.6 Street Litter Control Notices

Under sections 93 and 94 of the EPA, 7 (4%) local authorities had served Street Litter Control Notices and 10 (6%) were considering serving them during April 1998 – March 1999. Figure 2.6 shows the number of street litter control notices served by these 7 local authorities between April 1998 – March 1999.

**Figure 2.6 Street Litter Control Notices Served  
April 1998 – March 1999**

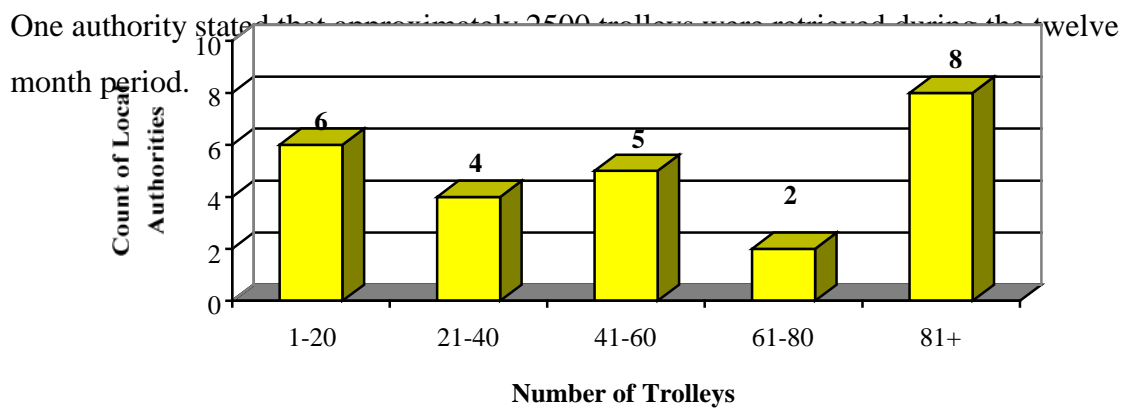


## 2.7 Abandoned Shopping or Luggage Trolleys

41 (24%) local authorities had adopted a scheme to retrieve abandoned shopping or luggage trolleys under section 99 of the EPA. The majority of these schemes began in the early nineties. A list of what year the schemes began can be found in Appendix 4.

Local authorities who had retrieved trolleys were asked to estimate quantities for the financial year April 1998 – March 1999. The number of trolleys that had been retrieved under the schemes during April 1998 – March 1999 was 4877, an average of 118 trolleys per local authority. Figure 2.7 illustrates this approximation in more detail.

**Figure 2.7 Approximate Number of Trolleys Retrieved under Section 99  
April 1998 – March 1999**



## 2.8 Litter Complaints / Reports

During the period April 1998 – March 1999, 146 local authorities received the following approximate numbers of complaints or reports about litter.

**Figure 2.8 Approximate Number of Complaints or Reports about Litter  
April 1998 – March 1999**

