

**Forest Heath District Council**  
**St Edmundsbury Borough Council**

**THE WEST SUFFOLK**  
**WASTE AND STREET**  
**SCENE SERVICES**  
**JOINT COMMITTEE**

**23 MARCH 2012**

**REPORT NO**

**C405**

**Report of the Strategic Director (Services) (FHDC)  
and the Corporate Director (Economy & Environment)  
(SEBC)**

**PROPOSED IMPROVEMENTS FOR THE PROVISION OF LITTER AND DOG BINS**

**Synopsis:**

One of the work streams in the recent Street Cleansing Review investigated the current arrangements for the provision of litter and dog bins by the two Councils. Whilst service levels are generally good, this work revealed a number of inconsistencies in the provision of these bins and indicated that there is scope to make improvements.

This report:

1. Provides background and reminds Members of our statutory responsibilities;
2. Outlines the current arrangements for litter and dog bin provision and some of the inconsistencies at FHDC and SEBC;
3. Lists the progress to date and the actions already undertaken by FHDC and SEBC;
4. Recommends that where charges are currently made for this service, that these are consistent; and
5. Recommends a systematic approach and direction for engagement with key stakeholders on a locality by locality basis.

The proposal aims to make the service higher performing, more consistent across West Suffolk and more cost effective. It also seeks to increase joint working and collaboration across the two councils.

**Commentary**

1. Members will recall that at the Joint Waste Committee on the 22<sup>nd</sup> October 2010 (report JWC10/029) a commentary was provided on the Street Cleansing Review incorporating a comprehensive review of street cleansing, channel sweeping, cleaning strategy, the dog and litter bin distribution and servicing across West Suffolk.

2. This report outlines the progress made to date and recommends future approaches for the distribution, supply and maintenance of dog and litter bins.

### **Background**

3. The quality of the local environment and, in particular, standards of street cleanliness is a major barometer that the public uses to judge how well an area is being managed.
4. We are faced with rising expectation in terms of our cleansing performance along with a need for increased efficiency. In order to meet the difficult objectives of improving performance whilst cutting cost, the distribution, supply and maintenance of our dog and litter bin network was recognised as a service area which could provide efficiencies, particularly as a number of inconsistencies have been identified.

### **Statutory Responsibilities**

5. FHDC and SEBC are designated as Principal Litter Authorities in accordance with Part 4 of the Environmental Protection Act 1990 (EPA 90) as amended by the Clean Neighbourhoods and Environment Act 1995 (CNEA 95). This legislation places both a duty on and gives powers to the authority for dealing with refuse and litter. As part of the duty, there is an associated statutory Code which sets out the land to which the duty applies and also the timescale available to the Council to ensure that the area is brought back up to the appropriate standard.
6. The EPA 90 does not provide a definition of litter, although the Courts have considered the definition to be wide; Subsection 86(13) refers to refuse to include animal droppings of any description. In practice, litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are discarded and left by members of the public otherwise than in proper receptacles.
7. Section 5(1) of the Litter Act 1983 enables litter authorities to provide and maintain refuse or litter receptacles in any street or public place. They should consider carefully the design and location of bins to ensure they are available at points where the public need to dispose of litter. Where bins are provided section 5(3) of the 1983 Act requires them to be emptied, cleansed and maintained so that the bin and its contents does not become a nuisance or give reasonable grounds for complaint.
8. Under section 57 of the Clean Neighbourhoods and Environment Act 2005 a Dog Control Order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). It is an offence for the failure to remove dog faeces.
9. The Council also has residual powers under the Dogs (Fouling of Land) Act 1996 to make an Order designating land within its area where it is an offence not to clear up after ones dog. Placing the faeces in a receptacle on the land which is provided for that purpose, or for the disposal of waste, shall be a sufficient removal from this land.

10. Until 2008 dog waste was considered to be hazardous waste and was subject to disposal through incineration and was not permitted to be deposited in landfill sites. The Government no longer considers dog waste to be classed as hazardous and it can be placed with other litter and be disposed of through depositing at landfill sites.
11. The provision and emptying of dog and litter bins is a service provided by the Council in order to comply with its duty in respect of the above legislation. The Council is not under an obligation to provide bins but is required to maintain levels of cleanliness in public areas and the use of bins is an effective measure to achieve this.

## **Current Arrangements**

### ***Provision***

12. Both councils currently provide, maintain and empty a total of 976 litter bins, 543 dog bins, 23 combined bins (litter and dog waste) and 9 Recycle on The Go bins; the litter bin network and its servicing therefore represents a significant ongoing commitment to the council through the supply, installation and maintenance of bins. It should be noted however that the provision of litter bins reduces the requirement of a greater frequency of more expensive litter picking and provides convenient points for the public to manage their waste.
13. Dog and litter bins have historically been positioned in both strategic areas and on request following the identification of litter hot spots and the perceived view that the provision of a bin will reduce litter.

### ***Inconsistencies***

14. Results from the recent Parish and Town Council Consultation (reported to the Joint Waste Committee on the 31<sup>st</sup> March 2011, JWC11/041) identified that 68% of parishes considered that dog and litter bins are in the right location.
15. It was however identified by Officers that greater efficiencies to the network could be made as there are currently a number of inconsistencies and limitations across our dog and litter bin network. These have generally developed historically; they have not been based on wrong decisions or poor practice, but rather by taking advantage of the best options available at the time. The key issues to note are:
  - i. There has never been a set Policy or procedure for the provision of bins;
  - ii. Budgets for the replacement and refurbishment of bins are relatively modest. FHDC have approximately £8,000 pa and SEBC have approximately £7,000 pa;
  - iii. Litter and dog bins are not necessarily in the optimum locations or of the best size and construction for a particular location;
  - iv. The size, style and quality of bins varies throughout West Suffolk making it less easy to order spare parts, liners and to gain discounts through bulk purchasing;

- v. In FHDC the distribution of bins is uneven throughout the parishes, 70% have litter bins and 74% have dog bins provided and emptied by the FHDC. 26% of parishes have no bins provided by FHDC;
- vi. In SEBC the distribution of bins is uneven throughout the parishes, 44% have litter bins and 58% have dog bins provided and emptied by the SEBC. 35% of parishes have no bins provided by SEBC;
- vii. The arrangement for managing dog and litter bins on land owned by town and Parish Council's for the provision and emptying of dog and litter bins is inconsistent;
- viii. The majority of town and Parish Council's are not charged for the provision or emptying of litter bins on their land (further outlined below);
- ix. There is inconsistency in the charging mechanism between those parish and town councils who are currently charged for the service (further outlined below);
- x. SEBC are at full operating capacity on litter/dog bin collection rounds, although demand for more bins continues; and
- xi. Some larger parishes have their own cleaners who empty litter bins but not dog bins.

### **Progress and Actions to Date**

- 16. Further investigatory and operational changes pertaining to the provision of dog and litter bins are in-hand and being progressed. Actions undertaken in both FHDC and SEBC to date are outlined below.

### ***Forest Heath District Council***

- i. Officers have digitally mapped all litter and dog bin locations;
- ii. Officers are looking into current emptying schedules to improve efficiencies; and
- iii. An audit has been carried out in central Newmarket, selected because of its very high footfall, the implications of a reduced deployment of operational resources and also because it is the largest commercial area in Forest Heath, to help develop an understanding of the dynamics of litter build up and the level of bin usage;
  - Results from the audit showed that there were two main litter types present:
    - i. The vast majority (80%) of the waste deposited, by item, is cigarette related litter, which is primarily cigarette butts;
    - ii. The second largest type of litter was 'food on the go', which included fast food related, drink cans and sweet wrappers;
  - It was identified that there is a significant number and variable types of litter bin within the area inspected, the majority of which are of substandard quality and no longer fit for purpose. They undermine the visual quality of the high street and whilst not proven, offer an unattractive presence to residents and visitors.

In addition, the majority of litter bins do not incorporate cigarette ashtrays, therefore unable to manage a litter type accounting for 80% of the waste deposited;

- The litter bin usage observed during the monitoring demonstrated that only approximately 53% of the total available capacity was used. Some litter bins were full and required emptying twice in one day, whilst others remained largely unused for the entire week. Consequently the bins are not positioned in the most advantageous locations; and
- The audit did show that approximately 16,000 litres of litter were placed in the bins over seven days. This demonstrates that the vast majority of people will use litter bins rather than discard litter on the floor.

### ***St Edmundsbury Borough Council***

- i. Officers have completed the digital mapping of the dog and litter bin network, bringing this in line with FHDC and devised a forward plan to plot new bin locations as distributed;
- ii. Officers have rationalised bin types, restricted to a smaller range of robust post mounted steel bins, floor mounted steel and cast iron bins as well as new lockdown wheelie bins and wheelie bin housing where appropriate. These have been designed with particular regard to conservation requirements for some areas (the main types of dog and litter bins selected are presented in Appendix 1 but are however proposed to be granted Head of Service delegated authority);
- iii. Officers have consulted on removing or changing bins, and upon removal have refurbished and re-sited bins in strategic areas;
- iv. Officers have developed and installed plastic liners for cast iron bins to stop leaching and rust build up around their base; and
- v. Officers have designed and installed nine 'Recycling on The Go' bins in Bury St Edmunds, with four more units to be installed imminently (funded by Suffolk County Council Member locality budgets).

### **Future Proposed Changes**

17. In order to achieve a level of standardisation of supplied bins and provide common options for the servicing and charging of bins, Officers have developed an outline specification of bin types from designated suppliers. Examples of suitable bins are summarised in Appendix 1. Bin types may be subject to change dependant on any revisions in requirement or supply and responsibility for these changes rests with the relevant Head of Service.
18. The type of bin required may vary dependant on what is suitable for the location. Recycling on the Go, 'locked down' wheelie bins (where free standing wheelie bins can be anchored into place with a limited opening) and wheelie bin housings (large bins which can encapsulate an entire wheelie bin) will be recommended wherever suitable to maximise capacity and aid efficient servicing as these will be emptied on

a fortnightly basis by the refuse crews. Should the requirement be in a town centre or other area of historic interest other more aesthetically suitable options may be used in consultation with Conservation Teams where necessary.

19. If a bin is vandalised, a review will be undertaken prior to replacement to determine a continued need and alternative bin type(s). If possible, an anti vandal or a more robust bin will be installed. A log of vandalised bins will be kept and where a bin is repeatedly vandalised a decision will be made as to whether it is replaced.
20. In FHDC, only one Town Council are charged for the servicing of two dog bins, at a current fee of £2.60 per bin per week. In SEBC, four Parish Councils with several bins each are charged at a current fee of £2.55 per bin per week. However one further Parish Council, due to a high volume of bins serviced, are charged £0.61p per bin per week. In addition in SEBC, one Town Council is also charged £2.55 per bin per week for 18 bins.
21. Where charges are currently made to Parish and Town Councils for the emptying of litter and dog bins, it is proposed that these will be standardised at the consistent rate of £2.65 per empty by 1 April 2013 and increased annually inline with inflation thereafter.
22. Bins in areas that the Council are responsible for are provided at the discretion of the Council and their location, suitability and capacity will be reviewed and amended where appropriate. Where requests are made to the Council to provide bins in these areas, an objective review will take place to determine whether or not a bin is justified and makes best use of available resources. This will be based upon the extent of any litter problem, the location and ease of emptying.
23. If the council deem the removal of a bin is necessary in any particular area they will place a consultation notice on it inviting feedback on the proposed removal for the period of one month, and/or consult directly with the relevant town or parish council.

#### ***Future Review and Consultation on an Area Basis***

24. Over a period of time it is intended to carryout a review and consultation in each Parish and Town Council area. The programme for this will be based upon available resources, operational or cleansing issues or the needs of individual Parish and Town Councils.
25. It is proposed that a review of this type and discussions with stakeholders will be based upon a number of potential future options:-

#### ***Option 1 (Council chargeable service)***

The cost of purchasing any new or replacement bin(s) together with the cost of emptying and installation will be the responsibility of the Parish or Town Council.

The emptying fee for new bin installations will be £2.65 per empty (from 1 April 2013) which will rise annually with inflation.

The cost of purchasing any additional or replacement bin(s) will also be the responsibility of the town or parish council, in addition to the cost of having any new or replacement bins installed.

***Option 2 (own arrangements)***

The parish or town council make their own arrangements to install, maintain and service bins on their land.

***Option 3 (Council fortnightly free service)***

The Council will provide a wheelie bin to be sited at a central location (dependent on waste freighter accessibility);

- The Parish or Town Council will be responsible for arranging the emptying of all litter and dog bins only within their area into the wheelie bin;
- The wheelie bin will be emptied by the Council on a fortnightly frequency at no cost to the Parish or Town Council;
- A regular supply of clear sacks to use as bin liners will be provided;
- Emptying of all bins needs to be at a frequency to suit local arrangements but avoids overflowing; and
- The cost of purchasing and installing any new or replacement bins (which feed into the wheelie bin) will be the responsibility of the Parish or Town Council.

***Option 4 (lock down wheelie bins)***

The Council will work with the parish or town council to determine where litter and dog bins can be replaced with lockable wheelie bin(s). This will be for a limited number of easily accessible roadside locations;

- These wheelie bins can be used as dual purpose bins for both litter and dog waste;
- They can be attached to a wall, floor mounted or can be fixed to a freestanding frame;
- They will have a restricted opening so no large sacks of rubbish can be deposited in them; and
- The wheelie bin(s) will be emptied by the Council on a fortnightly frequency at no cost to the parish or town council.

***Option 5 (other reasonable arrangements agreed by both parties)***

Before individual reviews and consultations take place it is difficult to predict all the individual circumstances that there might be within a specific Parish or other locality. As such it is prudent to allow scope for other arrangements to be agreed locally dependant on specific circumstances. It is proposed that any such arrangements can be agreed by the relevant Head of Service providing they fall within the current operational capacity and within the approved budget.

26. It is expected that this process will take a number of years to fully implement across West Suffolk and as a future work plan will be undertaken in full consultation with all

our Parish and Town Councils. It is expected that these changes will result in a more fit for purpose, more consistent and cost effective dog and litter bin network.

### **Areas for Further Consideration**

27. A clearer plan for the provision of dog and litter bins in the future however will assist in securing additional funding from partners; in SEBC this has already been the case in providing new litter and gum bins and Recycling on The Go bins (funded from Bid4Bury and Suffolk County Council Member locality budgets respectively).
28. Having mapped the locations of our bins across West Suffolk, there is the potential to upload schedules and requests directly to operatives, creating a more efficient service. There is also the ability for scheduling and frequency of emptying to be optimised with the use of a route optimisation software package.
29. Furthermore, Officers are also progressing work with Planning colleagues to investigate the provision and standardisation of litter bins on new developments, which should be funded by the developer.

### **Finance/Budget/Resource Implications**

30. The intention of the policy is to deliver more efficient dog and litter bin services at an affordable cost to FHDC and SEBC.
31. The annual operational cost (staff cost and vehicle fuel) across our respective areas and assuming a once weekly collection of each bin, costs FHDC approximately £1.29 per bin per empty (dog and litter) and SEBC approximately £1.56 per bin per empty (dog and litter). This cost however does not include the cost of bin liners or refurbishments and new installations.

### **Environmental Impact and Sustainability**

32. The aim of the policy is to prevent any detrimental impact to the environment associated with litter and to support this in a sustainable way. There is definite scope for positive impact in terms of reduced vehicle miles through Parish Councils taking on local responsibility for their litter and dog bin servicing and increased recycling of materials collected from Recycling On the Go bins.

### **Policy Compliance/Power**

33. The proposed policy will deliver a transparent framework for the installation and management of litter and dog bins. It will allow Officers to make clear decisions in an attempt to move away from a historic 'ad hoc' approach to the provision and servicing arrangements.

### **Performance Management Implications**

34. Street cleansing performance will not be affected through any changes to the litter bin network. It is indeed expected that greater performance will be achieved as, over time, the distribution, types and sizes of litter bins provided are improved.



35. Operational performance is also expected to improve as either Parish Councils become responsible for emptying their own litter bin(s) and bin(s) can go for longer without being emptied (due to increased capacity).

### **Legal Implications**

36. FHDC and SEBC have a statutory duty to keep public land clear of litter and refuse, to the standards and timescales set out in the associated statutory Code of Practice.
37. Whilst there is not a duty for FHDC and SEBC to provide litter and refuse “receptacles”, both Councils will continue to ensure that appropriate receptacles are provided and maintained in any street or public place under Section 5(1) of the Litter Act 1983. In addition, they will continue to be emptied, cleansed and maintained so that the bin and its contents does not become a nuisance or give reasonable grounds for complaint, as required by section 5(3) of the same Act.

### **Human Rights Act and Diversity Implications**

38. Currently there are no known human rights and diversity implications as all residents will be offered the same service matched to the type of area that they live in.

### **Crosscutting Implications**

39. There may be implications in terms of working with our partners or impacts upon them through any changes to our dog and litter bin network. These will be monitored and reported to Members.

### **Risk Assessment**

40. It is important that FHDC and SEBC provide an efficient and effective street cleansing service and as such, adopting a flexible approach to our street cleansing schedule and our bin network will support the mitigation of future risks associated with increasing customer expectations and reducing resources.
41. Generally however no significant risks are associated with altering the litter bin network and working within the proposed policy.

### **Council Priorities**

#### **Forest Heath**

- Community engagement and communication; and
- Street scene and environment.

#### **St Edmundsbury**

- Raise standards and corporate efficiency; and
- Secure a sustainable and attractive environment.

## **Recommendations:**

The Joint Committee is recommended to:-

- (1) Note the current operational position, and the inconsistencies in the provision of litter and dog bins and the progress and actions to date;
- (2) where bin emptying charges are made, approve a consistent charge of £2.65 per empty from 1 April 2013, increasing annually in-line with inflation thereafter;
- (3) Note the future work plan of consultation with Parish and Town Councils; and
- (4) approve the proposed approach and options for consultation as outlined in paragraph 25 of Report C405.

Nigel McCurdy / Sandra Pell  
Strategic Director (Services) / Corporate Director (Economy and Environment)

## **CONTACT OFFICERS**

Mark Christie  
Mike Culver  
Andrew Harvey  
Andy Hobbs  
Dominic Owner  
Lee Williams

**Appendix 1 – Proposed types of litter and dog bins and indicative prices per unit**

On the Go Recycling, £495



Wheelie Bin Housing, £555



Cast Iron Bin Circular and Square, £680



Free Standing Steel Litter Bin, £400



Wheelie Bin Lockdown Frame, £230



Post Mounted Litter Bin, £150



Post Mounted Dog Bin, £120

