

Report



Environmental Protection Act 1990  
Part II and Part IV  
Local Authority Monitoring Survey  
2010 / 2011

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## Local Authority Environmental Protection Act 1990 Part II and Part IV Monitoring Survey

Zero Waste Scotland works with businesses, individuals, communities and local authorities to help them reduce waste, recycle more and use resources sustainably.

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# Local Authority Environmental Protection Act 1990 Part II and Part IV Monitoring Survey

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# Local Authority Environmental Protection Act 1990 Part II and Part IV Monitoring Survey

## 1. Introduction

This report was commissioned by Zero Waste Scotland with Keep Scotland Beautiful collecting and reporting information regarding 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 is practicable. Further the report also provides insight into local authorities and their use of Part II of the Environmental Protection Act (EPA) 1990.

In addition to the above, it was decided for the purposes of this survey to ask local authorities whether they issued written warnings and/or issued fixed penalty notices to under-16s for littering offences. Local authorities were also asked how they have made use of the powers available to them under section 59 of the Act to serve notice on landowners to remove flytipping.

### 1.1 Aim

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

### 1.2 Survey Design

An email questionnaire was sent to all 32 local authorities in Scotland.

### 1.3 Survey Method

The questionnaire encompassed all the anti-litter powers within Part II and Part IV of the EPA, with each question relating to the financial period April 2010 – March 2011 (inclusive), to ensure comparability of results in the future. Question 2 (about Fixed Penalty Notices for littering) also asked for information relating to the financial period April 2009 – March 2010 and was clearly stated on the questionnaire form.

All returned questionnaires were analysed by Keep Scotland Beautiful, and all percentages were calculated from those local authorities that responded to each individual question.

## 2. Results Overall

### 2.1 Response Rate

A total of 30 questionnaires were completed nationally, giving an overall response rate of 94%.

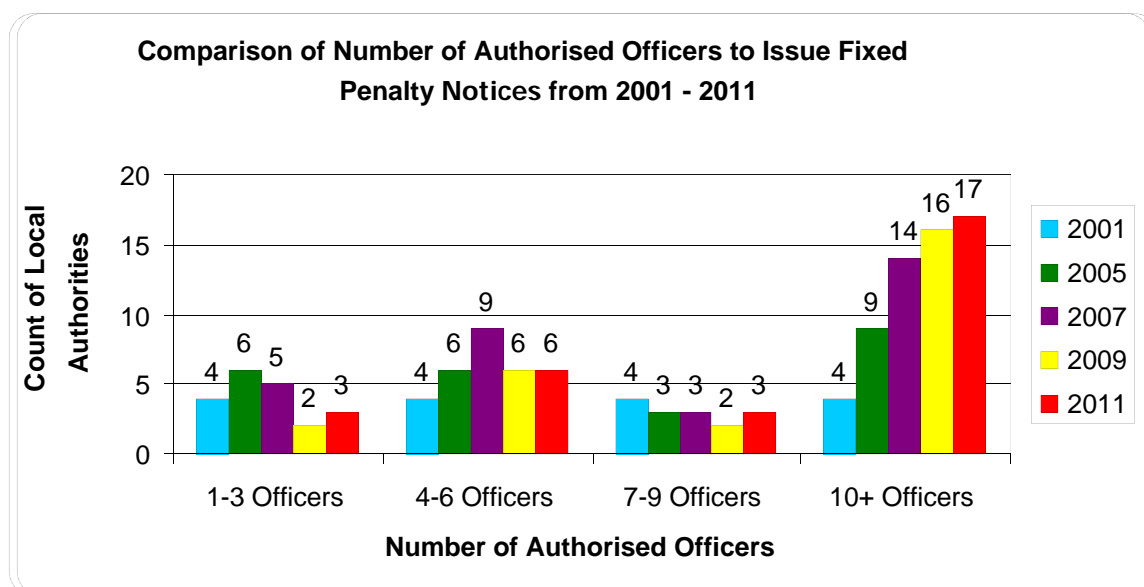
### 2.2 Littering Offences

Under section 88, 29 (96%) local authorities had adopted the Fixed Penalty Scheme for littering.

Of those local authorities who had adopted the Fixed Penalty Scheme for littering, 24 (83%) local authorities issued written warnings to under-16s. Three (10%) local authorities issued Fixed Penalty Notices to under-16s.

Of the 29 authorities with a Fixed Penalty Scheme in place (or under consideration), all 29 (100%) had employed officers to issue Fixed Penalty Notices. The numbers of authorised officers employed within each of these authorities, from 2001 to 2011, is shown in figure 2.2.1.

**Figure 2.2.1 Comparison of Number of Authorised Officers to Issue Fixed Penalty Notices from 2001 to 2011**

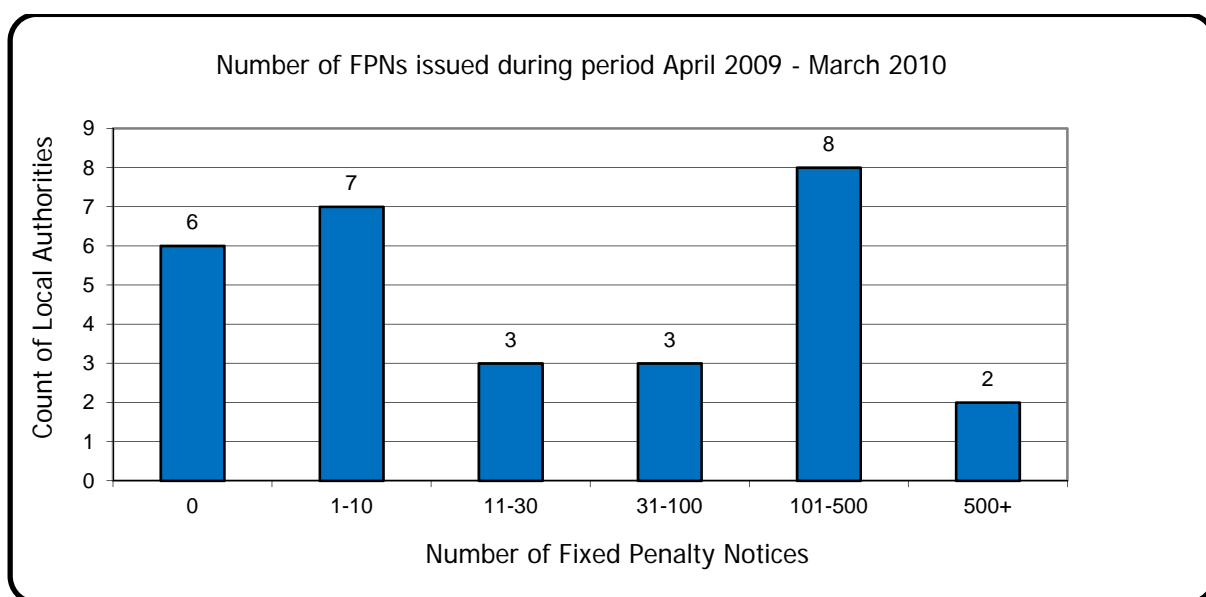


For the period April 2010 – March 2011, nine (31%) local authorities employed between one and six authorised officers. The full range of the number of officers employed across all local authorities was between 2 and 67, the average number being 15. From 2001 to 2011, the number of local authorities employing more than 10 officers has steadily increased.

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23 (79%) of the 29 local authorities with a Fixed Penalty Scheme in place issued Fixed Penalty Notices during the financial period April 2009 – March 2010. The number of Fixed Penalty Notices issued was between 1 and 5,313, with the average number of notices being 328. In total, these 23 local authorities had issued 7,869 Fixed Penalty Notices. Figure 2.2.2 shows the number of Fixed Penalty Notices handed out during the period April 2009 to March 2010.

**Figure 2.2.2 Number of Fixed Penalty Notices Issued during the period April 2009 to March 2010**

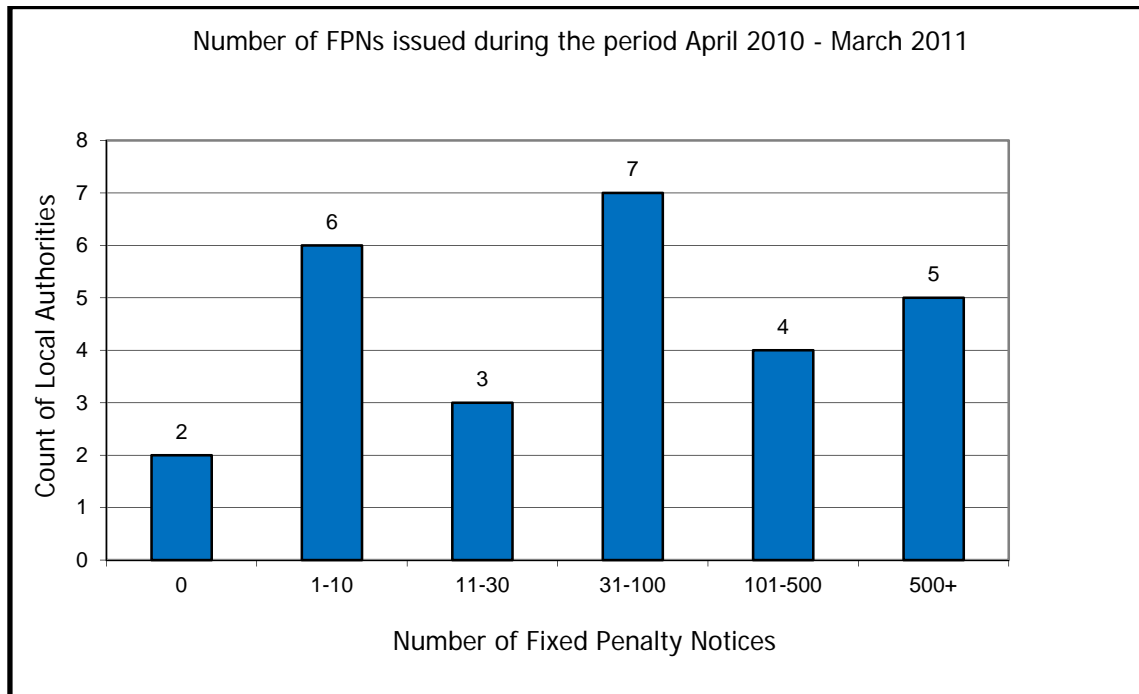


16 (55%) local authorities who had adopted a Fixed Penalty Notice scheme for littering issued between 0 and 30 Fixed Penalty Notices during the period of April 2009 to March 2010; 13 (45%) local authorities issued between 31 and 500+ Fixed Penalty Notices.

Eight (28%) local authorities issued between 101 and 500 Fixed Penalty Notices; six (21%) local authorities issued no Fixed Penalty Notices. Two (7%) local authorities issued more than 500 Fixed Penalty Notices during the period April 2009 and March 2010.

During the financial period April 2010 – March 2011, 25 (86%) of the 29 local authorities with a Fixed Penalty Scheme in place issued Fixed Penalty Notices. The number of Fixed Penalty Notices issued was between 2 and 6,626, with the average number of notices being 445. In total, these 25 local authorities had issued 11,126 Fixed Penalty Notices. Figure 2.2.3 shows the number of Fixed Penalty Notices handed out during the period April 2010 to March 2011.

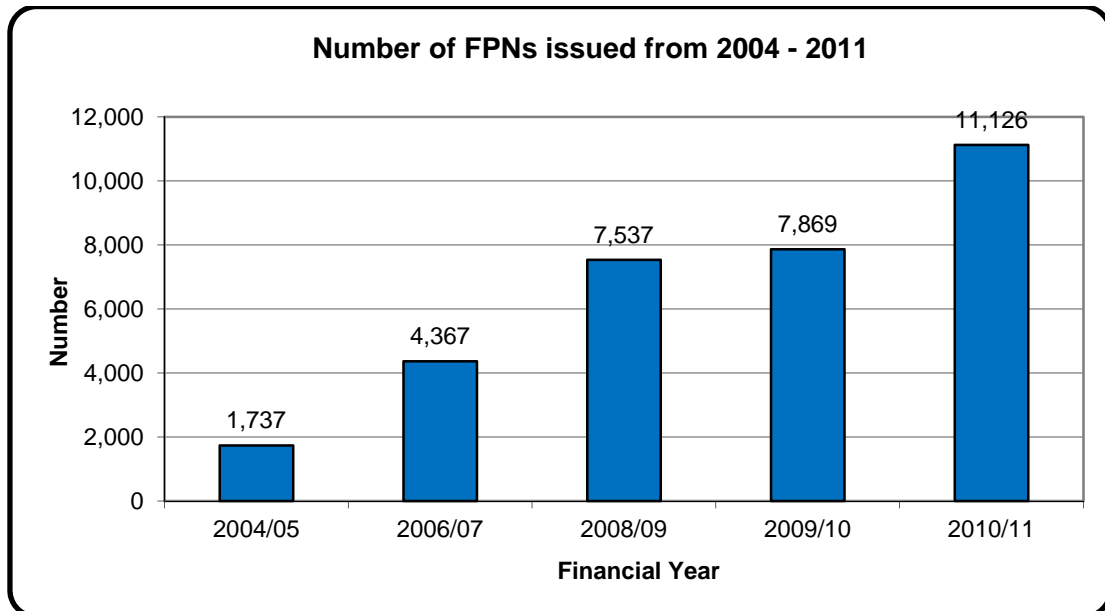
**Figure 2.2.3 Number of Fixed Penalty Notices Issued during the period April 2010 to March 2011**



11 (44%) local authorities who had adopted a Fixed Penalty Notice scheme for littering issued between 0 and 30 Fixed Penalty Notices during the period of April 2010 to March 2011; 16 (64%) local authorities issued between 31 and 500+ Fixed Penalty Notices.

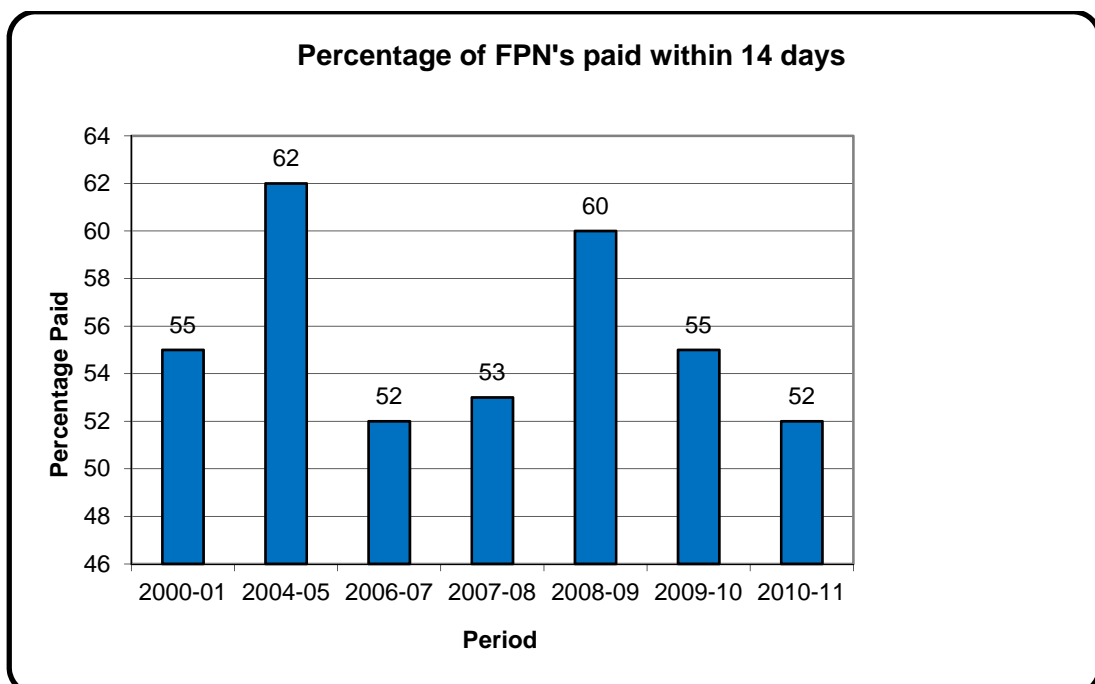
Four (16%) local authorities issued between 101 and 500 Fixed Penalty Notices; two (8%) local authorities issued no Fixed Penalty Notices. Five (20%) local authorities issued more than 500 Fixed Penalty Notices during the period April 2010 and March 2011.

**Figure 2.2.4 Number of Fixed Penalty Notices Issued from 2004 - 2011**



The graph above shows the total number of Fixed Penalty Notices issued in financial years 2004/05, 2006/07, 2008/09, 2009/10 and 2010/11. Over time the number of FPNs issued has steadily increased.

**Figure 2.2.5 Comparison of Percentage of Fixed Penalty Notices Paid from 2001 - 2011**





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Figure 2.2.5 shows the percentage of Fixed Penalty Notices paid within the 14 days. 55% were paid in the period April 2000 – March 2001; 62% were paid in the period April 2004 – March 2005; 52% in the period April 2006 – March 2007; 53% in the period April 2007 – March 2008; 60% in the period April 2008 – March 2009; 55% in the period April 2009 – March 2010; and 52% in the period April 2010 – March 2011.

### **2.3 Litter Control Areas**

Four (13%) local authorities had designated eight Litter Control Areas under section 90 during the financial period April 2010 – March 2011. None of the recipients of a Litter Control Area made an appeal to the Sheriff's Court. Seven (23%) local authorities kept a public register of their Litter Control Areas, regardless of whether they had designated any during April 2010 – March 2011; two (7%) had recording mechanisms in place if needed. Four (13%) local authorities had designated Litter Control Areas prior to 31<sup>st</sup> March 2010 which were still in place.

### **2.4 Litter Abatement Orders**

During April 2010 – March 2011, none of the local authorities who responded to the survey had received a letter to advise them that a member of the public intended to use the redress powers under section 91 of the EPA.

### **2.5 Litter Abatement Notices**

Three (10%) local authorities had served Litter Abatement Notices under section 92 of the EPA during April 2010 – March 2011. We are aware of four notices being served.

### **2.6 Street Litter Control Notices**

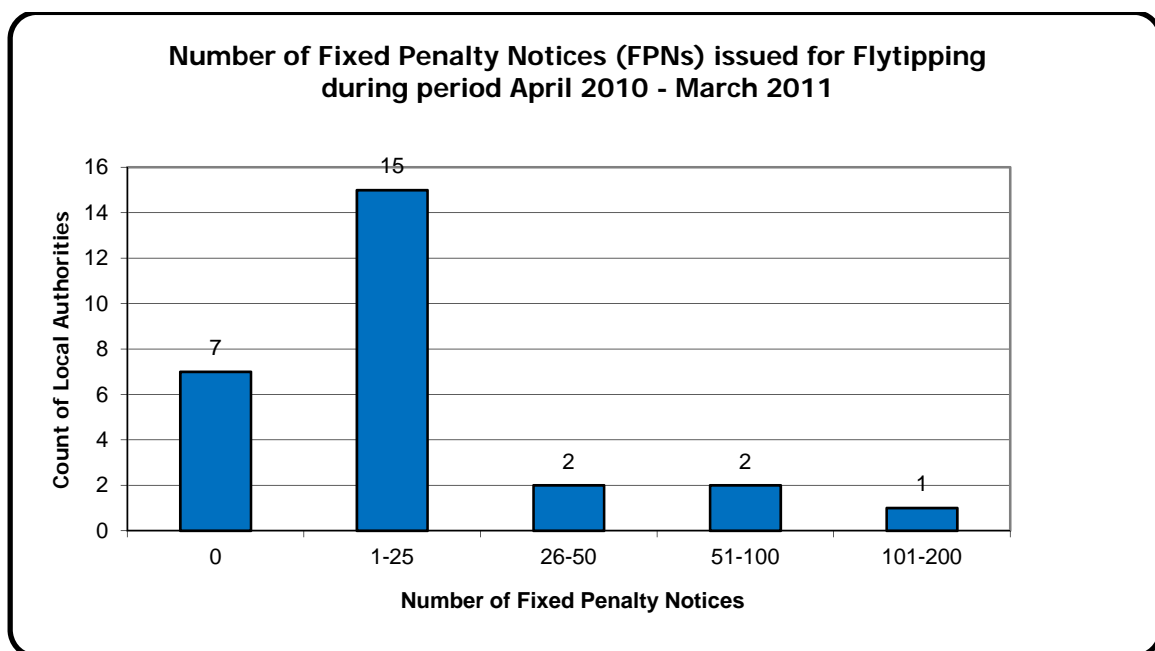
Under sections 93 and 94 of the EPA, one (3%) local authority had served Street Litter Control Notices and three (10%) were considering serving them during April 2010 – March 2011. In total, two Street Litter Control Notices were served. No local authorities had served any Street Litter Control Notices prior to 31<sup>st</sup> March 2010 which were still in place.

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## 2.7 Flytipping Offences

Under section 33a of the EPA, 21 (70%) local authorities issued FPN's for the offence of flytipping during the period April 2010 – March 2011. A total of 581 FPNs were issued. Of these, 233 (40%) were paid within 14 days. Figure 2.7.1 shows the number of Fixed Penalty Notices handed out for flytipping during the period April 2010 to March 2011.

**Figure 2.7.1 Number of Fixed Penalty Notices Issued for Flytipping during the period April 2010 to March 2011**



Seven (23%) local authorities did not issue any Fixed Penalty Notices for flytipping during the period April 2010 – March 2011. Fifteen (50%), issued between 1 and 25 Fixed Penalty Notices for flytipping during this period.

Five (17%) local authorities served notices on landowners to remove flytipping on their land under Section 59. All resulted in the land being cleared. (This totalled approximately 32 cases).

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## 2.8 Duty of Care

Under section 34 of the EPA, nine (30%) local authorities served a total of 398 Duty of Care Notices requiring the production of Waste Transfer Documents between April 2010 and end March 2011.

**Figure 2.8.1 Number of Duty of Care Notices Issued During the period April 2010 to March 2011**

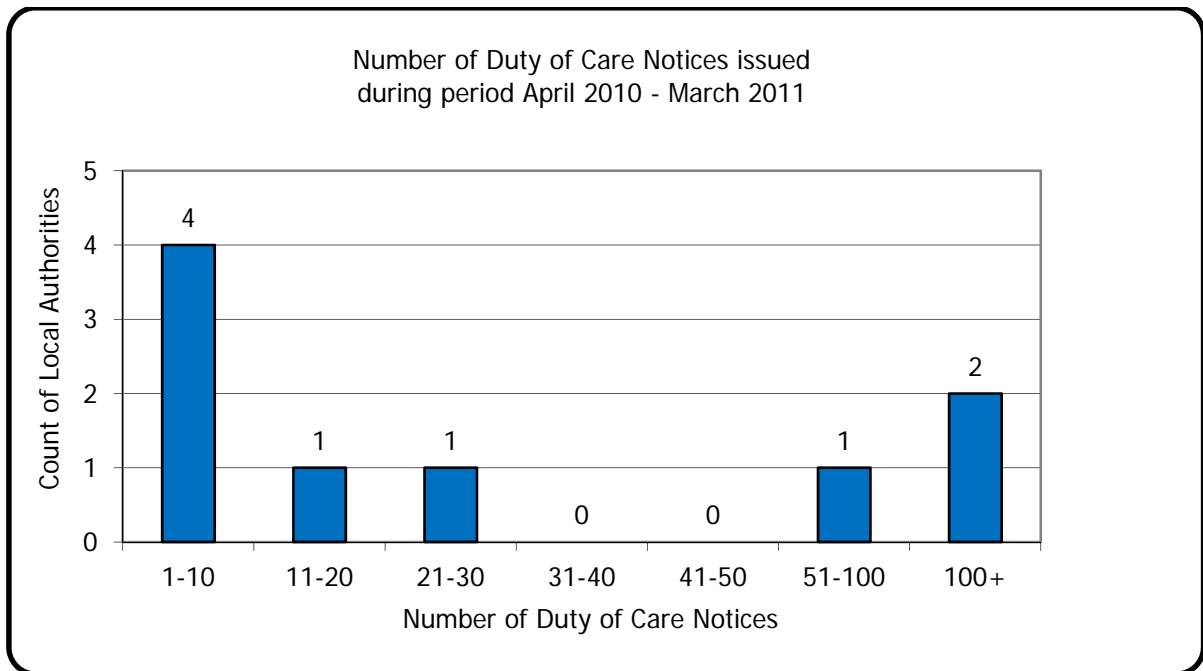


Figure 2.8.1 shows that, of the local authorities who issued Duty of Care Notices, four (44%) issued between 1 and 10. Two (22%) local authorities issued over 100.

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## 2.9 Specified Receptacles - Household

Under section 46 of the EPA, two (7%) local authorities served notices requiring an occupier of premises to provide specified receptacles for collection of household waste during period April 2010 – March 2011. A total of 593 notices were served by 2 local authorities during this time period.

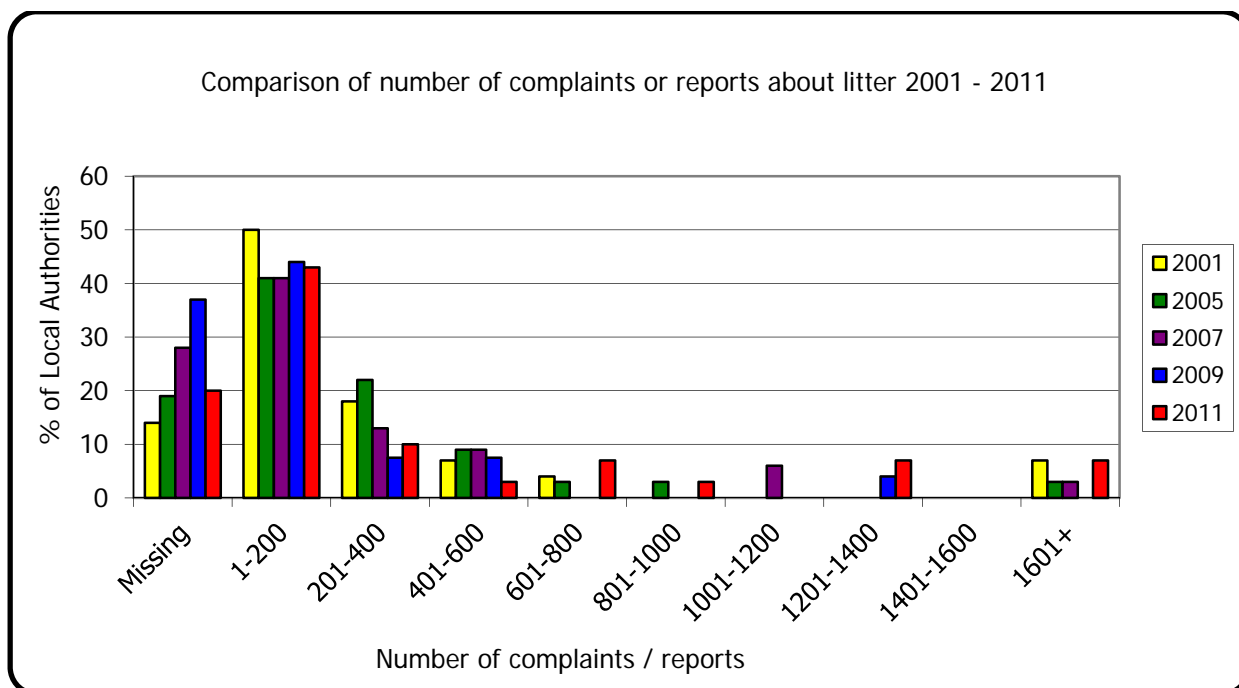
## 2.10 Specified Receptacles – Commercial

Under section 47 of the EPA, two (7%) local authorities served notices requiring an occupier of premises to provide specified receptacles for storage of commercial or industrial waste during period April 2010 – March 2011. A total of 56 notices were served in this time period.

## 2.11 Litter Complaints / Reports

24 (80%) local authorities provided information about the approximate number of general complaints or reports from the public about litter they had received during the period April 2010 – March 2011. In total 16,053 had been received.

**Figure 2.11.1 Comparison of Approximate Number of Complaints or Reports about Litter 2001 to 2011**



Six (20%) of the local authorities did not supply information. 13 (54%) received between 1 and 200 general complaints about litter during the period April 2010 – March 2011. Two local authorities stated that they each received over 1,600 complaints during this period.

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Over the years, the distribution of numbers of general complaints / reports received about litter has stayed roughly the same, with the majority of local authorities receiving between 1 and 200 (43% for the period April 2010 – March 2011).

### **2.12 Public Registers**

In total, six (20%) local authorities kept a public register of Litter Control Areas (section 90) regardless of whether they had served any; three (10%) had recording mechanisms in place if needed.

For Street Litter Control Notices (section 93 and 94), three (10%) local authorities kept a public register of these regardless of whether they had served any; a further three (10%) had recording mechanisms in place if needed.

### **2.13 Expenditure**

19 (59%) local authorities provided information on the expenditure/budget for litter related expenditure from public land in their area during the period April 2010 – March 2011. The total cost for the 19 local authorities that responded was £47,731,480.

17 (47%) local authorities also provided details on the expenditure/budget to support litter enforcement activities in their local authority area. The cost for the 17 local authorities that responded was £4,026,996.

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**Appendix 1**

Questions		2001 Report	2005 Report	2007 Report	2007/08 figures*	2009 Report	2009/10 figures*	2011 Report
Number of Authorised Officers to Issue Fixed Penalty Notices.	1 - 3 Officers	4	6	5		2		3
	4 - 6 Officers	4	6	9		6		6
	7- 9 Officers	4	3	3		2		3
	10 + Officers	4	9	14		16		17
Number of Fixed Penalty Notices Issued	0	N/A	46%	16%	21%	23%	21%	14%
	1 – 10	N/A	18%	29%	8.5%	11.5%	24%	21%
	11 - 30	N/A	9%	23%	25%	15%	10%	10%
	31 - 100	N/A	9%	10%	8%	11.5%	10%	24%
	101 - 500	N/A	9%	16%	29%	31%	28%	14%
	500+	N/A	9%	6%	8.5%	8%	7%	17%
Percentage of Fixed Penalty Notices Paid Within the 14 Days		55%	62%	52%	53%	60%	55%	52%
Approximate Number of Complaints or Reports about Litter.	Missing	14 %	19 %	28%		37%		20%
	1 - 200	50 %	41 %	41%		44%		43%
	201 - 400	18 %	22 %	13%		7.5%		10%
	401 - 600	7 %	9 %	9%		7.5%		3%
	601 – 800	4%	3 %	0%		0%		7%
	801 – 1000	0 %	3 %	0%		0%		3%
	1001 – 1200	0 %	0 %	6%		0%		0%
	1201 - 1400	0 %	0 %	0%		4%		7%
	1401 – 1600	0 %	0 %	0%		0%		0%
1600 +	7 %	3 %	3%		0%		7%	

\* In the survey for 2008/09, local authorities were also asked to supply information on the number of Fixed Penalty Notices issued in 2007/08.

\* In the survey for 2010/11, local authorities were also asked to supply information on the number of Fixed Penalty Notices issued in 2009/10.



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