

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Devon Authorities Strategic
Waste Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 20 June 2017
Please ask for : Gerry Rufolo 01392 382299

Email: gerry.rufolo@devon.gov.uk

DEVON AUTHORITIES STRATEGIC WASTE COMMITTEE

Wednesday, 28th June, 2017

A meeting of the Devon Authorities Strategic Waste Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART 1 - OPEN COMMITTEE

1 Apologies for Absence

2 Election of Chairman and Vice Chairman

In accordance with the agreed protocol the Chairman shall be a District Council appointee with the Vice Chairman being a County Council or Torbay Council appointee.

3 Minutes

Minutes of the meeting held on 8 February 2017 (previously circulated)

4 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

5 Terms of Reference (Pages 1 - 4)

The operating rules and Terms of Reference for the Devon Authorities Strategic Waste Committee are attached, for information.

6 Presentation by Keep Britain Tidy

7 The Litter Strategy for England and related issues (Pages 5 - 14)

Joint report of the Acting Chief Officer for Highways, Infrastructure Development and Waste and Teignbridge District Council Waste and Cleansing Manager (HIW/17/43) attached

Electoral Divisions(s): All Divisions

8 Budget Outturn for 2016/17 and allocation of underspend proposal (Pages 15 - 20)

Joint report of the Acting Chief Officer for Highways, Infrastructure Development and Waste and Teignbridge District Council Waste and Cleansing Manager (HIW/17/44) attached

Electoral Divisions(s): All Divisions

9 Devon and Torbay Resource and Waste Management Strategy Review

Presentation and Interactive session led by Devon County Council

Electoral Divisions(s): All Divisions

10 Work Plan October 2017 - October 2018

For discussion.

Electoral Divisions(s): All Divisions

11 Dates of Future meetings

1 November 2017 and 7 February 2018 at 2.15 pm at County Hall, Exeter

The County Council's Calendar of meetings is available:

<http://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

12 Dates of Future meetings

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC
Nil.

Membership

Devon County Council
Councillor Davis

District Membership

Councillor Cann (North Devon District Council)
Councillor Wright (East Devon District Council)
Councillor Busch (Mid Devon District Council)
Councillor Gilbert (South Hams District Council)
Councillor Wood (Exeter City Council)
Councillor King (Torbay Council)
Councillor Lake (Teignbridge District Council)
Councillor Morrish (Torrige District Council)
Councillor Sampson (West Devon Borough Council)

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Gerry Rufolo 01392 382299. Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.

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Public Participation

Any member of the public resident in the administrative area of the County of Devon may make a presentation to the Committee on a planning application being considered by the Committee, or any consultation on a proposal by a Government Department (but not when the County Council is consulted on a proposal by a District Council) or a Review of Old Minerals Permissions applications.

Any request to make a presentation must be given to the Office of the Chief Executive's Directorate by 12 noon on the third working day before the date of the meeting. For further information please contact Exeter 01392 382299.

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Induction loop system available

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NB   Denotes bus stops

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First Aid

Contact Main Reception (extension 2504) for a trained first aider.

Appendix 1 To HCW/16/9

OPERATING RULES AND TERMS OF REFERENCE FOR THE DEVON AUTHORITIES STRATEGIC WASTE COMMITTEE

1. Working Practices

1. The Committee is established under the provisions of Section 101 of the Local Government Act 1972. The area in which the Committee is to exercise its authority is within the administrative areas of Devon County Council and Torbay Council.

2. The Committee shall comprise of one elected Member with Cabinet/Executive or 'portfolio' responsibility for waste management from each of the respective Authorities, appointed by each Authority. Each Authority will ensure that its appointed Committee Member is a member of its Cabinet or Executive. Each Authority will elect a named substitute with full voting rights to attend if the appointed Member of the committee is unable to attend. Each Authority should notify the Administering Authority in writing of any appointment of a Deputy Committee Member. Authorities may change their appointee (in line with that Council's own procedures) at any time and notify the Administering Authority in writing.

3. Each Member of the Joint Committee appointed by a constituent Council shall be entitled to one vote on all matters before the Joint Committee.

Voting rights shall be restricted to those local authorities which make a financial contribution to the Committee's budget.

4. The role of each Committee Member will be to attend meetings of the Committee, to vote on items of business, to commit to and make a positive contribution to the Joint Committee, and to act as a champion and ambassador for the Committee, seeking any necessary approvals from their Authority.

5. The Committee shall normally meet 3 times per year, with an annual presentation of statistical performance.

The quorum for a meeting of the joint committee is one quarter of the whole number of the committee

6. The Chairman and Vice-Chairman shall be elected annually by the Committee; the offices of Chairman and Vice-Chairman shall rotate annually between the County Council and Torbay [as a group] and the District Councils [as a group], provided the relevant Committee Member represents a local authority with voting rights. Nominations for these posts may be stipulated by the constituent council or made and seconded by any Member of the Committee with all Members present holding voting rights being able to vote. The inaugural Chairman will be the County Council or Torbay Council appointee with the Vice Chairman being a District Council Member. This would then alternate, with a District Council Member as Chairman with a County Council or Torbay Member as ViceChairman and rotate annually. The County Council shall be the Administering Authority for the Committee. The County Council's Procedure Rules (Standing Orders) and Financial Regulations shall apply to the Committee's procedures and activities.

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7. The Committee shall have the power to co-opt other representatives to serve in a non-voting capacity. These would be Associate Members without voting rights but the ability to speak.

8. The County Treasurer shall hold a separate account for the Committee.

2. Terms of Reference

The purpose of the Committee is:

1. To promote sustainable, cost effective and efficient service delivery through a shared approach to resource and waste management in Devon.

2. To take ownership of and be responsible for the development, implementation and review of the Resource and Waste Management Strategy for Devon Action Plan.

3. To exercise those responsibilities delegated to the Committee and to make recommendations to the respective Authorities including through the Chief Executives and Leaders group on matters of strategic importance including future strategy, collection, treatment and disposal of wastes; and to implement and further develop initiatives as requested by this group and joint consultative committees.

4. To share resources wherever practicable, having due regard to the opportunities for economies of scale to ensure effective use of resources including joint procurement opportunities to deliver savings to the public purse.

5. To continue to develop and implement behavioural change & education initiatives to ensure that communities are well informed and are actively encouraged to maximise their opportunities for waste minimisation, reuse and recycling & composting.

6. To consider and adopt funding policies for the Committee's Budget.

7. To administer payments from the Committee's Budget in accordance with the County Council's Financial Regulations to finance waste management activities; to receive accounts relating to Joint Schemes; and to consider the annual budget for the Committee.

3. Working Arrangements

1. Funding the Committee

(a) The County Council will withhold an agreed percentage of the recycling credit payment due to the District Councils (credits paid to voluntary groups are excluded from this calculation), with additional contributions from Devon County Council and Torbay Council. This amount will be accounted for separately and held by the County Treasurer on behalf of the Committee. The amount withheld will be agreed by the Committee annually, and will be calculated to produce an agreed budget for supporting waste management projects in Devon. The contribution will be calculated by applying the agreed percentage of the applicable recycling

credit rate for the area. In the event that the amount withheld is insufficient to fund agreed countywide projects, the shortfall will be made up by an adjustment in the following financial year.

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(b) The Committee's budget will comprise the payments described in 1(a), plus existing balances held.

2. Membership of the Committee

If any of the parties wishes to cease making a financial contribution [as specified in paragraph 1(a) above], it shall be able to do so at the end of the financial year, on giving at least 6 months' prior written notice to that effect to each of the other parties and on such cessation and shall automatically cease to be (voting members) of the Committee from that date;

it shall be released from further contributions on condition that it accepts liability whether financial or otherwise for the effect of its action upon any commitments or other arrangements entered into in good faith by member authorities [on behalf of the Committee] with third parties prior to such cessation and shall automatically cease to be (voting members) of the Committee from any such agreed date.

3. Each party shall take out and maintain a public liability policy of insurance in respect of its activities as a member of the Committee in such sum and upon such terms as it shall see fit.

4. Reports for the Committee are to be considered by a Senior Waste Officer Group comprising of waste service managers from each of the respective Authorities which shall meet as required by the programme of Committee meetings. The Senior Waste Officer Group shall set up Working Parties as necessary to consider specific project areas, which will report back to the Senior Waste Officer Group and subsequently to Committee. A Recycling Officers' Forum, made up similarly, will report to the Senior Waste Officer Group on waste minimisation, reuse, recycling & composting initiatives and performance, and attend the Committee on an annual basis.

5. Minutes of the Committee shall be submitted to the relevant Cabinet/Executive or Committee of each constituent Council.

6. The County Council's Head of Service responsible for Waste shall collate annual recycling statistics for the Committee's consideration

HCW/17/43

Devon Authorities Strategic Waste Committee
28 June 2017

The Litter Strategy for England & related issues

Joint report of the Acting Chief Officer for Highways, Infrastructure Development and Waste and Teignbridge District Council Waste & Cleansing Manager

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect

Recommendation: It is recommended that;

- (a) the Litter Strategy for England is noted and supported;**
- (b) further work is undertaken working across the region with partner bodies to develop behavioural change and education initiatives to help to reduce litter and fly tipping;**
- (c) further investigation is undertaken on the impact of a potential plastic bottle deposit scheme.**

1. Summary

This report gives:

- A summary of the Government's Litter Strategy for England
- Discussion with regard to regional working to develop behavioural change and education initiatives to help reduce litter and fly tipping and the potential impact of the introduction of a plastic bottle deposit scheme.

2. Background

At its meeting on 28th February 2017, it was minuted that 'the Committee noted that the Devon Local Government Steering Group had at its meeting on 4th November 2016, considered a briefing note from Teignbridge District Council on Litter, Street Cleansing and Enforcement in Teignbridge. In discussion, Members raised and asked questions on the potential for prevention / education and co-ordinated activities including pooled budgets and / or grant funding, stronger messages regarding prosecutions and the role of the Devon Authorities Strategic Waste Committee. Work was currently being undertaken to look at this further and a further report would be brought to the Committee in June 2017 for consideration.'

3. The Litter Strategy for England

In April 2017 the Government published its Litter Strategy for England which sets out its vision for being the generation to leave the natural environment of England in a better state than it found it (document summary at Appendix I). In summary the Government proposes:-

The Strategy considers litter in three separate contexts – resource efficiency & waste management, aquatic & marine litter and fly-tipping. It also highlights the need for behavioural change and education & awareness, the need to improve enforcement and provision of better cleaning and litter infrastructure.

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The Strategy also picks up on the introduction of charging at Household Waste Recycling Centres (HWRCs) for non-household waste by some councils and the guidance produced by WRAP with regard to managing HWRCs with regard to charging for DIY type waste. This guidance is due to be reviewed by WRAP and new guidance issued by the end of 2017. The County Council will review its current policy on charging for non-household waste with regard to new guidance and any changes in legislation once these are known.

The Strategy also highlights working in two tier authorities and how inefficient transfers of costs between waste collection & disposal authorities can sometimes hinder joint working and management of waste and recycling services. Government proposes to work with councils and WRAP to look at cost sharing arrangements. The Shared Savings Scheme already implemented in Devon already gives a mechanism for closer working and sharing of benefits which is beginning to deliver results.

4. Review of Fixed Penalties for Environmental Offences and Introduction of Civil Penalties for Littering from Vehicles outside London'

Alongside the Litter Strategy, Government also published a consultation document entitled 'Review of Fixed Penalties for Environmental Offences and Introduction of Civil Penalties for Littering from Vehicles outside London'. This seeks views on whether the fines for littering and related offences should be increased as well as the introduction of new legislation to allow councils to issue fixed penalty notices for littering from vehicles. Individual councils have responded to the consultation, a summary of the consultation is given in Appendix II.

Since May 2016 councils now have powers to issue fixed penalties for small scale fly-tipping offences. Under the Code of Practice on Litter and Refuse the deposit of a single black sack of rubbish should usually be considered a fly tipping offence rather than littering. These powers have already been used successfully in Devon.

5. Collaborative working across Devon and the wider South West region

Highways England host a Devon Litter Forum which has representation from the Devon councils from both street cleansing and highway departments as well as the Highways England contractor. The forum is predominantly about managing litter on the trunk road network but could be asked to consider taking on a wider remit with regard to behavioural change, education and enforcement across Devon for littering and fly tipping. In addition Cornwall Council have a similar litter forum and there is synergy between the two counties such that developing a more strategic group across the South West region to tackle litter and fly tipping could be considered & it is recommended that this be investigated further.

Any campaign to promote either a reduction in littering or fly tipping will need to be funded and hence potential sources and level of funding will also need to be considered at the budget meeting of this Committee in the autumn.

6. Deposit scheme for the return of plastic bottles

A Notice of Motion was filed at the County Council Cabinet meeting on 8th March 2017 requesting the County Council support the introduction of a plastic bottle deposit scheme and to write to all Devon MPs urging their support for such a scheme. The Motion was referred to this Committee for consideration as whilst there could be benefits from increased recycling and less littering, there could be potentially also be unintended consequences of supporting such a scheme.

It is acknowledged that plastic litter looks unsightly and can have potentially fatal consequences for animals in particular marine life. However all Devon authorities have

invested in collecting some plastics at the kerbside, the income from which helps to support delivery of these services. Little is known about how a proposed new deposit scheme may work and further details need to be obtained before any decision is made. Consequently it is recommended that further work be undertaken and a future report be presented to this Committee.

7. Sustainability Considerations

The Litter Strategy for England, better enforcement and closer working across partner organisations to promote behavioural change, awareness and education all help to create a more sustainable world.

8. Legal Considerations

Anti-littering and fly tipping is already covered by legislation with fixed penalty notices issued for minor litter and fly tipping offences with more serious offences punishable by hefty fines and imprisonment. The consultation on fines for littering from vehicles will need legislation to be passed before it can be implemented.

9. Consultations/Representations/Technical data

The Review of Fixed Penalties for Environmental Offences and Introduction of Civil Penalties for Littering from Vehicles outside London is a consultation document.

10. Financial Considerations

Any campaign with regard reducing littering or fly tipping will need financial support at some level. The Committee may wish to consider this at the budget meeting later this autumn.

11. Environmental Impact Considerations

There are no known negative environmental impacts relating to the recommendations, and reduction in littering and fly tipping has a positive environmental impact.

12. Equality Considerations

There are no equality considerations relating to the recommendations.

13. Risk Management Considerations

There are no risks identified with the recommendations.

14. Public Health Impact

Litter and fly tipping has the potential to impact negatively on public health particularly where it may be close to human activity and is not cleared in a timely manner.

Meg Booth
Acting Chief Officer for Highways, Infrastructure Development and Waste

Chris Braines
Teignbridge District Council Waste & Cleansing Manager

Electoral Divisions: All

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Local Government Act 1972: List of Background Papers

Contact for enquiries: Wendy Barratt

Room No: County Hall, Topsham Road, Exeter, EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
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Nil

wb150617daswc	The Litter Strategy for England & Related Issues
hk	02 150617

The Litter Strategy for England - Summary

We want our whole country to be a great place to live in, with clean water and air; beautiful countryside to enjoy and urban areas that are prosperous, vibrant and welcoming. A littered environment is bad for our wellbeing, and bad for the economy.

The facts concerning litter speak for themselves:

- *Street cleaning cost local government £778m in 2015/16. A significant portion of this will have been avoidable litter clear-up and the money could have been better spent on vital public services.*
- *The National Crime Survey has found that 28-30% of people perceive “litter and rubbish lying around” to be a problem in their area.*
- *81% of people are angry and frustrated by the amount of litter lying all over the country.*
- *In the 2016 Great British Beach Clean 802 litter items were collected per 100 metres of beach in England.*
- *Last year the RSPCA received over 5,000 phone calls about litter-related incidents affecting animals.*

Our ambition is to be the first generation to leave the natural environment of England in a better state than it found it. We are clear that we must act now to clean up the country and change our culture so that it is no longer acceptable to drop litter. The changes in how local government is funded also make it vital for local authorities to attract business and housing growth. Keeping streets cleaner and litter-free will be of the utmost importance in their efforts to do this.

Our strategy is to apply best practice in education, enforcement and infrastructure to deliver a substantial reduction in litter and littering behaviour, so that in the coming years we see demonstrable improvements against the figures above.

We will:

- *Send a clear and consistent anti-litter message, by:*
 - *developing, seeking funding for, and delivering a world class national anti-littering campaign*
 - *developing an anti-littering culture which aims to educate young people not to litter*
 - *inspiring and engaging local communities, and empowering them to take action, including introducing a new ‘litter innovation fund’ to pilot, implement and evaluate small scale local research projects that could be replicated more widely*
 - *making a compelling business case for businesses of all kinds to invest in anti-litter activity*
 - *exploring voluntary and regulatory measures that aim to increase recycling and reduce litter*
 - *working with stakeholders to look at innovative ‘nudge’ techniques’ to tackle littering behaviour*

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- *Improve enforcement against offenders, including:*
 - *delivering on our Manifesto commitment to review the case for increasing fixed penalties for littering and related offences*
 - *introducing new regulations to help councils tackle littering from vehicles*
 - *providing improved guidance for councils on how to use their enforcement powers proportionately and appropriately, and*
 - *raising councils' and magistrates' awareness of the range of sanctions available to tackle littering and fly-tipping.*
- *Clean up the country, including:*
 - *supporting national clean-up days*
 - *working with Highways England to put in place measures to deliver a lasting improvement in cleanliness at 25 priority litter hotspots on the Strategic Road Network, including updating the Code of Practice on Litter and Refuse to clarify the expected standards of cleanliness on the Network*
 - *producing new guidance on "binrastructure" (the design, number and location of public litter bins and other items of street furniture) for local areas to help them reduce levels of litter*
 - *working with the relevant industries to tackle certain types of particularly problematic litter, including fast-food packaging, smoking-related litter and chewing gum*
 - *exploring the ways in which packaging and packaging design can contribute to reducing litter.*

This is not a strategy that will just gather dust. We want everyone to step up and deliver, and one of our first actions will be to develop a new 'litter baseline' to measure the progress being made. Where voluntary approaches are not working we will continue to consider other measures which could help to achieve our strategic aims, as well as promote a more resource-efficient economy.

Good infrastructure and clear social expectations, supported by proportionate enforcement, will help reinforce social pressure on everyone to do the right thing. Throughout, we want to encourage innovation, and the continued development of effective new ways to reduce littering, as well as ensuring that approaches which are proven to work are implemented as widely as possible.

The publication of this Strategy is the beginning, not the end, of the process. We will continue to work hard to start to implement this new strategic approach, and we will report annually for the remainder of this Parliament on our progress.

Review of Fixed Penalties for Environmental Offences and Introduction of Civil Penalties for Littering from Vehicles Outside London. April 2017

Open consultation Reducing litter: penalties for environmental offences Department for Environment, Food and Rural Affairs (DEFRA)

The consultation closes on 18 June 2017

Background

DEFRA are seeking views on increasing fines for littering, graffiti, fly-posting and introducing new fines for throwing litter from vehicles.

Littering, and associated environmental offences like dog fouling, blight our communities and impose avoidable costs on the public purse. The levels for fixed penalties under section 88 of the [Environmental Protection Act 1990](#) have not changed since 2006, but adjusting for inflation since that time means that a maximum penalty of £80 in 2006 would now be £100.

The consultation seeks views on proposals by DEFRA to:

- Increase the levels for section 88 fixed penalties in the [Environmental Protection Act 1990](#) for littering and other environmental offences;
- Change the provision for how councils can use the income from fixed penalties for environmental offences; and
- Remove the requirement for the parish council enforcement officers to attend a specified training course.

DEFRA are also seeking views on potential amendments to the default penalties for littering and related offences, which are set out in the Environmental Protection Act 1990. They propose to make any changes on these points by amending the Regulations.

The consultation also seeks views on introducing new regulations to enable councils to issue fixed penalties (civil fines) to the keeper of a vehicle from which litter is thrown, where the litterer cannot be identified. It is recognised that when litter is thrown from a vehicle it can be hard to identify the offender.

London borough councils are currently able to issue a penalty charge notice to the keeper of a vehicle from which litter is thrown, even if they cannot establish the identity of the person who threw the litter. [Section 154](#) of the [Anti-social Behaviour, Crime and Policing Act 2014](#) enables the Government to make regulations which would extend similar powers to other local authorities. Introducing these regulations will improve the suite of enforcement powers available to councils to tackle littering offences.

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Fixed Penalties for Environmental Offences

Environmental offences” include littering, graffiti, fly-posting, dog fouling and other offences which harm the public space.

Enforcement against these environmental offences is carried out primarily by local authorities (district and London borough councils and unitary authorities, rather than county councils), and also by National Park Authorities and parish councils amongst others.

Although these environmental offences do attract a criminal penalty, fixed penalty notices can be issued as an alternative to prosecution. Prosecuting an offender can be expensive, so fixed penalty notices offer councils an alternative to prosecution and enable straightforward cases to be diverted from the court system.

The default fixed penalty for each offence is set out in primary legislation. For some of the environmental offences, councils can also choose to set the level of fixed penalty locally, within a range set out in the Regulations. If a council does not set a local level, then it must use the default fixed penalty. In some cases, councils may also discount (reduce) the fixed penalty if it is paid promptly. The minimum discounted fixed penalty is also set out in Regulations.

This table shows the current minimum, default, maximum and minimum discounted fixed penalty which can be imposed for each of the environmental offences:

Offence	Default penalty	Minimum full penalty	Maximum full penalty	Minimum discounted penalty
Littering	£75	£50	£80	£50
Dog control offences	£75	£50	£80	£50
Graffiti	£75	£50	£80	£50
Fly-posting	£75	£50	£80	£50
Unauthorised distribution of free literature on designated land	£75	£50	£80	£50

The full consultation document is available online at www.gov.uk/government/publications

Summary of Consultation Questions

Levels and Ranges of Fixed Penalties for Littering Offences

1. Should fixed penalties for littering offences be increased (Y/N)?
2. For local council respondents only: What impact would an increase in these fixed penalties have on your authority? Please consider both costs and benefits, and provide evidence to support your response (e.g. number and level of fixed penalties that you currently issue per year and payment rate, costs of enforcement, prosecutions and implementation of any changes etc.).

Options for Increasing fixed penalties

3. Which of these options do you prefer?
 - a. Option 1 - increase the minimum, default and maximum fixed penalties to £60, £95 and £100 respectively.
 - b. Option 2(a) – increase only the maximum fixed penalty to £100
 - c. Option 2(b) – increase only the maximum fixed penalty to £150
 - d. Option 3 - increase the minimum, default and maximum fixed penalty to £60, £100 and £150 respectively.Please use the free text box to tell us why.

Fixed penalties for graffiti, fly-posting and unauthorised distribution of free literature in a designated area

4. Do you agree that changes to the range of and default fixed penalties for littering should be applied in the same way to the fixed penalties for:
 - a. Graffiti (y/n)
 - b. Fly-posting (y/n) and
 - c. The unauthorised distribution of free literature in a designated area (y/n)? **Yes**If you answered 'no' to any of these, please use the free text box to explain your reasoning.

How Income from Fixed Penalty Notices can be used by District or Unitary Councils and Parish Councils

5. Do you agree that all councils should have the ability to spend their income from environmental offences on “any of their functions”? If not, please use the free text box to explain why.
6. For local council and parish council respondents only: Do you currently issue fixed penalty notices for environmental offences, and if so, how do you spend the income from these fixed penalty notices?

Transparency

7. Should the [Local Government Transparency Code](#) be amended to make it clear that data on enforcement activities against littering and the other environmental offences should be published?
8. For local council respondents only: Do you publish this data already? If so, where?

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Training for Parish Council Enforcement Officers

9. Do you agree with the proposal to remove the requirement for training providers for parish council enforcement officers to be approved by the Secretary of State?

Littering from Vehicles

10. Do you agree with the proposed exemption for the keeper of public service vehicles, taxis and private hire vehicles when the littering offence is committed by a passenger?

a) If no, why?

11. Should the regulations provide for any other exemptions from liability to pay a civil penalty notice (as opposed to grounds for appeal against a civil penalty notice)?

12. Should councils be able to use the income from civil penalties for littering from a vehicle in the same way as they can spend income from fixed penalties for littering offences? (Y/N)

a. If no, why do you consider that income from the two penalty regimes should be treated differently?

13. Should the default amount payable under a civil penalty notice be equivalent to the default amount payable under a fixed penalty notice for a littering offence (reflecting any changes to the default level of fixed penalty notices for littering)? (Y/N)

a. If no, why, and at what level should the default amount payable under a civil penalty notice be set?

14. Do you agree that, to encourage prompt payment, a late payment notice is issued if the amount payable under the civil penalty notice is not paid within 28 days?

a. If not, why?

15. Do you agree that the maximum increased civil penalty payable under a late payment notice should be the amount payable under the civil penalty notice increased by 100% (i.e. the amount payable under the civil penalty notice multiplied by 2)? (Y/N)

a. If no, why, and by what factor should the civil penalty be increased?

16. *For local council respondents only:* What impact would the introduction of civil penalty notices have on your council? Please consider both costs and benefits, and provide evidence to support your response.

Options for Increasing fixed penalties

17. *For councils in London only:* We propose that the new powers should only be available to councils outside London, on the basis that London councils already have similar powers under the London Local Authorities Act 2007. Do you agree?

a) *If not, why?*

18. *For rental hire companies only:* The regulations will provide that a civil penalty can be appealed by a hirer if the vehicle in question was hired to another person with the effect that that person had become the 'keeper' (ie the person by whom the vehicle is kept) at the time of the littering offence. What, if any, familiarisation transitional or implementation costs would you anticipate incurring associated with the introduction of these new civil penalties (e.g. in amending standard contract forms etc.)?

HIW/17/44

Devon Authorities Strategic Waste Committee
28 June 2017

Budget out-turn for 2016/17 and allocation of underspend proposal

Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect

Recommendation: It is recommended that the unspent allocation noted in the report amounting to £36,786 is carried forward to invest in a residual waste analysis project in Autumn 2017.

1. Summary

This report gives:

- the final budget out-turn for 2016/17 and a proposal for use of the underspend
- the draft topslice calculation at Appendix II.

2. Budget out-turn for 2016/17

The majority of budget lines were spent to budget. Significant differences were as follows:

Real Nappy Campaign

There is an underspend of £4,026 from a total budget of £11,850. This is mainly due to a reduced level of volunteer activity and difficulties in recruiting.

Don't let Devon go to waste and Online development

£35,371 has been spent from a total budget of £45,900 leaving an underspend of £11,319 due to specific campaigns for two District authorities being deferred (South Hams – contamination and East Devon – Food Waste). The £35,371 allocation was spent on county-wide and local authority specific campaigns such as Ask Biggles (Recycling information), Organic Waste (Food & Garden), Love Your Clothes, Filmojis (targeting 18 to 26 year olds), Pre/Post Christmas (Waste Prevention & Recycling), 100 Compost Bin Prize Draw campaigns and a specific home composting campaign for North Devon. Other expenditure included costs for Search Engine Optimisation, Online Development, Monitoring and Evaluation Research and Electronic newsletter production/distribution.

Audit Fee

There is an underspend on the budget of £4,000 of £3,220 due to reduced internal and external audit costs.

3. Proposal

The statement (Appendix I) shows the spending for the year and top slice income received. The outstanding sum after previously agreed allocations have been subtracted is £36,786 for carry forward. The options for the use of this underspend are: redistribute topslice contributions to each Local Authority; return the full amount to topslice; or to allocate the funds to procure a waste analysis project, whereby residual domestic waste from properties across the county and Torbay will be analysed to give a better understanding of how to target

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waste communications. This was last carried out in 2012. Many changes in collection regimes have been made since then and it is important to have up to date information in order to focus on the relevant materials in the appropriate locations to best influence waste prevention, reuse and recycling habits. It is proposed that this last option is recommended to be undertaken in the autumn.

4. Sustainability Considerations

The recycling and waste minimisation activities funded by the budget are central to sustainable waste management.

5. Legal Considerations

The implications/consequences of the recommendation/proposed course of action have been taken into account in preparing the report.

6. Consultations/Representations/Technical data

The calculation of the budget situation has been supported by Devon County Council's finance team. There have been no formal consultations or representations.

7. Financial considerations

The report concerns the DASWC budget and considers the potential options for the 2016/17 underspend.

8. Environmental impact considerations

There are no known negative environmental impacts relating to the recommendations.

9. Equality Considerations

There are no equality considerations relating to the recommendations.

10. Risk Management Considerations

A risk register is kept for DASWC activities and will be updated as necessary.

11. Public Health Impact

There are no known public health impacts connected to the work of the committee other than positive ones which evolve from activities such as Love Food Hate Waste where healthy eating advice can be provided alongside waste prevention advice.

Meg Booth
Acting Chief Officer for Highways, Infrastructure Development and Waste

Electoral Divisions: All

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Local Government Act 1972: List of Background Papers

Contact for enquiries: Annette Dentith

Room No: County Hall, Topsham Road, Exeter, EX2 4QD

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Background Paper	Date	File Reference
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Nil

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hk 03 190617

Appendix I
To HIW/17/44

Devon Authorities Waste Reduction & Recycling Committee. Budget monitoring statement 2016/17

	2016/17			2016/17			
	DAWRRC Agreed Budget	Carryforward to be Approved by Committee	Total Budget 2016/17	Expenditure to Date	Income to Date	Outturn	Variation from Budget
	£	£	£	£	£	£	£
2016/17 Allocations (funded by top-slicing) :							
Devon Community Recycling Network	18,350		18,350	19,575		19,575	1,225
Furniture Re-use Payments	48,812		48,812	46,904		46,904	-1,908
Devon Community Composting Network	34,000		34,000	32,882		32,882	-1,118
Real Nappy Campaign	11,850		11,850	7,824		7,824	-4,026
Don't let Devon go to waste & Online	45,900	790	46,690	35,940	-569	35,371	-11,319
Waste Education	11,000		11,000	11,000		11,000	0
Innovation Fund	1,718	1,282	3,000	3,085		3,085	85
Audit Fee	4,000		4,000	780		780	-3,220
Re-use Officer Post		15,577	15,577	13,364		13,364	-2,213
Redunancy costs				18,631		18,631	18,631
Total Funded from Top-Slicing	175,630	17,649	193,279	189,985	-569	189,416	-3,863
Funded by :							
Contribution brought forward from 2015/16		-45,681			-45,681	-45,681	0
Less approved carry over commitment		0	0		36,786	36,786	0
Income Received from Recycling Credits Topslice in 2016/17:							
CONTRIBN DEVON COUNTY COUNCIL	-90,839				-90,839	-90,839	0
CONTRIBN EAST DEVON DIST COUNCIL	-9,760				-10,344	-10,344	-584
CONTRIBN EXETER CITY COUNCIL	-9,035				-8,275	-8,275	760
CONTRIBN MID DEVON DIST COUNCIL	-7,644				-8,843	-8,843	-1,199
CONTRIBN NORTH DEVON DIST COUNCIL	-10,272				-10,643	-10,643	-371
CONTRIBN SOUTH HAMS DIST COUNCIL	-8,812				-8,560	-8,560	252
CONTRIBN TEIGNBRIDGE DIST COUNCIL	-12,339				-15,782	-15,782	-3,443
CONTRIBN TORBAY BOROUGH COUNCIL	-15,138				-15,138	-15,138	0
CONTRIBN TORRIDGE DIST COUNCIL	-6,930				-7,068	-7,068	-138
CONTRIBN WEST DEVON DIST COUNCIL	-4,861				-5,029	-5,029	-168
Total Income	-175,630	-45,681	0	0	-189,416	-189,416	-4,891
Net Total	0	-28,032	193,279	52,775	-189,985	0	-8,754

Carryforward 15/16:	-45,681
Commitment 16/17	0
Additional amounts added to projects	17,649
Balance of 15/16 carryforward	-28,032
16/17 allocation (underspend)/overspend	-3,863
Income received shortfall/{surplus}	-4,891
16/17 carryforward:	-36,786

Draft Topslice

Devon Authorities Strategic Waste Committee (DASWC) 'top slice' calculation for 2017/18

Based on DASWC 'Budget Proposal for 2017/18' report: 18th October 2016

Funding Applications - 2017/18

Scheme	Application ¹	% of total
Reuse Credit Scheme	£49,000	28%
'Don't Let Devon go to Waste' - Campaign & Online	£40,630	23%
Waste & Recycling Advisors	£85,000	48%
Audit Fee	£1,000	1%
Approved carry forward (2016/17)	£ -	0%
Total approved funding	£175,630	100%

Tonnage Calculation Summary - 2016/17 (latest available data)

Tonnage Summary ²	Devon CC	East Devon	Exeter	Mid Devon	North Devon	South Hams	Teignbridge	Torbay	Torrige	West Devon	Sum for calculation purposes only
Total Household Tonnage - Recycled ³	200,579	18,419	11,525	15,139	17,702	18,844	27,069	24,711	11,657	10,218	355,863
Total Household Tonnage - Non Recycled ³	159,637	21,515	24,895	13,190	21,994	15,674	21,556	34,827	15,998	8,782	338,068
Total Household Waste Arising	360,216	39,934	36,420	28,329	39,696	34,518	48,625	59,538	27,655	19,000	693,931
Total Household Waste Arising (% of total) ⁴	51.9095%	5.7548%	5.2484%	4.0824%	5.7205%	4.9743%	7.0072%	8.5798%	3.9853%	2.7380%	100%
Bring sites and kerbside (dry) only ⁵	N/A	10,605	8,316	6,359	7,165	7,731	12,463	N/A	4,752	4,512	

Top Slice' Summary - 2017/18

Topslice Summary	Devon CC	East Devon	Exeter	Mid Devon	North Devon	South Hams	Teignbridge	Torbay	Torrige	West Devon	
Topslice deduction per tonne ⁶	N/A	£0.95	£1.11	£1.13	£1.40	£1.13	£0.99	N/A	£1.47	£1.07	
Topslice credit rate (T/S)	N/A	£59.16	£59.00	£58.98	£58.71	£58.98	£59.12	N/A	£58.64	£59.04	
Single Credit Value (S) ⁷		£60.11	£60.11	£60.11	£60.11	£60.11	£60.11		£60.11	£60.11	Top slice 'recovered'
Projected Amount Payable⁸	£91,169	£10,107	£9,218	£7,170	£10,047	£8,736	£12,307	£15,069	£6,999	£4,809	£175,630

£175,630

Notes:

¹Top slice funding applications are based on individual scheme funding application reports submitted to the autumn DASWC.

²Tonnage data sourced from DASWC Recycling Statistics 2016/17.

³'Total Household Waste Arising' - WCA = 'TOTAL (REC & COMP) (WCA), 'TOTAL (NON-RECYCLED) (WCA). WDA / UA = 'TOTAL RECYCLED (Household), 'TOTAL (NON-RECYCLED).

⁴Total tonnage split by authority - Percentage split of total combined household waste arisings for topslice calculation purposes only.

⁵'Bring sites' and 'Kerbside' (SUB TOTALS) tonnage is used to establish the topslice deduction per tonne. Data is sourced as (2) above.

⁶'Topslice deduction per tonne' indicates the £ deduction required to achieve the projected amount payable from the eligible tonnage (5).

⁷Single Credit Value (S) applies to WCAs only. Calculation based on DEFRA guidance. Topslice deduction per tonne plus topslice credit rate (T/S) = Single Credits Value (S)

⁸Projected amount payable. Devon CC & Torbay contribute an agreed value based on their tonnage as a % of the combined total waste arisings. WCAs contribute on a 'topslice' per tonne basis. Note: Plymouth City Council withdrew from DAWRRC from 1st April 2014.

⁹Devon Authorities Strategic Waste Committee (DASWC), formerly DAWRRC.

