

Voluntary Code for Tackling Litter

A Guide for Business

Who is it the Voluntary Code for?

Any business large or small can sign up to pledges as part of the voluntary code. From Drive Thrus and fast food outlets to businesses with offices, where employees congregate outside to smoke on the highway or public land.

This Voluntary Code is for any business, which through its operations or staff may produce litter. Litter is defined as 'anything that is dropped, thrown, left or deposited that causes defacement, in a public place' and includes fast food litter defined as any fast food or the packaging sold with the food substance that is found discarded onto public streets or open spaces. Therefore, triangular sandwich packaging, drinks cartons and confectionery wrappings are fast food litter, as are burgers, chicken products, potato chips and their containers. Waste from businesses is considered separately and only becomes a problem if it is not managed, stored, or disposed of correctly and therefore becomes litter.

How does the Voluntary Code work?

- The Voluntary Code provides a framework for businesses to firstly identify how, when and where their worst litter problems arise, and secondly in partnership with Cambridge City Council to work out the best ways to solve these issues. Solutions could be as simple as putting posters up in windows to discourage customers from littering, storing waste correctly, and keeping the premises and surrounding area clean.
- Research shows that the best way of achieving the above is to channel sufficient time and resources into:

Public education
Reducing packaging
Waste
Litter

These four elements are equally key to improving our local environments and cannot be viewed in isolation.

What are the benefits of this Voluntary Code to businesses?

This Voluntary Code of Practice operates on the following principles:

1. **The quality of public space matters to everyone including businesses.** Clean public spaces attract custom. We all need to play our part in improving the areas where we live and work.
2. **Businesses suffer from customers dropping litter.** Produce and its wrappings discarded as litter degrades the perception of a business and will reduce trade. Businesses are, in part, responsible for managing this issue.
3. **Demonstrating good practice.** Seventy-four per cent of businesses already clear litter from outside their premises. It is recognised good business practice to maintain a clean and tidy property. Businesses are powerful role models to customers – they can make a real difference by setting a strong example and displaying a poster to encourage customers not to litter.
4. **All businesses selling food for immediate consumption off the premises that is dropped outdoors, create litter.** A third more sites in England are littered with sandwich wrappers and bakery bags, and over three times more littered with sweet and crisp wrappers, than are littered with what is traditionally seen as “fast food” packaging such as cartons from take-away outlets. Larger shops tend to produce litter over a larger area than smaller shops, but all shops selling ‘food on the go’ create litter.
5. **Local agreements are best.** Statutory obligations exist for businesses to keep their land clear of litter and manage their trade waste. Legislation is available to local authorities to serve notice on those businesses that create excess litter, requiring that they clean up to **100m** either side of their business. This Voluntary Code sets standards for different business types to come to voluntary arrangements with Cambridge City Council to enable everyone to play their part in pledging to keep their environment clean and tidy. Cambridge City Council recognise business’ limitations but pledges to also recognise existing good practice.

Step 1 – What particular issues are causing litter from products or around the business?

The first stage is to establish when, where, how, and as a result of whom, the litter arises, to help all parties to work together to find a solution.

The following questions may be useful to consider:

- At what times is the shop most busy?
- Where do staff and/or customers go to smoke?
- At what times are the largest volumes of litter such as food, packaging and cigarettes littered in the area around the premises?
- What does this litter consist of? (for example, different packaging types, food, drink, cigarette ends)
- Who is doing the littering? (May vary by time of day)
- In which locations is the most litter deposited?
- How far does the litter go?
- Are more litter bins required? If so, where could they be placed?
- Does staining occur around the business premises? Where and when do the problems occur?
- What does the business currently do to reduce litter? (e.g. clean front and/or rear of shop, windows, displaying anti-litter posters, corporate guidelines or policies, reducing packaging?)
- Which waste contractor does the business use? (Please provide name, address and telephone number)

An example checklist can be found in **Annex A**. This checklist is designed to gather these details from businesses, and should provide a useful starting point at least.

Step 2: The Solutions

Once the particular issues and causes have been established, solutions can be developed. Suggestions for solutions are centred on the four main categories of:

- **Public education**
- **Packaging**
- **Waste**
- **Litter**

The recommendations in this Voluntary Code have been calculated in order to ensure that businesses are only asked to do what is reasonable and achievable. The following guidance provides more information and also contains some suggestions where the Council may be able to help. It is intended that an agreement on the best course of action is reached between the business and the supporting agency or agencies. The pledge form allows businesses to make initial suggestions of what may be reasonably practical actions the business can take to tackle litter. The Council will then look at these suggested pledges and discuss with the business a set of minimum standards for each business to achieve.

Public Education

The best way to reduce litter is to stop people dropping it in the first place. People need exposure to continuous anti-littering information across a number of channels.

Businesses are powerful role models to their customers, and should set a good example by keeping their premises clean and clear of litter.

Anti-litter messages & campaigns

Businesses:

- Where space allows, display anti-littering messages on posters in the premises and on litter bins. Drive-Thrus should display anti-littering messages at drive-thru exits. **(DO NOT FLY-POST OTHERS' PROPERTY)**
- Anti-littering posters are available either from Cambridge City Council or Keep Britain Tidy, who have posters to specifically support Voluntary Codes such as this. **Free posters can be ordered from www.keepbritaintidy.org** or by contacting the Street Enforcement Team or City Rangers at Cambridge City Council.
- Larger operators could consider developing special tray-liners or in-store materials, or providing portable ash trays to staff or customers.

Cambridge City Council:

- Runs local, targeted anti-litter education campaigns, using local media to spread the message further.
- Works with local schools to get the message across that littering is unacceptable through a school talks program delivered to primary schools by the City Rangers and secondary schools by the Street Enforcement Team.
- Undertakes enforcement using Fixed Penalty Notices for littering.

Packaging

This Voluntary Code does not aim to offer detailed best environmental practices relating to packaging. However larger businesses which sell products may wish to consider the packaging of its products. There are a number of simple elements of good practice that all operators selling food on the go can carry out to help to reduce the incidence of packaging becoming litter in the local environment.

Businesses:

Minimise packaging

Excess packaging causes litter, as customers often discard it upon exiting the premises. Consider whether customers taking food away for immediate consumption need it to be covered, or whether less packaging could be used by only providing a base container for the food, rather than putting it in a bag as well.

Operators that produce their own packaging could also look to increase the amount of recycled materials or biodegradable materials in its production.

Ask customers if they want a bag

This Voluntary Code advocates waste minimisation, and therefore recommends that businesses selling food train staff to ask all customers if they require a bag to contain their purchase, rather than simply to providing them with a bag.

However, in some circumstances, providing customers with a bag to contain the different elements of their purchase will reduce individual items being littered, this Voluntary Code does recommend that bags be provided to customers. This would be the case, for example, for drive thru restaurants.

You may wish to consider what the bag is made of. For example consider paper or other forms of biodegradable packaging and bags.

Display the Tidyman symbol on own packaging

Research shows that people need continuous anti-littering information. The international Tidyman symbol is a recognised anti-littering sign. This Voluntary Code suggests that businesses that print their own packaging incorporate the Tidyman symbol into the design, while acknowledging that businesses might want to use other anti-littering symbols or an alternative version of the Tidyman symbol.

For more information, or to obtain a copy of the Tidyman symbol, contact KEEP BRITAIN TIDY on 01942 612639 or visit www.keepbritaintidy.org. No royalties will be charged for the use of this logo.

This Voluntary Code recommends that the minimum size of this symbol to be displayed on your packaging is 7mm.

Waste

Meet the Duty of Care on Waste Regulations

If businesses do not store their waste correctly, it could become litter.

This section relates to a duty on businesses to manage waste correctly. **All businesses have a legal 'Duty of Care' to manage waste correctly. THIS DUTY IS NOT VOLUNTARY.** All businesses are bound by statutory Duty of Care on Waste requirements attached to the Environmental Protection Act 1990, section 34. This section is designed to help businesses to meet these regulations through simple guidelines. Businesses failing to meet these regulations may be prosecuted.

Waste poses a threat to the environment and to human health if it is not managed properly and recovered or disposed of safely. The Duty of Care is designed to be a largely self-regulating system, which is based on good business practice. It places a duty on anyone, who in any way has a responsibility for controlled waste, to ensure that it is stored, managed and recovered, or disposed of, according to agreed guidelines.

Guidelines for meeting Duty of Care on Waste Regulations:

Business holds a signed Trade Refuse Agreement , known as a Waste Transfer Notice, with either the council or a private contractor who holds a Waste Carrier's Certificate of Registration

The Environmental Protection (Duty of Care) Regulations 1991 state that businesses are responsible for ensuring their waste is removed by an authorised person. Local councils or the Environment agencies can verify whether a person is authorised.

Business ensures that all waste disposal documentation is retained, for inspection, for a minimum of two years

Under the Environmental Protection (Duty of Care) Regulations 1991, waste disposal documentation, such as waste transfer notes, which include a detailed description of the waste, must be stored and easily available for inspection. The written description of the waste must provide as much information as possible as someone else might need to handle the waste safely. An annual Waste Transfer Note can be used for regular removal of the same waste. Businesses should ensure that this is reviewed regularly to reflect any changes in the nature of their waste. Documentation should be filed chronologically.

Business contains all of its waste securely and DOES NOT put it out loose for collection

The Environmental Protection (Duty of Care) Regulations 1991 state that businesses must stop waste escaping from their control. In order to achieve this, waste should be securely contained in either lidded bins or bags. If a skip is used, it should have a secure lockable lid. Businesses should check with their waste contractor regarding how their waste should be presented for collection and what action is required if there is more than the usual amount of waste. If businesses need to dispose of cardboard boxes, these should be broken down, flat and presented for collection as indicated by the waste contractor, they must not be allowed to blow around the street.

Business contains sharps and broken glass appropriately

Sharps (e.g. used needles) and broken glass can cause a serious risk to health. Businesses with this type of waste must ensure that it is securely contained. If a business finds used needles near its premises, it should contact Cambridge City Council in order for them to be collected quickly to prevent harm to health.

Business has adequate suitable space set aside for waste storage between collections

Waste should be stored in an adequate bin area, within the curtilage of (enclosed area immediately surrounding) the premises. Waste should not be stored on the public footpath between collections as it can act as an obstruction, and the business would not have the direct control necessary to prevent spillage.

Business has sufficient, appropriate containers that prevent waste escaping

The Environmental Protection (Duty of Care) Regulations 1991 state that businesses must be aware of the amount and types of wastes they produce. With this information, businesses can ensure their waste contractor provides the correct type, size and quantity of refuse containers. The type of waste the business produces will also determine how frequently its refuse containers should be emptied; e.g. food waste will require a more frequent collection than paper waste. Waste containers should also be kept clean and in a good state of repair. Particular attention should be paid to the condition of the lid to ensure that it can be properly closed and locked if required. Wheels must also be well maintained to ensure that the waste container can easily be moved for emptying.

Business puts waste out for collection at a time allocated by the Council or contractor, and not before

In order to minimise the risk of spillage or vandalism, businesses are responsible for arranging a suitable time for their waste to be collected by their waste contractor. This will prevent waste from lying around for long periods of time and escaping, possibly becoming litter, and becoming a nuisance to neighbours, pedestrians or potential customers.

Any waste spillages caused by the waste contractor or the business are cleared up immediately to prevent litter

By clearing up waste spillages immediately, businesses will improve their local environment and enhance the environmental reputation of their business – which can lead to increased custom. This will provide added value in ensuring that the pavement around the premises is kept free from staining. If waste is left lying, vermin, such as rats or pigeons, can be attracted to the premises.

All staff involved in the disposal of waste should have a basic induction in the requirements of the Duty of Care on Waste legislation

The above guidelines should be made available to all staff involved in waste disposal to provide a minimum level of waste knowledge and practice. These guidelines should be followed at all times.

Cambridge City Council:

- Local authorities are required to inform businesses of their obligations under the Corporate Enforcement Policy signed in 1998. Information on business waste is available on the Cambridge City Council website as well as in a number of leaflets available from the Council. The council may serve your business with a notice requiring the production of a Waste Transfer Note this gives businesses 14 days to produce a copy rather than issuing a fixed penalty for not having a copy to hand.
- Keep Britain Tidy produces a simple free leaflet to help businesses know their waste obligations called 'Rubbish and the Law- A guide for Business' this is available either from Keep Britain Tidy direct or Cambridge City Council.
- Street Enforcement Officers may be involved in working with this Voluntary Code if they are checking trade waste documentation.

Litter

The following guidance is to help businesses to decide whether cleaning times can be arranged around the council's street cleaning schedule. Litter breeds litter and it is in the interest of business too, to maintain a clean and tidy premise.

Most businesses regularly sweep litter from their premises, both front and back. As well as reflecting badly on business, a dirty area around a business can breed vermin and lead to prosecution for waste, environmental health or litter offences. Local authorities and other agencies are also under a duty to clear the land for which they are responsible.

Assess the extent of the litter arising from the business

Businesses:

It is suggested that businesses, consider the extent, timings and spread of litter around the premises, together with the peak activity times of the business. A copy of a checklist can be found in Annex A.

This checklist is designed to assist businesses in assessing and managing the potential litter, and waste that could become litter, as a direct result of their activities. It is designed to enable businesses to evaluate the amount of litter that their customers will produce. It requests businesses to note the times at which litter is the worst, on which days, and for which reasons – for example, it could be worst during the week in the mornings and at lunchtimes due to school children/students.

The checklist is designed to help businesses to look at ways in which this litter can be reduced, ways that they can plan to reduce the impact that this will make, and therefore reduce their risk of prosecution. It may prove useful in designing and mapping litter picks.

The checklist also ensures that any possible litter that could be caused by the collection of business waste is also accounted for, and can be managed. It will also inform any risk assessment the business may carry out.

When completing a litter management checklist, businesses should ensure they are familiar with the neighbourhood in which their premises are located, especially if they are new to the area. It is proposed that staff walk the area around the business premises, observing the amounts of litter deposited at different times, and in particular, assessing the amount of litter originating from their products, and the times at which it is dropped. This information may be used to plan and implement the litter picks, as detailed below.

Cambridge City Council may request a copy of the litter management checklist, and may wish to work with the business on ways of managing litter and waste that could become litter.

Cambridge City Council:

- Will discuss the issues raised by the checklist, if required, and assist in finding solutions to littering around your premise.

Clear all litter from the frontage of the business**Businesses:**

Staff should sweep up using a broom, or pick up all items of litter from the frontage of the business. All litter, including litter from the business, should be removed from the width of the shop frontage, and from the front of the premises, across the pavement and to the gutter. If the business is located in a pedestrianised area, clear the area the width of the frontage for two metres in front of the business. Also, clear any side alleys of litter if they belong to the business **or** border its premises. If the business is under any outstanding legal obligations, such as a Street Litter Control Notice or Litter Clearing Notice these take precedence over the recommendations stated above.

DO NOT SWEEP LITTER ONTO OTHERS' FRONTAGES, OR INTO THE GUTTER.

Under section 93 of the Environmental Protection Act 1990, local authorities can serve Street Litter Control Notices, and require that they are complied with, on businesses where customers are repeatedly leaving litter on streets or other land. These notices require a business to clear litter left by customers for a certain distance, often within 100 metres of the business. Failure to comply with a notice of this kind is an offence and can result in a fine of up to £2,500.

Accumulations of litter on the premises of a business could give rise to the council serving a Litter Clearing notice under section 92C of the Environmental Protection Act 1990.

Cambridge City Council:

- Ensures that all streets in Cambridge are part of a cleaning schedule.
- Ensures that city centre streets are clear early in the morning for businesses opening.

Carry out litter picks**Businesses:**

Local authorities have a statutory duty to keep their land clean and free from litter. Businesses can assist in tackling litter problems by undertaking additional litter picks.

The pledge form indicates an appropriate number of litter picks, and the distance around the premises that these should cover.

Litter picking duties could be arranged with neighbouring businesses to ensure that everyone is working together to keep the streets clear of litter.

Businesses could use the information from the checklist to decide the frequency and timing of their litter picks, to enable them to be used most efficiently. The checklist findings could provide details of light and heavy littering times in the area surrounding the business. If the business is situated in a busy town or city centre, litter levels may be higher on weekends. If businesses largely receive school custom, they may find greater levels of litter, and therefore require more frequent litter picks during the week.

Charts with spaces for signing off operations and maps have been provided in **Annex B**. Completing these may be useful, especially in cases where evidence must be provided in a dispute, i.e. where a Street Litter Control Notice is in force.

Businesses may find it useful to plan the regularity of litter picks and record when these have been undertaken. This may include drawing a map of the area around the business, covering the distance recommended in the Voluntary Code. If a map is used, streets should be marked by name, as well as litter hot spots such as bus stops. Arrows should be used to denote the direction and location of the litter pick.

Businesses may consider scheduling sufficient staff members to carry out the planned litter picks, enter their names onto the chart, ensuring that the picks are carried out.

Staff on the litter pick should ensure that:

- **All** litter is cleared from the front of the premises for the width of the frontage, to the kerb, or for two metres in front of the premises in a pedestrianised area.
- **All** litter is cleared from the land that belongs to the business, for example if there is a car park, and from side alleys next to the business. Particular attention should be paid to flower beds and planters, and other items of furniture that trap litter.
- **All litter originating from the business or it's staff** is cleared from the designated litter pick area, and other litter items where practical.

Where the business is responsible for emptying any litter bins on their land, ensure that staff are scheduled to do this too.

Periodically, the business manager should accompany the member/s of staff carrying out the litter pick to ensure that it is being carried out effectively.

Businesses should ensure that health and safety regulations are adhered to when carrying out the litter pick, and that staff have appropriate warm and waterproof clothing. All injuries should be documented and dealt with, and a risk assessment should be carried out if required.

Businesses should ensure that suitable equipment is available for carrying out litter picks. Cambridge City Council may have specialist equipment for certain surfaces, or recommend particular cleaning methods or equipment such as litter pickers. Businesses may wish to contact the Streets and Open Spaces department for more information.

Managers should review litter pick details regularly, and at least every six months, to ensure that they are still effective.

If a business has a number of premises in one area, it should consider sharing one dedicated member of staff to remove litter items from public areas. Alternatively, the business could consider sharing this responsibility with other operators of a similar size or location.

Cambridge City Council:

- Will discuss litter picking queries that businesses may have and provide information on its cleaning schedules

Keep litter pick charts

Businesses:

It is suggested that businesses keep a record of all the litter picks they carry out, on a chart, as this may be useful for organisational purposes, or to demonstrate activity. An example litter pick chart can be found in **Annex B** although other documents could be used. Businesses should ensure that they record the time of each litter pick, the date, the name of the person who carried it out and any specific details, especially problems encountered. This documentation should be kept for at least three months, or as stipulated by the business' head office.

Share litter pick information with Cambridge City Council

Businesses:

This Voluntary Code advises businesses to keep a record of their litter picks on a form, as this will assist in keeping a record of what their efforts to minimise litter. This information can then be displayed to customers, business management, or to other interested parties.

This Voluntary Code encourages businesses to share their litter pick charts with Cambridge City Councils Streetscene department responsible for cleansing, or the body responsible for managing the land on which their premises is located. This will enable businesses to co-ordinate their litter clearance activities, and will allow more efficient use of both services.

Cambridge City Council:

- Will seek to use this information to develop efficient and effective cleansing regimes to improve the local environmental quality.

Provide litter bins

Businesses:

The checklist provides an estimate of the amount of litter present, and will help businesses to evaluate whether the litter could be reduced if more bins were installed. However there is often a balance between increasing bins to reduce litter or adding to obstructions on the pavement. Any additional bins should only be provided after discussion with either the land owner or Streetscene department if it is located on the highway. If you wish to install an additional bin it will be your responsibility to empty it and dispose of the waste in accordance with your Duty of Care.

You may wish to consider installing a small cigarette bin outside your premises (subject to planning consent) which you can empty yourself as cigarette ends are hard to litter pick!

If businesses have existing policies relating to certain types of bin, and they are accustomed to placing, emptying and maintaining these outside their land, they can continue to do so with the agreement of Cambridge City Council as their obligation to this Voluntary Code.

Businesses should also consider whether providing a litter bin just inside the premises would also help to reduce littering by customers.

Sponsoring litterbins is a good way for businesses to advertise locally, and create a good impression of their approach to litter and waste. Businesses operating as part of a chain could consider working with nearby branches to provide more bins in the area between their premises, to increase advertising potential.

Litter originating from drive thru restaurants is deposited across a significantly wider area, as their customers have the ability to travel further before disposing of litter. This type of litter is also found more frequently in rural areas than other fast food litter.

This Voluntary Code suggests that drive thru restaurants liaise with the council regarding litter disposal. Cambridge City Council carries out litter surveys of their land on a regular basis, and all are required to report these results to the Government.

Cambridge City Council:

- Regularly reviews its street cleaning schedule and uses local knowledge as well as surveys to determine any need for extra litter bin provision

Annex A

LITTER MANAGEMENT CHECKLIST

Business Name		Business No	
Business Address		Completed by	
		Job Title	
Telephone		Date	

At what times are the shop most busy?

At what times are the largest volumes of food and packaging littered in the area around the premises?

What does this litter consist of? (for example, different packaging types, food, drink, cigarette ends)

Who is doing the littering?
(May vary by time of day)

In which locations is the most litter deposited?

How far does the litter go?

<p>Are more litter bins required?</p> <p>If so, where could they be placed?</p>	
---	--

<p>Does staining occur around the business premises?</p> <p>Where and when do the problems occur?</p>	
---	--

<p>What does the business currently do to reduce litter?</p> <p>e.g. clean front and/or rear of shop, windows, displaying anti-litter posters, corporate guidelines or policies, reducing packaging?</p>	
--	--

<p>Which waste contractor does the business use?</p> <p>Please provide name, address and telephone number</p>	
---	--

<p>Any other issues to note – e.g. problems with vandalism, graffiti, noise</p>	
--	--

ANNEX B Litter Pick Chart (Mon - Thurs)

Business Name:	Location:
Completed by:	Date commencing:
Approved by:	

DAY	TIME	LOCATION	PICKED BY	SIGNATURE	COMMENTS
MONDAY					
TUESDAY					
WEDNESDAY					
THURSDAY					

This form is to be signed upon completion of the litter pick by whoever has performed the pick.

Litter Pick Chart (Fri - Sun)

Business Name:

Location:

Completed by:

Date commencing:

Approved by:

DAY	TIME	LOCATION	PICKED BY	SIGNATURE	COMMENTS
FRIDAY					
SATURDAY					
SUNDAY					

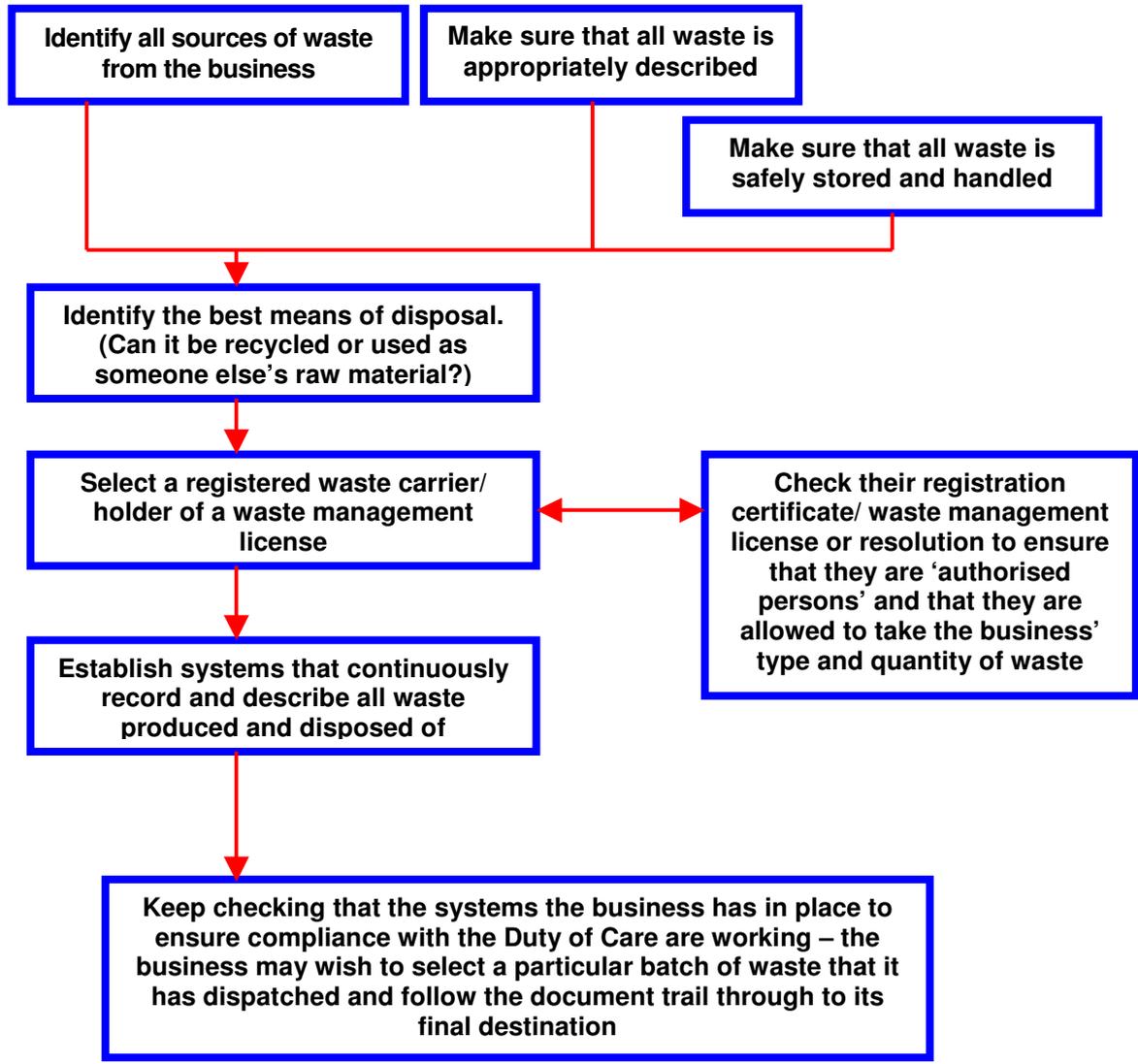
This form is to be signed upon completion of the litter pick by whoever has performed the pick.

Litter Pick Map

A large, empty rectangular box with a thin black border, intended for drawing a litter pick map. The box is positioned below the title bar and occupies most of the page's width and height.

Annex C

How to comply with the waste laws



Annex D

Legislation relating to businesses

Duty of Care of Waste For Businesses

Extracts taken from the Environmental Protection Act 1990.

Section 34 (1)

It shall be the duty of any person who... produces... keeps... or disposes of controlled waste

b) to prevent the escape of waste from his control.

Controlled waste includes domestic (except the proprietor's own household rubbish), commercial and industrial waste. Businesses are responsible for packaging the waste in suitable containers so that it cannot fall out, blow away or escape from the receptacle. Businesses must secure the waste against unauthorised removal as far as is reasonably practical. Security should be sufficient to prevent the breaking open of containers and removal of waste by vandals, thieves, animals, accident or weather.

Section 34 (1) c)

...it shall be the duty of any person... on the transfer of the waste, to secure that the transfer is only to an authorised person.

Businesses must ensure that the person removing their waste is either from a local authority or a licensed waste collection company. Businesses are responsible for ensuring that their waste is disposed of properly, and must ask for proof of registration from their waste contractor. If in doubt, the business should check with its local authority about licensed waste contractors in the area.

Section 34 (1) c)

...it shall be the duty of any person... (to ensure) (ii) that there is transferred such a written description of the waste as will enable other persons to avoid a contravention... and to comply with the duty... as respects the escape of waste.

Businesses must provide a written description of their waste to the person who removes it. A transfer note must also be filled in and signed by both persons involved in the transfer. This should indicate the quantity and type of materials in the waste. The composition of the waste or the activity that produces it may also be necessary as a part of the description. Repeated transfer of the same kind of waste can be covered by one transfer note for up to a year.

Any unexpected or unusual additions to the waste must be notified to the waste remover so that they can dispose of it in an appropriate way. For

example, office waste would normally consist of paper plus small amounts of food packaging and food remains. However, if substantial food waste is mixed with the office waste or if the waste includes metal parts, cleaning fluid etc., the description would need to reflect this.

If businesses produce waste that may be hazardous, such as chemicals or drugs, they must ensure that the person removing the waste is aware of the potential risks and can dispose of the waste properly. If it is in doubt, businesses should contact their local authority and/or waste contractor for advice. Offenders can be fined up to £5,000, or an unlimited fine if sent to the Crown Court.

Environment Agency and Local Authority Officers are legally permitted to demand to see the business' waste transfer note at any time.

Waste Containers

Section 47 (2)

If it appears to a waste collection authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or be detrimental to the amenities of the locality, the authority may ... require the occupier of the premises to provide at the premises receptacles for the storage of such waste of kind and number specified.

Local authorities can specify the type and number of waste receptacles needed to contain the waste and avoid a nuisance to others. Fines for not complying are up to £1,000.

Controlling Street Litter

Section 93 (1)

A principal litter authority... may, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue notices ("Street Litter Control Notices") imposing requirements on occupiers of premises in relation to such litter or refuse.

If there is a litter problem related to particular kinds of commercial premises, such as takeaway restaurants, cinemas, sports centres, service stations and others, then the local authority has powers to make Street Litter Control Notices.

Section 94 (4)

The requirements which may be imposed by a Street Litter Control Notice shall relate to the cleaning of litter or refuse from the specified area and may in particular require:

- (a) the provision or emptying of receptacles for litter or refuse;*
- (b) the doing within a period specified... any such thing as may be so specified; or*
- (c) the doing... at such times or intervals, or within such periods, of any such thing as may be so specified.*

A person who, without reasonable excuse, fails to comply with an order (made by a Magistrate's Court) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

A local authority has powers to force businesses to clean the area in front of their premises, provide and empty bins and do anything else which may be necessary to remove litter. It is in the interests of businesses to control the rubbish coming from their premises to avoid it becoming litter.

The fine is up to £2,500 for anyone not complying with a Street Litter Control Notice.

Littering

Section 87 (1)

If any person throws down, drops or otherwise deposits in, onto or from any place which this section applies, and leaves anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this section applies, he shall... be guilty of an offence.

This section allows anyone causing litter in public places to be prosecuted. The term 'public places' includes recreation areas, roads, pavements, land belonging to hospitals, schools, colleges, car parks and beaches. Fines for littering can be up to £2,500 for each offence. Trade waste can come within the definition of litter.

Litterbins

It is unlawful to put trade or commercial waste in litterbins. They are strictly for general litter.

Health and Safety Legislation

The basis of British health and safety law is the Health and Safety at Work etc. Act 1974. The Act sets out the general duties that employers have towards employees and members of the public, and that employees have to themselves and each other. For example, people in control of non-domestic premises have a duty under section 4 of the Health and Safety at Work etc. Act 1974 towards people who are not their employees but use their premises. These duties are qualified in the Act by the principle of 'so far as is reasonably practicable'.

The Workplace (Health, Safety & Welfare) Regulations 1992 apply to a very wide range of workplaces, including shops. These new regulations expand on these duties and are intended to protect the health and safety of everyone in the workplace, and ensure that adequate welfare facilities are provided for people at work.

Useful Contacts

Public Realm Enforcement Team – for information on the voluntary code and enforcement issues

01223 458282
streetenforcement@cambridge.gov.uk

City Rangers – street level face to face contact point for the Council

01223 458282
cityrangers@cambridge.gov.uk

Street scene – for street cleansing issues

01223 458282
streetscene@cambridge.gov.uk

City Centre Management – for licensing of tables and chairs, market and street trading

01223 457446
citycentre.manager@cambridge.gov.uk

City Waste Services – for commercial waste collection services

01223 458282
city.service@cambridge.gov.uk

Food and Occupational Safety – for food standards and occupational safety issues

01223 457900

env.health@cambridge.gov.uk

Specific guidance available to businesses:

General guidance on improving businesses' environmental performance and preventing pollution:

<http://www.environmentagency.gov.uk/business/?lang=e>

or ring 08708 506 506.

More specific guidelines for the retail industry in document PPG15 (also in Welsh) 'sewage and waste water disposal'.

<http://publications.environment-agency.gov.uk/pdf/PMHO1101BEGE-e-e.pdf> states that *"waste waters from floor or window cleaning activities must not be discharged into surface water drains. Such effluent should be discharged to the foul sewer at a designated location. Staff and contractors should be made fully aware of the correct disposal procedure"*

PPG 1 guides on the prevention of pollution:

<http://publications.environment-agency.gov.uk/pdf/PMHO0501BFOX-e-e.pdf>

This covers:

- emissions to water - sewage, waste and cleansing;
- demolition water;
- pre-planning: water; and
- also includes a document on the responsibilities of small businesses called "small businesses and the environment: challenges and opportunities"

The Health and Safety Executive Hospitality Liaison Committee on Employee Safety (in handling sharps, lone working and road safety) and weather (cold weather freezes water and made surfaces slippery and a hazard for the public) believe that:

- a) it is entirely reasonable to request businesses to clean their shop frontage;
- b) the health and safety issues noted in the consultation were down to common sense and;
- c) should already be observed in the day to day running of a business

The Health and Safety Executive website offers the following:

- the catering and hospitality industry on slips, trips and falls in wet and contaminated floors; <http://www.hse.gov.uk/catering/index.htm>
- a series of free leaflets for the catering industry including manual handling; <http://www.hse.gov.uk/pubns/caterdex.htm>
- health & safety for small businesses; <http://www.hse.gov.uk/startup/index.htm>
- lone working 'information about working alone in safety' <http://www.hse.gov.uk/pubns/indg73.pdf>

Remember

Individual businesses **must** have a trade waste collection agreement with the local authority, the council's contractor or a private contractor authorised to handle waste. Businesses should contact their local authority in the first instance to discuss their requirements.

Further sources of information

- Statutory Instruments regarding the Environmental Protection Act published since 1980 can be downloaded from: www.hmso.gov.uk/stat.htm – others are obtainable from The Stationery Office.
- Text of the Act with explanatory footnotes is available in a book published by Sweet & Maxwell: The Environmental Protection Acts 1990 – 95 Text and Commentary by Stephen Tromans ISBN 0-421-55810-5 £45.00
- Chartered Institution of Wastes Management
9 Saxon Court, St. Peter's Gardens, Northampton NN1 1SX
Tel: 01604 620426.
Website: www.iwm.co.uk
- Waste Watch (for information on recycling)
96 Tooley Street, London SE1 2TH
Tel: 0207 089 2100.
Website: www.wastewatch.org.uk
- The Environmental Services Association
154 Buckingham Palace Road, London SW1W 9TR
Tel: 0207 824 8882.
Website: www.esauk.org
- Guidance on Workplace Health, Safety and Welfare is available from:
Health and Safety Executive
HSE Infoline, Caerphilly Business Park, Caerphilly CF83 3GG
Tel: 08701 545500.
Website: www.hse.gov.uk

Disclaimer

This document can only serve as a guide to, and synopsis of the law relating to, waste and litter. It does not constitute legal advice. It may be misleading if relied upon as a complete explanation of the legal issues involved. If any matter is to be acted upon, the full texts of Part IV of the Environmental Protection Act 1990 and relevant statutory instruments must be consulted.

<http://www.defra.gov.uk/environment/business/index.htm>

<http://www.encams.org/information/publications/litteranddogfouling/rubbishandthelaw.pdf>