



Public Waste; Out of Sight Out of Mind

An analysis of the
management and
enforcement of litter and
street waste in Ireland

A report by VOICE Ireland examining

- How do we manage our on-street waste?
- Is there sufficient prosecution for littering offences?
- How can we improve national waste management?

Angela Kenny & Mindy O'Brien

Embargoed for Release

VOICE

VOICE is a member-based Irish environmental charity that empowers individuals and local communities to take positive action to conserve our natural resources. VOICE advocates for the government and the corporate sector to adopt environmentally responsible behaviours, and for the development of strong national policies on waste and water issues.

Acknowledgements

This document was prepared by VOICE with kind cooperation by the county council offices throughout Ireland.

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Executive Summary

Ireland produces 2.7million tonnes of municipal waste per year, however little data exists on the waste generated by and managed through street sweeping and public bins, on the cost of public waste management, or on the number of fines issued, collected or prosecuted.

In this report VOICE attempted to address this knowledge gap through the use of Access to Information on the Environment requests sent to all County Council offices in Ireland, and also through a review of local litter management plans.

Large variation was found across the councils in waste management practices and rates of fines applicable. On average just 8,300 fines are issued for littering per year in Ireland while there is a compliance rate of 43% nationally. Estimates of lost revenue for unpaid fines cannot be calculated using the data gathered in this survey, but it has been estimated to be around €1 million.

The authors noted that the National Litter Pollution Monitoring Scheme data is collated in a way that is incompatible with other forms of waste statistics, making it difficult to make comparisons across waste streams. The authors call for a waste characterisation study to be conducted on street waste and litter to be undertaken, in line with the government department recommendations. Financial constraints were identified as a leading constraint on the type and number of litter initiatives, including recruitment of litter wardens.

Based on this report VOICE calls for

- a re-examination of the Landfill Levy applicable to county councils in order to correct the economic incentive towards recycling and waste to energy.
- an assessment of the feasibility of a Deposit return scheme in Ireland to reduce litter, as well as the continued resourcing of campaigns specifically aimed at reducing the consumption of single use items
- standardisation of the waste statistics gathered in Ireland.

- the government to review existing litter legislation to evaluate if it is in fact fit or purpose and discourages littering.

Background

One of the primary goals of VOICE is to educate and introduce change to achieve positive environmental benefits across Ireland. Delivery of sustainable resource management is critical to ensuring a future for our children and beyond.

As part of this education process VOICE has long been an advocate of the development of strong national waste policies based on good empirical data. As a result, VOICE undertook research into the area of public waste streams, reviewing available data on waste collected through street bins, litter collections and street cleaning. In 2016, Ireland generated 2.7 million tonnes of municipal waste (domestic and commercial) or 581kg per person. However, we had very little data on how much was generated by, nor the makeup of that generated via street sweepings, street litter bins nor litter collection. Additionally, there is very little comprehensive public data on the total cost of public waste management by the local authorities.

In August 2018, in an Access to Information on the Environment request, VOICE surveyed all of the 31 City and County Councils throughout Ireland¹. The survey sought data on the waste tonnage collected from public bins and street cleaning, data on litter fines i.e. number of fines issued, fines paid and court cases taken. 29 of the 31 Councils responded. The appended report outlines a summary of the findings. The survey questions are broken into sections with response given to each section. For a copy of the full survey, see appendix 1.

¹ See Appendix for copy of the survey sent to Councils

Results of the VOICE Survey

Of the 31 questionnaires issued 29 were returned. Carlow and Kilkenny did not provide any data to us. The following counties provided partial / incomplete data – Cavan, Donegal, Limerick City and County, Tipperary, Sligo, Offaly, Mayo and Galway County.

Questions on Litter Fines and Prosecutions

Good data is held by Councils in relation to the issuing of fines, with all 29 responding Councils being able to provide comprehensive answers

Quantity of fines issued and collection rates

- *How many fines have been issued in each year (number and total amount in Euro)?*
- *How many of these fines were collected in each year (number and total amount in Euro)?*
- *How many of these fines were disregarded and unpaid in each year (number of violations and amount of unpaid fines)?*

During the period 2012 to 2017 almost 50,000 litter fines were issued by Councils across the country, with an average of almost 8,300 fines issued each year. Within this overall number, there is a very large disparity in the number of fines issued by individual Councils (Ref Fig 1).

In terms of absolute numbers, Dublin City Council was responsible for issuing the largest number of fines - 9059 or 18% of all fines issued between 2012-2017. In comparison, Offaly issued only 156 over this time period. However, when population densities are considered, Longford issued the highest amount per capita, while Offaly and Tipperary issued the lowest.

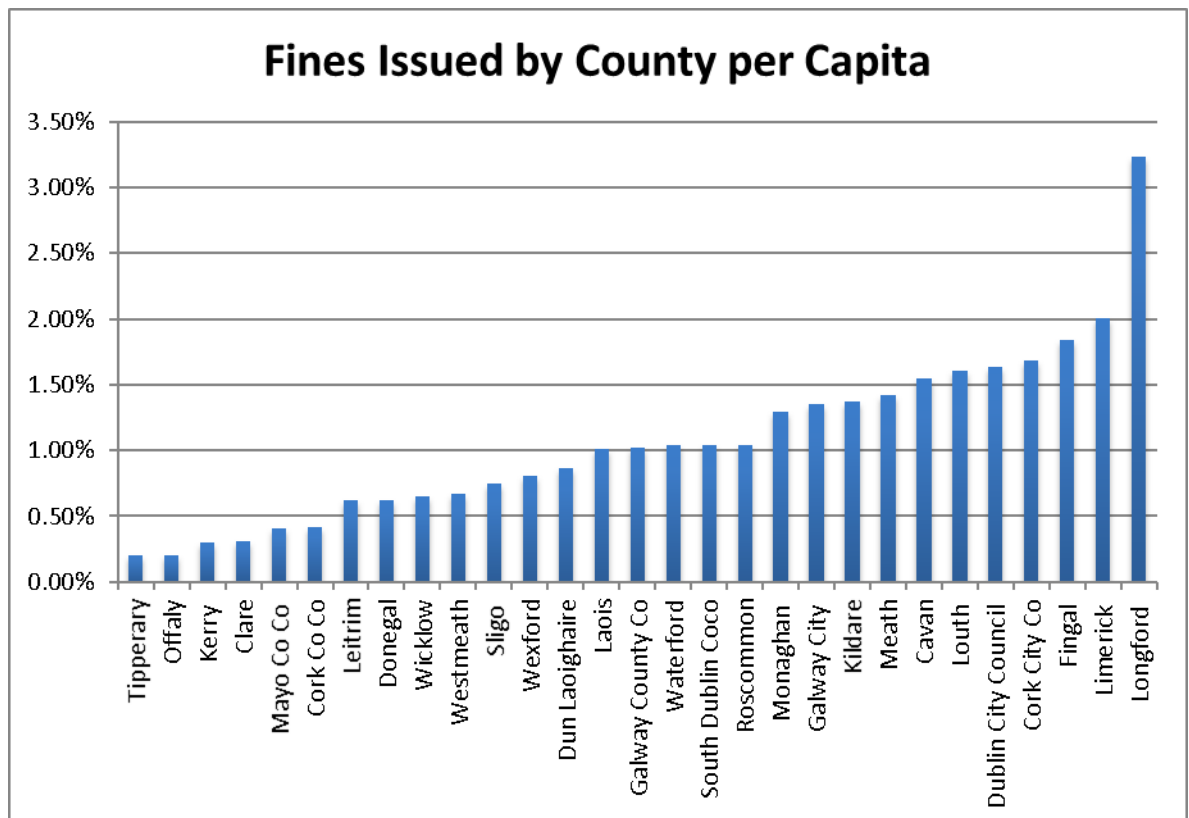


Figure 1: Fines issue by County per capita

On average the compliance rate for payment of litter fines was 43% nationally, equating to 21,310 fines being paid. The payment of these fines generated just over €3 million² in revenue for Councils across the country. Westmeath had the lowest compliance rate of 23% of litter fines paid while Waterford at 72% had the highest payment compliance rate.

² The average fine for litter pollution is €150.

17,874 or 36% of the fines issued were reported to be cancelled/disregarded and/or unpaid during this period. Again, there is variation in terms of Councils for such actions. Kerry has the highest rate of unpaid fines³ at 68%. Leitrim, Offaly and Donegal, all have a rate of 63% for such fines while Dublin City Council had the lowest national percentage of 24% of fines unpaid. The level of lost revenue for unpaid fines cannot be calculated but estimates are that it is around €1 million.

Prosecutions Rates for Litter fines

- *How many cases under the Litter Pollution Act were prosecuted in court during each of the years in question?*
- *How many cases were successful in court?*
- *How much money did the local authority secure from fines and penalties awarded by the court in total for each of the five years and how does this compare with the costs of bringing the cases to court?*

6,032 cases were taken to court under the Litter Pollutions Act between 2012 and 2017, averaging 861 per year. 2015 saw the largest number of prosecutions with 1,390 cases takes to court in that year.

Dublin City Council brought the majority of these cases, with 2,542 cases taken in total. Westmeath does not report any court prosecutions despite having the lowest

³ Unpaid fines include fines that are simply unpaid and also those cancelled or disregarded by Councils on appeal. It was not possible to separate the numbers of unpaid into each of these categories.

compliance rate for payment (23% as outlined above). Leitrim, Mayo, Tipperary⁴ and Cavan all pursued less than 2% of unpaid fines in court.

Of the 6,032 court cases pursued, 30% or 1,812 were successful. Just over €700,000 was awarded to Councils by the courts for these 1,812 cases. This equates to €386 awarded per case. No Council had a record of the costs incurred in prosecuting these cases. However, a number of Councils provided an estimated figure in excess of €600 to take a case to court. On this basis where Councils do pursue unpaid litter fines in court

they are doing so at a significant deficit to the Council. In addition to this, many Councils stated that the courts often do not award the full cost of the fine to the Council but rather indicate a donation to a be



paid to a particular charitable cause thus leaving little incentive for Councils to pursue these fines via the courts. Furthermore, where a case has been successful and costs are awarded to the Council, it is the responsibility of the district court staff to pursue these costs, which according to one Council “is currently not proving to be a very successful method of recovery.”

30% Prosecution rate for Littering offences

⁴ Tipperary County Council only come into existence in 2014

A rough calculation combining the amount of revenue awarded by the courts to Councils and that generated by the payment of fines results in €3.7 million being generated for Councils as a result of issuing almost 50,000 fines. This equates to €74 per fine, which is significantly less than the average fine of €150.

Most common littering activities leading to a prosecution

- *What are the 5 most common littering activities and items which are fined and please detail the number of fines issued under each and the average amount of the fine?*
- *What are the 5 most common littering activities where the fine is not paid (number and total amount in Euro)?*

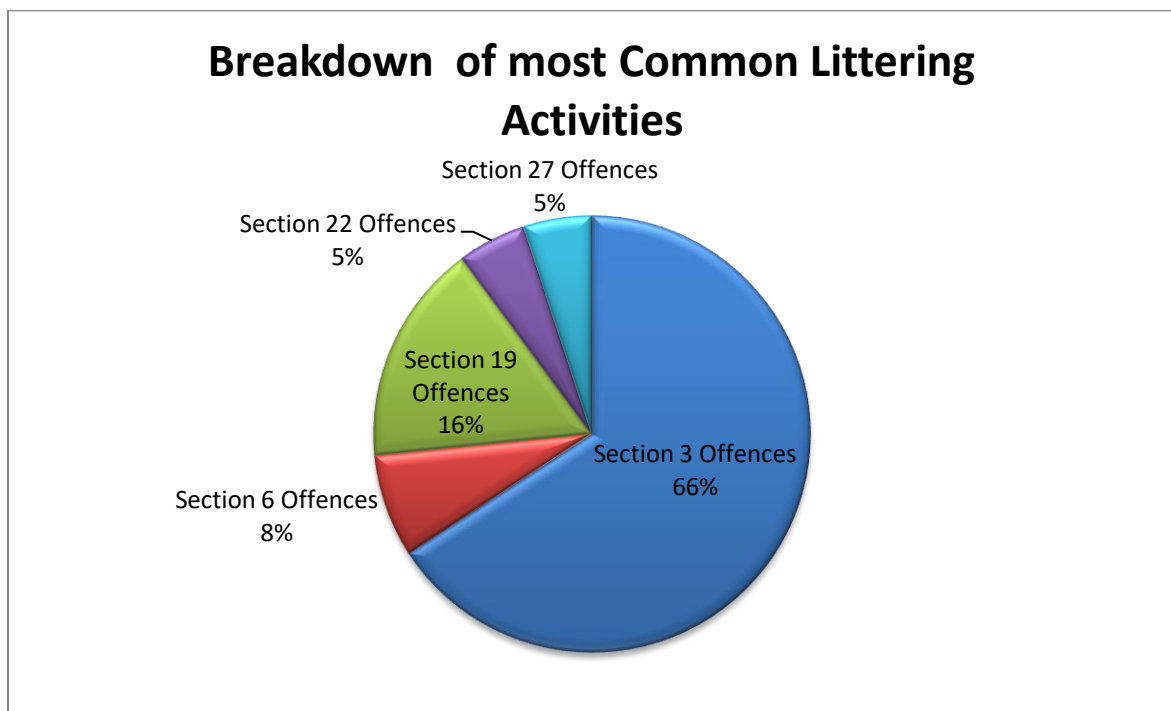


Figure 2: Breakdown of littering activities under Litter Pollution Act 1997

- **Section 3** offences of the Litter Pollution Act were by far the most common and relate to general littering pollution such as fly-tipping, depositing household waste in public bins or generally causing litter in a public place.
- **Section 19** of the Act which are related to people placing adverts or signs in public places without permission is the second most common. This section also covers graffiti or defacement of public places.
- **Section 6** is the next most common which relates to duty of land owners and occupiers to keep their land litter free.
- **Section 22** relates to dog fouling offences.
- **Section 27** offences are vehicle related offences

However, these top line figures do not detail fines issues by sub category within each section. For example, while offences under Section 3 were quoted most often, data is not available for the specific details of these offenses, i.e. whether they relate to fly tipping or placing domestic waste in public bins, or a once off littering offence in a public place.

In relation to the question on the most common activities where a fine is not paid, only two Councils (Cork City Council and South Dublin County Council) were able to provide details on this. According to these two Councils the most common littering activity where a fine is not paid are Section 3 offences.

Questions on Litter and Waste Management

Based on the responses, there are very different approaches taken by individual Councils to the recording and tracking of public waste streams. While 29 Councils responded to the survey only 18⁵ were able to provide data in relation to the questions on litter and waste issues. Of these 18 Councils, 10 were able to provide separate data for tonnage of street rubbish bin waste and street litter, while the other 8 only tracked the overall level of public waste. The remaining 11 Councils could not provide any data on these items. For some of these Councils, such as Laois, it was stated that the collection of this waste is carried out by private waste collectors and so the Council is not involved in tracking the volume of waste being collected (VOICE did not contact private waste collectors for data).

Tonnage of waste managed per year

- *How many tonnes of litter have you collected each year?*
- *How many tonnes of rubbish bin waste does your local authority collect and dispose in each year?*

Based on the data from the 18 Councils, 244,000 tonnes of waste were collected from street litter and rubbish bin waste between 2012 and 2017. This equates to just . Over these 5 years, almost 155,000 tonnes of waste (64%) is reported to come from litter or street cleaning with 31% (75,000 approx.) derived from street rubbish bin waste⁶. In line with population densities, there is a large urban/rural discrepancy in

⁵ Data was received from Clare, Cork Co Co, Dublin City Council, Dun Laoghaire Rathdown, Galway City Co, Kerry, Kildare, Leitrim, Limerick, Longford, Louth, Meath, Monaghan, Offaly, South Dublin Co, Waterford, Westmeath, and Wexford.

⁶ The remaining 6% was not split out between these two categories. Instead an overall waste figure was provided. Dun Laoighaire and South Dublin City County figures really influence this percentage in favour of litter.

the amounts of waste collected. Dublin City Council reports the highest volumes at almost 84,000 tonnes in total while Offaly reported 232 tonnes for the same period (2012-2017).

While the figure of 40,600 per annum might seem low it must be noted that this accounts for just over half of the Councils in the country (18 Councils). Additionally, our reported numbers seem to be in line with EPA estimates as EPA provides a best estimate for 2014 of 70,000 tonnes⁷ from litter, street sweepings, street bin collection and community clean ups. The EPA's figure equates to approximately 2.5% of the municipal waste generated in Ireland in 2014⁸. It should be noted that

Over
40,600
tonnes
of street waste
collected per year

none of the figures provided were independently validated nor did the scope of our study extend to ensuring we were comparing 'like with like' collation techniques across the local authorities who responded

The EU Landfill Directive states that landfilling of waste should be the least preferred option and should be limited to the necessary minimum⁹. Article 6 of the Directive states that only waste that has been subject to treatment can be landfilled¹⁰. This treatment generally takes places at a materials recovery facility (MRF) where materials that can either be recycled or used in the creation of solid recovered fuel (SRF), which is burned in waste to energy facilities, are removed. Theoretically,

⁷ <https://www.epa.ie/irelandsenvironment/waste/>

⁸ Ireland generated 2,619,000 tonnes of municipal waste in 2014.

<http://www.epa.ie/nationalwastestatistics/indicators/>

⁹ http://ec.europa.eu/environment/waste/landfill_index.htm

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31999L0031>

whatever waste is not recycled or recovered in a waste to energy process may be sent to landfill.

The Landfill Levy is currently €75 per tonne for waste sent to landfill. However local authorities and local clean-up activities are exempt from the landfill levy¹¹, but the Landfill Levy Regulations 2015 state that such waste must still go through a separation process. However, anecdotally, VOICE understands that the effect of this exemption can be that there is no economic benefit in sending materials up the waste hierarchy once it's collected. Hence waste material that may be suitable for recycling, SRF or waste to energy purposes is sent to landfill as it is cheaper to do so when the exemption is taken into account. If this practice is common place, it could mean more waste going to landfill than needs to and materials that could be better managed via recycling and recovery are being lost. There is a significant lacuna of data on where public waste is sent and how it is processed. Additionally, there appears to be wide disparities between local authorities on how they monitor and manage their public waste and how statistical data is recorded.

Currently there is no reliable characterisation study on the make-up of street litter nor street bin waste. The National Litter Pollution Monitoring System (www.litter.ie¹²) states that individual packaging items account for 17.6% of litter and paper items account for 4.7%. Combined, this is 22.3% of litter items (by count not by weight). By weight these items would likely account for a much higher percentage of litter waste.

¹¹ <http://www.irishstatutebook.ie/eli/2015/si/189/made/en/pdf> (Section 6)

¹² http://www.litter.ie/system_survey_results/index.shtml

The only data currently available in Ireland was carried out by County Limerick on Good Friday in 2017. On one day, over 16,000 volunteers working 33,558 hours picked up 68 tonnes of litter. Much of this litter was packaging waste, generating 46,526 glass bottles, 123,636 coffee cups, 549,495 PET bottles and 319,463 aluminium cans. Weight-wise, 13% came from glass bottles, 10% from soft plastic packaging, 8% from PET drinks bottles, 7% from Aluminium cans, 5% from paper and cardboard packaging, 2% from disposable cups, 2% from composite packaging and 2% from hard plastic packaging. **In all, the total percentage of packaging waste amounted to 49% of the litter collected.**¹³ This is probably a reasonable overview of the likely material make-up of litter and street bins and currently is the only reliable data available in Ireland.

This is however only a one-off study. Without further information, such as a large-scale waste characterisation of litter waste it is impossible to know, in better detail, the breakdown of public waste. It is unfortunate and an anomaly that while all Irish waste figures compiled by the EPA are done by weight, litter statistics are measured by item numbers. This scenario makes it impossible to compare like with like.

Cost of Litter cleanup and Management

- *How much does your litter cleanup cost per year?*
- *How much does your street rubbish bin management cost per year?*

¹³ <https://www.limerick.ie/Council/newsroom/news/team-limerick-clean-celebrate-5-years-community-spirit>

The level of data available in relation to cost of litter and bin management is more robust with 24 of 29 Councils able to provide data.

Between 2012 and 2017 approximately €409 million has been spent by 24 Councils on street cleaning, litter and street rubbish bin collections. This equates to an average of €68 million per year.

Again, it is the main urban Councils who spend most on the collection and disposal of waste. Dublin City Council accounts for almost half of the annual nationally reported expenditure, allocating approximately €30 million to total street cleaning service each year. Whereas smaller counties such as Leitrim spend an average of €350,000 per annum.



Figure 3: 5 year Waste management Expenditure Sheet, Bin and Litter 2012 - 2017

As already stated, we do not currently know the exact constituent materials of this public waste, but given that passing pedestrians and motorists combined account for 62% of litter pollution (by count rather than tonne)¹⁴, one can estimate that a significant portion of public waste bins and litter collections contain packaging materials and single-use plastic items. Additionally, taking county Limerick’s waste characterisation study previously outlined and findings from a US Environmental Protection Agency document that estimates that the majority of litter items polluting beaches and waterways comes from discarded packaging, and in light of no

¹⁴ http://www.litter.ie/system_survey_results/index.shtml

additional national data being available, we believe that it is reasonable to assume that Ireland has a similar ratio of packaging waste in our litter and street bin waste of approximately 50% of the collected waste.¹⁵

Extrapolating the currently available data from 18 councils for 244,000 tonnes collected at a cost of €409

million over 5 years implies an average cost of €1650 / tonne for litter, street bins and street cleaning. Based on a disposal / recovery cost per tonne for the collected waste



€1,600
AVERAGE
SPEND
PER TONNE
WASTE
COLLECTED

of between €30 and €150 / tonne, this means that the logistics / collection cost for this material is around €1,500 / tonne. Additional and more robust data is certainly required to validate this number.

Current Irish law, to comply with the original Packaging Waste Directive, requires that packaging manufacturers, converters, distributors, retailers and brand-holders/importers (that place defined quantities of packaging on the market) are either fully self-compliant in terms of recycling the packaging they place on the market or are members of a compliance scheme. Currently the only approved compliance scheme for packaging waste is REPAK. As a member of REPAK, entities pay fees according to the amount and type of packaging they place on the marketplace.

¹⁵ https://www.epa.gov/sites/production/files/201508/documents/reducing_wasted_food_pkg_tool.pdf

Currently, the revenue generated from the fees charged is used to subsidise the collection and recycling of the packaging waste found in household recycling bins, bottle banks and civic amenity sites. However, under the new EU Single-Use Plastic legislation, Extended Producer Responsibility schemes will be expanded and it is expected that as the litter waste stream contains packaging waste, these producers will have to contribute to the cost of litter clean-up and public awareness campaigns. Based on this alone, it is vital that we understand the makeup and weight of packaging waste that ends up in this stream.

Litter wardens and Council Staffing

- *How many litter wardens do you have in your local authority in Full Time Equivalents (FTEs)?*
- *What is the procedure to pursue an unpaid litter fine?*
- *What future plans does your local authority have to prevent littering in the future?*

Litter wardens are generally the first line of enforcement against litter. The average number of litter wardens in place across all county Councils is 48. Dublin City Council and Galway County Council are positive outliers with 15 full time equivalents employed in these counties, while Mayo Co Co has one dedicated litter warden (all others are both litter and traffic wardens).

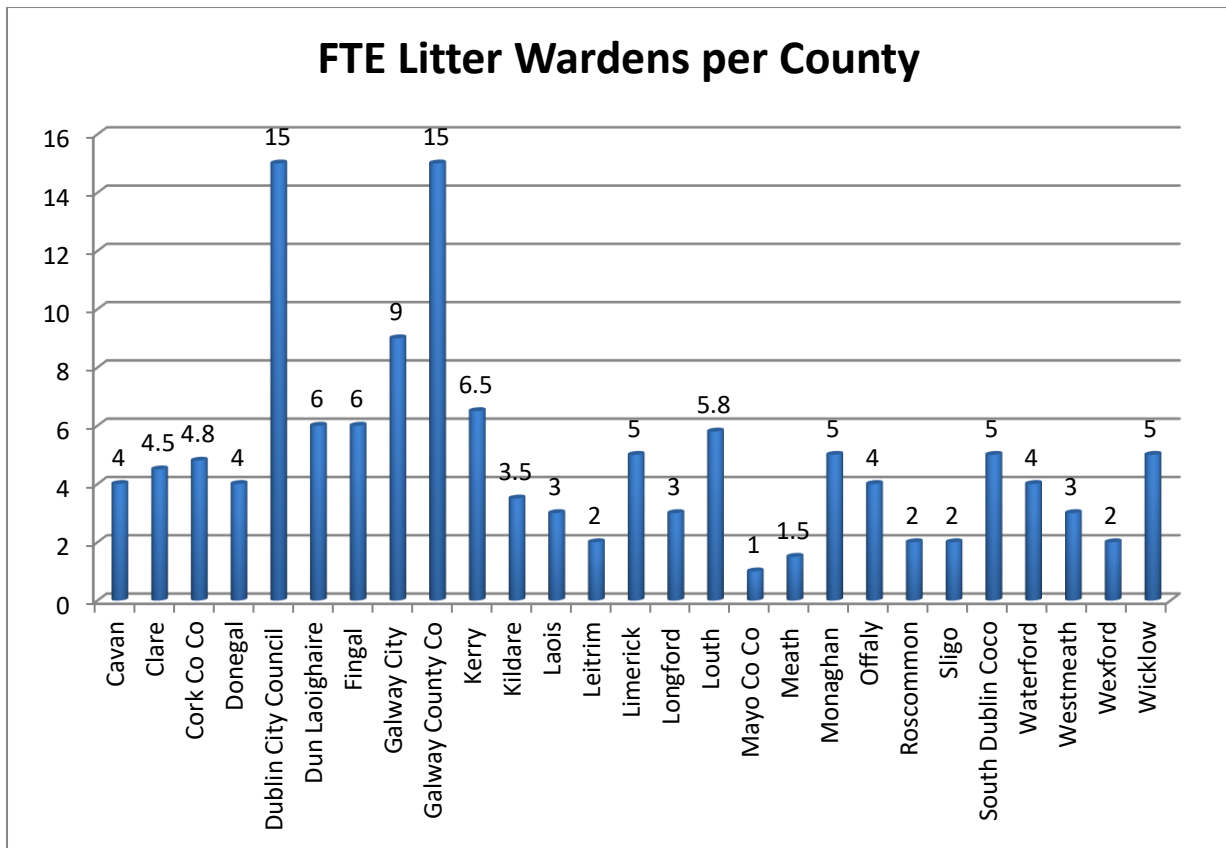


Figure 4: Number of Full Time equivalent Litter Wardens per County

The procedure for dealing with unpaid litter fines is very similar across all counties. A letter is sent to the address provided by registered post. If it is not received a litter warden will verify the address details. If there is no response to the initial letter, a reminder letter will be sent after 21 days. If the fine still remains unpaid after this stage, the matter is considered a criminal matter and is referred to the Council's law agents. If it is deemed that there is enough evidence to proceed, a case will be prepared for prosecution in the courts to ensure payment of the fine.

Current actions for preventing litter

Section 10(1) of the Litter pollution Act 1997 dictates that all local authorities must make and implement a litter management plan which sets out appropriate objectives and targets for a three-year period. These litter management plans contain a range of measures to tackle the issue of littering. Most common among these are participation in the Green School Programme, support for community measure such as Tidy Towns and other national campaigns such as National Spring Clean Week, ReUse Month and the Bin It Gum campaign. A number of Councils have also introduced Litter Action Leagues within their counties, where towns compete under a number of categories. Awareness also plays a large role in the plans with many Councils employing an Environmental Awareness Officer.

Some initiatives of note from the Litter Management Plans include:

- Use of Council drone, satellite and surveillance technologies to monitor litter black spots and to catch people illegally fly-tipping. Technology can play an important role in tackling litter.
- Apps for members of the public to report litter are also becoming common place.
- Smart bins in Dublin city and Dun Laoghaire Rathdown are another example of technology being used to tackle litter issues. These bins have a capacity of 800 litres of waste, 6-8 times that of a traditional bin and crucially they don't overflow when reaching capacity as the bin compacts the rubbish once it

reaches a certain level¹⁶. The bin then sends an email when it is full, reducing logistics costs for Councils.

- Generating a sense of personal connection with the issue of littering has been developed by Councils who have introduced versions of the idea of ‘adopt a street or road’ initiative (Cavan, Dublin, Wicklow, Kildare, Mayo) where residents are asked to commit to keeping a certain section of their locality – a street or stretch of road, litter free.

A specific example of this is the Pure Project, which is a partnership project between Wicklow County Council, Dun Laoghaire Rathdown County Council, South Dublin County Council, Coillte, National Parks & Wildlife Service, and the Wicklow Uplands Council. Funded by the Department of Communications, Climate Action and Environment, the Pure Project was established in 2006 to combat illegal dumping/fly-tipping in the Wicklow/Dublin Uplands area. Groups are encouraged to adopt a mile long stretch of road and to maintain it. This can include keeping it rubbish free but also making repairs, planting flowers and basically enhancing the area. Prizes are given across different categories. The project is an important initiative in tackling illegal dumping in the uplands of Wicklow and Dublin and the project estimates that approximately 3,200 tonnes of rubbish have been removed from the landscape as a result of the project.¹⁷

Kerry County Council has supported a number of initiatives such as Plastic Free Dingle and The GLAN initiative which has been rolled out in Tralee, aiming to make

¹⁶ <https://smartdublin.ie/smartstories/smart-bins/>

¹⁷ <http://www.pureproject.ie/what-we-do/pure-statistics/>

Tralee the greenest town in Ireland. The GLAN programme encourages businesses to sign up to a pledge to employ environmentally sound principles in their businesses including 2-minute street clean ups outside their premises and refilling water bottles. They have also provided reusable cups to their staff and plan to remove all single use cups from their offices.

However financial constraints often impact the number and types of initiatives that Councils are able to roll out to tackle the issue of litter, including the recruitment of additional litter wardens.

Conclusion and Recommendations

The current data on litter and street waste is sparse, incomplete and requires validation. There are large variations across the various Councils. Management of littering as a whole is inadequate and country-wide there appears to be a trend towards increased fly-tipping. Prosecution for littering offences is both ineffective and inadequate.

To date there has been no litter characterisation done on public waste streams. While the National Litter Pollution Monitoring System does produce information and statistics, this is collated on a litter count basis rather than tonnage basis and so makes comparisons with other statistics almost impossible. As recognised by the Department of Communications, Climate Action and Environment themselves “accurate waste compositional analysis is key to the determination of Ireland’s

progress towards meeting its EU recycling, recovery, Packaging Directive and Waste Framework Directive obligations”. The fact that the Department has now committed to doing a waste characterisation study on litter waste is welcome. As part of this study, the real costs of litter management (i.e., identify the specific costs of logistics and disposal / recovery) should be quantified and if feasible reviewed in terms of costs incurred elsewhere within the EU.

A re-examination of the Council exemption from the Landfill Levy is needed to correct the economic incentive towards recycling and waste to energy rather than to landfill.

Additional Recommendations:

- Properly assess and cost out the economic and environmental effects of the introduction of a deposit refund scheme and / or the use of reverse vending machines for single-use drinks containers, which charges a small deposit on each container and provides an incentive for people to return rather than dispose such drinks containers in public waste bins or leave behind as litter. This will reduce the large amount of plastic bottles and aluminium cans that litter the countryside and increase the quality of the material when it is collected separately.
- There should be continued support for campaigns and actions that focus on reducing single use plastic and packaging rather than recycling, such as the Conscious Cup Campaign and Refill.ie and through government regulation.

- When transposing the EU Single-Use Plastic Directive, the government should use this opportunity to understand the waste composition of street bins and litter through a waste audit and investigate policy solutions to tackle and reduce single-use items and on-the-go packaging. A full audit should also be done of the existing street bin infrastructure to determine whether the number of bins, type of bins and frequency of collections is fit for purpose. Litter frequently arises from over-flowing bins and inaccessibility to bins. Lastly, if the government adopts a uniform standard for compostable packaging, it must also invest in the installation of street compost bins to collect this material for industrial treatment and invest in public awareness campaigns.
- Further efforts to raise public awareness about the need to reduce or ban the use of single use materials should be supported, especially in schools and Universities.
- Streamline and standardise the local authority waste data collection system for litter and public bin waste as well as street cleanings.
- Litter statistics should be primarily assessed on a tonnage as well as a per item basis.
- Review existing litter legislation to evaluate whether it is fit for purpose and actually discourages individuals from littering.
 - Assess litter regulations and implementation (including results) in other jurisdictions.
 - Make littering a criminal offense as it is in the UK and France.
 - Increase on the spot penalties and increase incrementally the fines should the perpetrator refuse to give real name or address.

- Impose a Corrective Work Order where convicted litterers are forced to pick up litter wearing a luminous vest to illustrate how much effort goes into cleaning up waste and to name and shame individuals. This is done in Singapore.
- Harmonisation of litter management strategies and plans across the country with regular central reporting to allow roll-out of successful local initiatives. Additionally, consider the wider utilisation of video recording systems to record fly tipping.

Appendix 1: The Survey

1. Survey sent to Councils in June 2018:



Voice of Irish Concern for the Environment Ltd.,
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21 June 2018

Request for Information under the Access to Information on the Environment (AIE) (SI 133 of 2007 & SI 662 of 2011)

Dear Sir/Madam,

I am writing to you under the Request for Information under the Access to Information on the Environment (AIE) 2007 to 2011, (S.I No.132 of 2007 & 662 of 2011). The focus of my inquiry is the Litter Pollution Act 1997, namely Section 3 and Section 24, compliance with Litter Regulations and Penalties.

Could you please provide me information about the following for the past five years (2012-2017)?

Under Section 24:

- How many fines have been issued in each year (number and total amount in Euro)?
- How many of these fines were collected in each year (number and total amount in Euro)?
- How many of these fines were disregarded and unpaid in each year (number of violations and amount of unpaid fines)?
- What are the 5 most common littering activities and items which are fined and please detail the number of fines issued under each and the average amount of the fine?
- What are the 5 most common littering activities where the fine is not paid (number and total amount in Euro)?
- How many cases under the Litter Pollution Act were prosecuted in court during each of the years in question?
- How many cases were successful in court?
- How much money did the local authority secure from fines and penalties awarded by the court in total for each of the five years and how does this compare with the costs of bringing the cases to court?

Litter and Waste Management:

- How many tonnes of litter have you collected each year?
- How many tonnes of rubbish bin waste does your local authority collect and dispose in each year?
- How much does your litter cleanup cost per year?
- How much does your street rubbish bin management cost per year?

Council Staffing:

- How many litter wardens do you have in your local authority in Full Time Equivalents (FTEs)?
- What is the procedure to pursue an unpaid litter fine?
- What future plans does your local authority have to prevent littering in the future?

Thank you very much for your assistance in this matter and please do not hesitate to contact me if you have any questions concerning this request. We would like to receive this information electronically if at all possible at mindy@voiceireland.org. Once we review the relevant documents and data, we would like to keep the option open to contact you should we have further questions.

Kind Regards

Mindy Byrns O'Brien

Coordinator

Appendix 2: Description of offences under the Litter Pollution Act

Section 3 – Prohibitions related to littering

• **3.—(1)** No person shall deposit any substance or object so as to create litter in a public place or in any place that is visible to any extent from a public place.

(2) No person shall—

(a) deposit any thing that is commercial, household, industrial or municipal waste in any place for collection by or on behalf of a local authority or by another person, or

(b) load, transport, unload or otherwise handle or process any thing or carry on a business, trade or activity

in such circumstances as to create litter or lead to litter in any public place or any place that is visible to any extent from a public place.

(3) No person shall place municipal waste into or near a litter receptacle.

(4) No person shall move or interfere with a litter receptacle that has been provided by a local authority or other person unless the movement or interference is authorised by the local authority or other person.

(5) For the purposes of *subsection (3)*, “municipal waste” has the meaning assigned by [section 5](#) of the [Waste Management Act, 1996](#) .

(6) A person who contravenes any provision of this section shall be guilty of an offence.

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Section 19 – Prohibition of articles and advertisements on and defacement of certain structures, etc.

(1) Where any structure or other land, door, gate, window, tree, pole or post is in or is visible from a public place, a person who is not the owner, occupier or person in charge thereof shall not—

(a) exhibit or cause to be exhibited thereon any article or advertisement, or

(b) carry out or cause to be carried out any defacement thereof by writing or other marks, unless the person is authorised in advance to do so in writing by such owner, occupier or person in charge or by or under any enactment.

(2) A person shall not place advertising material on a mechanically propelled vehicle in a public place without the prior consent of the person who owns, or is in charge of, the vehicle.

3) Without limiting the liability of any other person under *subsection (1)* or *(2)*, where there is a contravention of that subsection in relation to—

(a) an advertisement that pertains to a meeting or other event, the person who is promoting or arranging the meeting or event, or

(b) any other advertisement, the person on whose behalf the advertisement is exhibited, shall be deemed also to have contravened that subsection.

(4) A local authority may, on such terms and conditions as may be agreed upon by it and the occupier concerned, in the case of an article, advertisement or defacement in its functional area in relation to which there is a contravention of *subsection (1)*—

(a) by its employees or agents, remove or obliterate all or a part of the article or advertisement or, as the case may be, remove or otherwise remedy the defacement, and

(b) for those purposes, by its employees or agents, enter on the structure or other land concerned or the structure or other land on which is situated the door, gate, window, tree, pole or post concerned.

(5) In a prosecution of a person in relation to a contravention of *subsection (1)* it shall not be necessary for the prosecution to show and it shall be assumed, in the absence of evidence to the contrary, that the person was not the owner, occupier or person in charge of the structure or other land, door, gate, window, tree, pole or post to which the contravention relates and was not authorised as referred to in *subsection (1)*.

(6) A person who contravenes or is deemed to have contravened *subsection (1)* or *(2)* or who obstructs or impedes a local authority or its employees or agents acting in the exercise of the functions conferred on a local authority by *subsection (4)* shall be guilty of an offence.

(7) A prosecution shall not be brought in a case in which an offence under this section is alleged to have been committed in relation to an advertisement if—

(a) the advertisement is exempted development within the meaning of the [Local Government \(Planning and Development\) Act, 1963](#) , or is a notice displayed or erected in pursuance of a requirement by or under any enactment, or

(b) the advertisement—

(i) advertises a public meeting, other than an auction, or

(ii) relates to a presidential election within the meaning of the [Presidential Elections Act, 1993](#) , a general election or a bye-election, within the meaning, in each case, of the [Electoral Act, 1992](#) , a local election within the meaning of the [Local Government Act, 1994](#) , a referendum, within the meaning of the [Referendum Act, 1994](#) , or an election of representatives to the Assembly of the European Communities,

unless the advertisement has been in position for 7 days or longer after the day specified

in the advertisement for the meeting or the latest day upon which the poll was taken for the election, bye-election or referendum concerned.

(8) In this section and in [section 20](#)—

“occupier” in relation to a door, gate, window or tree, means the occupier of the structure or other land on which the door, gate, window or tree, as the case may be, is situated and, in relation to a pole or post, means the owner of the pole or post;

“structure” has the meaning assigned by the [Local Government \(Planning and Development\) Act, 1963](#) .

- **Section 6** - The occupier of any land (except public roads and buildings) shall keep the land free of litter that is to any extent visible from a public place.
- **Section 27** - vehicle related offences
- **Section 22** - Dog Fouling