

# **Submission to the Draft Replacement Litter Management Plan 2016**

**Cllr Cieran Perry 12<sup>th</sup> February 2016**

As a preamble to my specific recommendations I would like to express my disappointment with the Draft Replacement Litter Management Plan. In my opinion the draft doesn't contain any specific actions to impact on the ongoing illegal dumping and litter crisis. The plan also lacks important targets and KPI's to evaluate the success of the plan on an ongoing basis.

It must be acknowledged that the ambitious plans to deploy extra staff and resources contained in Dublin City Council's 2008 – 2011 Litter Management Plan never came to fruition due to the economic crisis. Staff and service cuts became the order of the day and the Waste Management Section were not immune to the loss of resources. If Dublin City Council are serious about tackling what can only be described as a “dumping crisis” citywide the organisation will have to invest in extra staff and equipment. Disappointingly, nowhere in the document is there an indication that extra staff resources will be deployed in the waste management section and the height of the plans ambition in terms of resources is the retention of the current number of litter wardens.

In my submission to the Review of the 2008- 2011 Litter Management Plan I suggested a number of practical recommendations but few, if any, were included in the draft plan.

The draft plan identifies three key areas around which the plan has been structured – Resources, Partnership and Enforcement.

A brief comment on each area:

## **Resources:**

As already highlighted, if there is no investment in extra staff resources this plan will fail. The increased use of technology is to be particularly welcomed but again, not at the expense of staff resources.

## **Partnership:**

While the overall proposal of a partnership with residents, communities and businesses is a good idea, it becomes problematic if the intention is to replace lost staff resources with increased community/business participation. In the past, communities have been very willing to engage with Dublin City Council to tackle various issues which affect them, from anti-social behaviour to illegal dumping, but if such partnerships are to succeed communities need to be treated as equal partners.

## **Enforcement:**

The majority of residents and businesses do not engage in illegal dumping or littering. It is a very small minority who cause the majority of the problems. I believe enforcement is the only

way to tackle these people. Nowhere in the draft is there a practical suggestion of how to improve the effectiveness of enforcement. There is a proposal to expand the door to door enforcement campaign which was successful in the North Inner City despite a lack of resourcing. The NIC pilot has not progressed since the initial door to door campaign. The lack of support from waste management officials outside the local area for the pilot and its continuation doesn't inspire confidence that any expansion of the campaign citywide will be successful.

The poor rate of success in collecting fines and winning prosecutions is discussed below.

### **Illegal Dumping:**

I believe it is generally accepted by those within Dublin City Council's Waste Management Service that the privatisation of the waste service has been an unmitigated disaster. It is the certainly the view of the general public who have had to suffer the consequences of this managerial decision. The impact of this decision is particularly evident in both North & South Inner City but also affects the complete Dublin City Council region. The fact that tourism plays such an important role in the Dublin economy should focus attention on ensuring that we agree on effective actions to tackle the blight of illegal dumping. It is clear from our experience of investigating illegal dumping that it is a small minority of residents, landlords and businesses who dump regularly. The majority of compliant residents should not have to suffer because of the minority.

The damage done to the city's image and reputation by the proliferation of illegal dumping cannot be calculated. The main route from the airport to the city centre passes through an area considered a dumping blackspot.

As a first step towards regaining control of the illegal dumping problem Dublin City Council should re-enter the waste collection business. While provision of a waste management service is an expensive business and council management may be ideologically opposed to re-entry, in the current situation DCC find themselves 'unofficially' providing a waste collection service in tackling the illegal dumping. The cost of this unofficial service is unknown as DCC don't record all illegal dumping collections. Approximately €800,000 was allocated for this service in last year's council budget but this wouldn't include money spent by the various local areas or the parks department etc... In the North Inner City area alone there are reports of over 100 illegally dumped bags being collected on particular days!

The provision of a proper waste management service is a vital public service and shouldn't be required to be profitable.

## **Enforcement:**

### **Section 8.3 of the Litter Management Plan 2008 – 2011 stated:**

*8.3 Procedural Review In 2008, the City Council will review existing procedures in relation to the issuing and collection of litter fines, follow-up procedures and court proceedings, to ensure that maximum use is being made of legislative enforcement powers by Dublin City Council. Dublin City Council will work with relevant Government departments to address any shortcomings in existing legislation, identified as part of the Procedural Review.*

In fact, since the last Litter Management Plan the situation regarding the issuing and collection of litter fines has become worse. Numerous questions I have submitted to the Waste Management Section have indicated that less than 50% of fines are paid and the draft plan confirms a success rate of just 30%. Even when prosecutions have been initiated against offenders the results have been poor. Figures from the draft plan indicate a success rate of less than 10%. It has been acknowledged by senior management in DCC that there is a difficulty securing convictions against offenders with the judiciary being unsympathetic to the Local Authorities. I have put a motion to council calling on the City Manager to write to the Presidents of the relevant courts to highlight the difficulties being experienced by Dublin City Council in prosecuting individuals suspected of illegally dumping but was advised that the Law Agent of Dublin City Council would have to be consulted prior to such an action. This never happened.

### **Section 8.3 of the Litter Management Plan 2008 – 2011 stated:**

*8.14 ‘Name and Shame’ Campaigns Dublin City Council will intensify the „Name and Shame” campaign for convicted litter offenders, including businesses, public bodies/organisations and individuals. Maximum publicity will be afforded to successful litter prosecutions, including publishing a list of prosecuted litter offenders in the local/national press once per quarter.*

When I suggested a ‘Name & Shame’ campaign to the Waste Management Section they replied with Circular WP 20.10 1 July 2010 from the then Department of Environment Heritage and Local Government which stated:-

*“The Data Protection Commissioner has indicated to the Department that such action, in publishing the names and addresses of private individuals fined or convicted as a result of littering, whether by way of publication on local authority websites or by way of notices published in the local press (notices paid for by the authority rather than court reports) is in breach of the principles of data protection as set down in the Data Protection Act 1988 as amended by the Data Protection (Amendment) Act 2003, and in particular, Section 2A.”*

I put a motion to council calling for an amendment to the Data Protection Act 1988 to allow naming and shaming and the Office of the Minister for Justice replied suggesting that an amendment referring specifically to the offence of illegal dumping could be enacted subject to Government approval. No progress appears to have been made on this suggestion.

The Waste Bye-Laws for the Storage, Presentation & Collection of Household & Commercial Waste (Waste Bye-Laws) came in to effect on the 1st July 2013. These Bye-Laws gave extensive powers to council enforcement officials but have not been used to their full potential. A trial 'Litter Blitz' was carried out in both North & South Inner City areas. The blitz involved knocking on doors seeking proof of a waste collection service under Section 8 (b) & (h). This process is extremely labour intensive but very effective if carried out properly. The costly aspect of the process is the initial household visit and subsequent visits but once the householder is signed up to a waste collection service there will be no requirement to revisit. The labour intensive aspect of the process can be seen by some of the results – Approximately 600 addresses were visited revealing a compliance rate of 30%. After another two rounds of surveys compliance had reached over 50%. Unfortunately little or no extra resources were invested in this blitz in the North Inner City and the original personnel in the local areas were expected to carry out this work as well as their own duties. In the South Inner City some investment in overtime and security had enabled over 3500 properties to be examined. The successful trial blitz in South Central could provide a template for a citywide enforcement team.

One glaring omission from the Bye-Laws is the lack of sanction for a Waste Provider who doesn't collect on the designated day. The onus is incorrectly placed on the householder (Holder).

**Section 8.13 of the Litter Management Plan 2008 – 2011 stated:**

*8.13 Surveillance Equipment Dublin City Council will invest in and deploy modern, high-tech surveillance technology, which will facilitate the collection of covert evidence to assist in criminal investigations, including the identification, apprehension and prosecution of litter offenders.*

This investment in high-tech surveillance technology hasn't happened and CCTV appears to be regarded as a failure in relation to enforcement. According to figures released to me in 2013 there are only two fixed CCTV cameras citywide to monitor illegal dumping. The provision of mobile CCTV cameras is outsourced to a private company as required. Statistics provided to me by the Waste Management Services indicate that DCC have decided that CCTV is not a viable enforcement resource. Prosecutions based on CCTV have dropped from 166 in 2009 to 6 in 2012. Waste Management officials complain that the standard of proof required by the courts for conviction for illegal dumping appears to be very high with successful prosecutions generally below 50%. This may indicate a lack of sympathy for the Local Authorities from the judges or that the quality of evidence presented is questionable. The availability of high quality surveillance technology should allow irrefutable evidence to be presented to the courts.

All the reviews of litter management refer to engaging local communities and residents in any campaign to tackle illegal dumping. In my experience I found residents in the affected areas were more than willing to assist Waste Management. In some case residents have set up local litter action groups, Blogs, email lists etc.. in an effort to tackle the issue in their areas. Disappointingly, the support from Dublin City Council has left much to be desired. A common complaint was that when information on illegal dumpers or their addresses were submitted to DCC no action appeared to take place and no update was provided to residents.

Another example of residents and communities supporting DCC's efforts to keep the environment clean is the willingness to sweep up fallen leaves. The collection of the filled bags is an excellent service provided by DCC but should be advertised more widely. Residents should also be informed of a collection date.

Given the restricted resources available to DCC it may be possible to incentivise local residents associations to involve themselves in anti-litter initiatives through the provision of small grants.

## **Litter Bins**

The Litter Management Plan 2008 – 2011 stated that there were 5,000 litter bins in place in the Dublin City Council region at that time and a three-year rolling programme of replacing and upgrading the litter bin network was in progress. There were 70 dog-litter bins were installed in various locations throughout the Dublin City Council area prior to 2007 and DCC intended to increase this to 170 during the lifetime of the 2008 – 2011 Plan.

As a consequence of the privatisation of the waste management service litter bins are being used for dumping domestic waste and this is being used as an excuse to remove bins across the city. The cuts in staffing and services have undoubtedly added to the attraction of removing bins for management. The same arguments are also being used to excuse the removal of the Dog Litter bins. Unfortunately the removal of the bins are only adding to the litter problem citywide by removing a facility for people to deposit suitable waste. It is quite likely that a sizable proportion of this waste ends up as litter.

## **Dog Litter**

**Section 8.7 of the Litter Management Plan 2008 – 2011 stated:**

*8.7 Dog-Litter Dublin City Council will target enforcement measures relating to dog-litter offences, including the provision of specific advice on the responsibilities of dog-owners, information and warning signage, issuing warnings and prosecuting offenders. Known dog-litter areas will be targeted by the “blitz” team 6 times per year and persistent dog-litter locations will be targeted using covert means for identification and ultimate prosecution.*

Dog litter is one of the most contentious issues I have encountered and, despite an increase in signage, there appears to be no improvement in the proliferation of the problem. The draft plan acknowledges that dog litter was the biggest issue raised during the public consultation for the litter plan. Removal of dog litter bins as referred to above has added to the problem. The

miniscule number of dog litter fines issued by Litter Wardens would appear to indicate either a lack of interest in tackling this issue or an expectation that such fines will not be paid or an acknowledgment that they do not have the powers to impact the problem.

In replies to questions I asked the Waste Management Section it was admitted that one dog litter fine was issued in 2009 and none in 2011. I can only assume that the similar numbers were issued for other years.

The primary problem appears to be that Dublin City Council employees do not have the necessary powers to tackle the owners of dogs fouling and those with the power, the Gardai, do not involve themselves in what may be considered menial work in terms of law enforcement.

A pilot program in the South Inner City using a partnership between the Gardai and authorised council officers has proven successful but has been discontinued due to financial constraints. For a relatively small cost I believe this program could be rolled out citywide and have a significant effect on this disgusting problem. I believe such as a visible campaign would inspire public confidence in the councils ability to tackle such a contentious problem.

In 2012 the four Local Authorities proposed the amendment below to Section 22 of the Litter Pollution Act to the Minister for the Environment. No progress appears to have been made.

***Section 22 (1) Where faeces has been deposited by a dog in any place to which this subsection applies, the owner or person in charge of the dog shall carry a means to collect the faeces at all times and shall immediately remove the faeces, ensuring that it is properly disposed of in a suitable sanitary manner***

A reply to one of my questions in 2012 from the Litter Prevention Officer provides an indication that Dublin City Council has conceded defeat in any attempt to tackle dog litter.

***The Litter Monitoring Group which comprises of reps from each Area Office, Waste Management staff and chaired by the Litter Prevention Officer have discussed the issue of dog fouling in the city. The Group recognises the difficulty litter wardens have in issuing litter fines to a person in control of dog who fails clean up after their dog. As Irish law does not oblige a person to carry I.D. and the fact that the Litter Wardens does not have powers of restraint, it is next to impossible to issue a litter fine. The Group have agreed to carry out an anti-dog fouling awareness campaign during the month of June.***

**Section 8.7 of the Litter Management Plan 2008 – 2011** specified the street cleaning schedule for defined zoning categories.

- Category A: Main City Centre Streets, High Footfall Areas
- Category B: Other City Centre Streets, Suburban Villages, Neighbourhood Shopping Areas, DART and LUAS approach roads and Major Thoroughfares
- Category C: Residential / Industrial Areas

Footpath/road sweeping and litter picking in residential areas are only scheduled once every three months in the current Litter Management Plan. This is clearly insufficient and areas should be evaluated based on footfall and the existing litter problem.

## **Recommendations**

- Dublin City Council to re-enter the waste collection business.
- Formation of a well-resourced and well-staffed citywide enforcement team.
- Engage constructively with local residents and communities.
- Review the recommendations of the North Inner City Litter Action Group
- Undertake review of the Litter Fines Process.
- Engage with the Department of the Environment in relation to allowing amendments to the Data Protection Act to allow ‘Naming & Shaming’.
- Engage with the Presidents of the relevant courts to address the difficulties being encountered by Dublin City Council in prosecuting individuals suspected of illegally dumping.
- Implement the current Bye-Laws to the fullest extent based on the successful illegal dumping ‘Blitz’ in the South Central area of the city.
- Review the current Bye-Laws to address any identified omissions.
- Undertake review of the CCTV Fines Process.
- As per the 2008 – 2011 Litter Management Plan, invest in and deploy modern high-tech surveillance technology.
- Stop the removal of further litter bins.

- Review litter bin removal policy and replace bins removed for domestic waste dumping.
- Undertake review of the Dog Litter Fines Process.
- Engage with the Department of the Environment on amendments to the current Dog Litter legislation to allow effective policing of this widespread problem.
- Evaluate Street Cleaning schedule for areas based on footfall and existing litter problems.