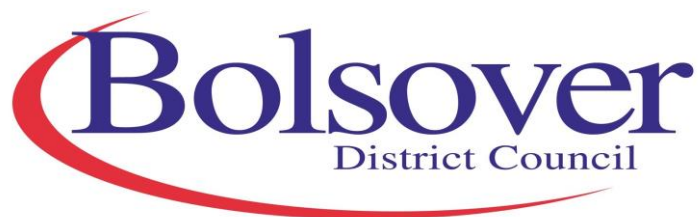


BOLSOVER DISTRICT COUNCIL

Litter and Dog Bin Policy

March 2009



This Policy addresses the following Corporate Aims (show those which are appropriate to the policy only):



COMMUNITY
SAFETY



CUSTOMER
FOCUSED SERVICES



ENVIRONMENT



REGENERATION



SOCIAL INCLUSION



STRATEGIC ORGANISATIONAL
DEVELOPMENT

Bolsover District Council Equalities Statement

Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community.

- The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.
- The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing its functions.

This document is available in large print and other formats from any of the Council offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Improvement Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Dog and Litter Bin Policy
Document type – i.e. draft or final version	Draft V 3 171009
Location of Policy	L:TECH/district_services/Procedures/Litter and Dog Bin Policy v3 171009
Author of Policy	Grounds Maintenance & Cleansing Manager
Member route for Approval & Cabinet Member concerned	PPMG Scrutiny Executive Council Portfolio for Environment
Reviewed by Patch Management Group	14th October 2009
Reviewed by Director of Strategy	Not applicable
Date Risk Assessment completed	Existing Risk assessments specific to the various activities
Date Equality Impact Assessment approved	Approved 6 th April 2009
Partnership Involvement (if applicable)	Not applicable
Date added to the Forward Plan	Not applicable
Policy Approved by	
Date Approved	

Policy Review Date	
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	

CONTENTS

1. The Introduction	3
2. The Scope of the Policy	5
3. The Principles of the Policy	5
4. The Policy Statement	5
5. Responsibility for implementing the Policy	7

1 Introduction

- 1.1 Bolsover District Council is designated as a principal litter authority in accordance with part 4 of the Environmental Protection Act 1990 (EPA 90) as amended by the Clean Neighbourhoods and Environment Act 1995 (CNEA 95), this legislation places both a duty on and gives powers to the authority in dealing with refuse and litter.
- 1.2 The 1990 Act also designates other bodies as litter authorities these include but are not limited to Derbyshire County Council, Town and Parish Councils, Educational Establishments and Transport Infrastructure Establishments.
- 1.3 The 1990 Act does not provide a definition of litter, although the Courts have considered the definition to be wide. Subsection 86(13) of the 1990 Act allows for the part of the Act which refers to refuse to include animal droppings of any description.
- 1.4 In practice, litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are discarded and left by members of the public otherwise than in proper receptacles.
- 1.5 The provision and servicing of dog and litter bins are amongst a number of activities deployed by the Council in order to comply with our duty in respect of the above legislation.
- 1.6 Section 5(1) of the Litter Act 1983 enables litter authorities to provide and maintain refuse or litter receptacles in any street or public place. They should consider carefully the design and location of bins to ensure they are available at points where the public need to dispose of litter. Where bins are provided section 5(3) of the 1983 Act requires them to be emptied, cleansed and maintained so that the bin and its contents does not become a nuisance or give reasonable grounds for complaint.
- 1.7 The Council also has powers under the Dogs (Fouling of Land) Act 1996 and as made an Order designating land within its area where it is an offence not to clear up after ones dog has fouled any land covered by the Order.
- 1.8 Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land.
- 1.9 There are currently 125 external dog bins and 350 external litter bins, throughout the district.

2. Scope

- 2.1 The policy shall apply to all relevant land and relevant highways within the geographical boundaries of the Bolsover District Council area.
- 2.2 Land is 'relevant land' of a principal litter authority if it is open to the air and is land which is under the direct control of such an authority to which the public are entitled or permitted to have access with or without payment.
- 2.3 A place on land shall be treated as 'open to the air' notwithstanding that it is covered if it is open to the air on at least one side.
- 2.4 Every highway maintainable at the public expense other than a trunk road which is a special road is a 'relevant highway' and the local authority which is, for the purposes of this legislation, 'responsible' for so much of it as lies within its area is the district council.
- 2.5 The policy does not apply to bins in the district that are provided by other litter authorities.

3. Principles

- 3.1 The Council will use all its powers, wherever it can, to do anything it considers will promote or improve the wellbeing of the area and the social, economic and environmental well-being of its communities.
- 3.2 This Council is committed to providing a Cleaner, Greener, and Safer Environment.
- 3.3 The following is one of the Council's Corporate Plan 2008 -11 key priorities:
 - Protect, enhance and improve the natural and built environment in a sustainable way.

The following target will help to deliver this priority:

- Increase the standard of street cleanliness to more than 95% of streets being of an acceptable standard by March 2011

4. The Policy Statement

- 4.1 The Council will provide, maintain, empty and cleanse sufficient numbers of dog and litter bins throughout the district as necessary to help in the discharge of our duties as a principal litter authority.
 - Provide – Bins both post mounted and free standing which meet the needs of the local community, whilst causing the minimum impact on the surrounding environment.

- Maintain – bins to a standard by which they are fit for purpose and in themselves are not detrimental to the environment and replace damaged/ stolen bins within 5 working days.
 - Empty – bins on such a frequency as necessary to prevent them from becoming a nuisance or giving reasonable grounds for complaint, minimum weekly/maximum daily.
 - Cleanse – bins on such a frequency as necessary to prevent them from becoming a nuisance or giving reasonable grounds for complaint, minimum twice a year.
 - Publish – the location and emptying schedule of all litter and dog bins for which it is responsible.
- 4.2 Where the Council is required to replace or agrees to install new dog and litter bins regard will be given to the siting to ensure that the bins are of practical use to all.
- 4.3 The Council will monitor the usage of all dog and litter bins and utilise monitoring data to determine the ongoing viability regards the location of each bin.
- 4.4 When the Council receives a request for additional dog and litter bins the following criteria will be used in order to make a decision as to the need for additional bins:
- Current provision of dog and litter bins within the general area.
 - Land use type and designated cleansing zone.
 - Number of requests received for the removal of dog fouling within the immediate area.
 - Number of complaints received regarding dog fouling within the immediate area.
 - Number of requests received for the litter response service within the immediate area.
 - Number of complaints received regarding litter within the immediate area.
- 4.5 For this purpose the terms general area refers to a 500m radius and immediate area refers to a 200m radius.
- 4.6 We will also consult the following groups to input in to the decision of additional bins;
- Local Residents
 Local Businesses
 Environmental Health – Dog Warden and Enforcement Officers
 Community Action Network – Rangers
 Leisure & Tourism (where necessary)
 Planning Department
 Parish/Town Council
 Derbyshire Coalition for Integrated Living
 Derbyshire County Council (where necessary)

Any other prominent local stakeholders

4.7 The Council will provide, maintain, empty and cleanse dog and litter bins on behalf of other litter authorities, throughout the district, at a reasonable charge and where resources allow; when a request is made by the other litter authority.

4.8 The Council will work with other statutory providers and local businesses to ensure that the most appropriate litter and dog bin provision is delivered throughout the district.

5. Responsibility

5.1 Street Services