

Reducing litter caused by 'food on the go'



OPEN
ALL HOURS

A Voluntary Code
of Practice for local
partnerships



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Reducing litter caused by
'food on the go' –
A Voluntary Code of Practice for
local partnerships

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Ministerial Foreword

Government's aim is to improve the things that matter to people. This is not something that can be done by government alone – we all have a part to play. One clear message that I hear time and time again is that people want to live in neighbourhoods that are clean, safe and green. They want streets that are litter free, parks that feel safe, and places to meet that are not blighted by graffiti. Our open spaces are great assets that form the heart of our communities. They should be places of which we are all proud and which foster a sense of civic pride.

In the last twenty years a whole industry has evolved to serve our increasingly hectic lifestyles and evolving styles of living. We now work later and eat more frequently on the move – we live in a busy world. Unfortunately this has come at a price. That price is the significant increase in food and its packaging that is dropped as litter on our streets. People find this litter to be one of the most offensive types, and they are becoming increasingly unhappy about its prevalence.

We cannot continue like this. The Government is committed through its Cleaner, Safer, Greener agenda to improving the areas in which we live and work. We are tackling these issues through a variety of approaches. This Voluntary Code is just one. But the Government does not have sole responsibility. Local authorities, agencies, businesses and the public all have a duty to play an active role in solving these problems.

The aim of this Voluntary Code is not only to reduce levels of litter but also to promote the joint co-operation and community engagement that is key in driving up improvements in our local communities. It seeks to formulate local solutions to local problems. We will only see the improvements that we all want when we begin to tackle the issues affecting our neighbourhoods in a mutually supportive way.

A handwritten signature in black ink that reads "Alun Michael". The signature is written in a cursive style with a long, sweeping underline.

Alun Michael
Minister of State for Rural Affairs and Local Environmental Quality

Introduction

Who wants to visit a business to buy a tasty snack if grimy pavements, strewn with old food, bits of packaging and stinking piles of rubbish, surround it?

The quality of public space matters to business

Just as nobody likes to live in run down neighbourhoods, nobody likes to work or visit the shops in a dirty, neglected area. Clean public spaces can stimulate economic investment, tourism and attract people into the community to live, work and socialise.

The Government is committed to making all of our public spaces into cleaner, safer, greener communities. Government has introduced new measures, initiatives and funding to improve local public space, and this Voluntary Code is part of the continuing developments in this area.

This Voluntary Code in no way stands alone – it is part of a raft of Government measures to make all of us more responsible for the quality of our local environment. These measures do not concentrate solely on the business community but also on local service providers and the public

and are aimed at ensuring that we all play our respective roles in improving the quality of the

Although businesses don't drop the litter around their own shops, their customers do. Businesses can influence their customers' behaviour through reminding them not to drop litter, and setting a good example through their own practice – 74% of businesses say that they already clear litter from outside their premises.

areas in which we live and work. This Voluntary Code is the result of two years of research and consultation¹. It provides a suggested framework to help all concerned to take some responsibility to reduce the litter and waste that comes from selling and consuming food on the go, and improve the area for all.

Litter from food on the go – what is the problem?

ENCAMS, the charity that runs the Keep Britain Tidy Campaign, carries out Annual Local Environmental Quality Surveys of England for the Department for Environment, Food and Rural Affairs (Defra)². These show that whilst the amount of litter found in our public places is stable or decreasing, the prevalence of litter from all types of food and drink consumed outdoors is increasing.

¹ Research carried out by ENCAMS (Keep Britain Tidy) for the Department for Environment, Food and Rural Affairs. Draft released for public consultation in October 2003 entitled "Voluntary Code of Practice for the Fast Food Industry: Options for reducing fast food litter and waste in the local environment". For more information visit <http://www.defra.gov.uk/environment/localenv/index.htm>

² Local Environmental Quality Survey of England 2002-03: ENCAMS 2003 and Local Environmental Quality Survey of England 2003-04: ENCAMS 2004. Copies available from www.encams.org

Littered food packaging from the large, multi-national, branded “fast food” retailers rose 12% nationally in 2002/03. The rate of increase slowed somewhat in 2003/04, although this type of litter was still found in 18% of all areas surveyed. However, this type of litter occurred less frequently than littered food packaging from snacks (including sandwich packaging and bakery items) and confectionery, which were found in one third and two thirds respectively of all sites surveyed in 2003/04. This represents an increase of 10% and 13% respectively in a year. Drinks litter has risen 23% in the last year, and is now found on just under two thirds of all sites.

Discarded fast food packaging has risen by 12% across England as a whole, and more worryingly, this type of litter is occurring ever further from the place of product purchase. Twenty percent more fast food litter was found discarded along smaller roads, and 18% more along main roads, in 2003 than in 2002. Discarded food was found on only 1% of all sites in 2002, rising to 8% of all sites in 2003, and 10% in 2004.

It is recognised that although businesses themselves do not drop litter on our streets, their customers often do. Poorly stored waste and excess packaging can also become litter.

Developing a Voluntary Code of Practice

As part of its commitment to cleaner, safer and greener environments, the Government has identified the tackling of this increase in litter arising from eating food on the go as a priority, to be done in part through a Voluntary Code of Practice for the industry, and through a raft of other measures. Led by a strong Ministerial commitment, the Department for Environment, Food and Rural Affairs (Defra) commissioned ENCAMS to research and develop a Voluntary Code of Practice for all involved in selling food and drink for immediate consumption, in order to reduce food litter and waste in the environment. This was originally called “Voluntary Code of Practice for the Fast Food Industry”

The following key considerations have shaped the development of the Voluntary Code:

- **The Voluntary Code must encompass a wide range of businesses**, as fast food in this context should be defined as *‘any edible product which can be eaten immediately upon exiting the premise in which it was bought’* – drinks, sandwiches, snacks, burgers, chips, and their packaging.
- **The Voluntary Code must comprise a sensitive selection of options for everyone – especially businesses, local authorities and the public - to help reduce litter from food and drink on the go.** It needs to be supported by public campaigning, statutory bodies carrying out their responsibilities, and businesses taking some corporate social responsibility.

- **The Voluntary Code must be carefully categorised to make it reasonable and applicable.** Eight different operator categories, tested during the consultation with industry representatives and local authorities, were developed to reflect both the impact of the issue on the business, and their ability to clean up.

There were three ways in which interested parties were engaged in the research process:

- **A preliminary consultation process** involving businesses, local authorities, packaging suppliers, public and private agencies and individual citizens, was carried out by ENCAMS. This was used to develop recommendations for a draft Voluntary Code of Practice, which were drawn up in a consultation paper.
- **A 12-week public consultation** on the draft Voluntary Code, including a Partial Regulatory Impact Assessment, held between October 2003 and January 2004³. Ninety-one responses were received, and have been carefully considered in the redrafting of the Voluntary Code. A summary of responses has been published⁴, and Government Ministers and officials have held meetings with a number of interested parties to ensure that all views are represented.
- **Three separate pilot studies of the Voluntary Code to feed back into the consultation.** These pilot studies were conducted following a proposal to the Local Government Association from McDonald's Restaurant's Ltd, three local authorities, (Maidstone Borough Council, Sheffield City Council, and Taunton Deane Borough Council), together with McDonald's Restaurants Ltd and supported by the Local Government Association and the Improvement and Development Agency (IDeA). Full case studies can be found in Appendix 4.

Further details on the research and its findings can be found in Appendix 3.

Status

As this is a Voluntary Code, it does not impose any additional requirements on industry, beyond those that currently exist. The Voluntary Code recommends how local authorities and businesses could work together to tackle litter problems. Local authorities already have powers to require local businesses, and others, to clear up litter in certain circumstances. However, one benefit of effective joint working could be that these powers need not be enforced.

³ Draft released for public consultation in October 2003 entitled "Voluntary Code of Practice for the Fast Food Industry: Options for reducing fast food litter and waste in the local environment". For more information visit

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

⁴ Summary of Responses published June 2004 available from <http://www.defra.gov.uk/environment/localenv/index.htm>

Current Legal Position. There are already powers and duties to deal with litter and waste. People can be fined for dropping litter.

Local authorities (amongst others) have a duty to keep their land clear of litter and refuse, and they must monitor and report on how clean it is.

Businesses must control their waste and store it properly. Through license agreements or special notices, businesses can be required to clear litter within a specified distance of their frontage. The

Government is working on further initiatives to make individuals more responsible, increase education and give local authorities more powers and duties to improve local environmental quality (see Appendix 2 for more details).

“Maintaining a clean and tidy premises is central to customer loyalty”

**British Retail Consortium
(consultation response)**

Summary of the Voluntary Code of Practice

We all benefit from, or are disadvantaged by, the state of our local environment, and we all need to play our part in maintaining or improving its standard. Businesses and local authorities play a vital role in educating the public not to drop litter and setting a good example through existing practice (74% of businesses already clean up outside their premises). This Voluntary Code is not intended to be prescriptive, but instead aims to promote a voluntary framework of recommendations for all parties to work together to find the best solutions to achieving a cleaner, more pleasant place to do business.

What is the aim of the Voluntary Code?

- To reduce food and drink litter, and waste that becomes litter, in the local environment.

Who is it the Voluntary Code for?

- *All businesses selling food and drink for immediate consumption outdoors, supported by public and private bodies working with businesses - local authority officers, town centre managers, Business Improvement District Managers, the police, wardens and the public.*

N.B. This includes operators selling food and drink for immediate consumption as their main or sole purpose, as well as those for which this is a secondary business function. It does not explicitly include businesses that sell food for consumption on their own land outside their premises, such as public houses or café-bars, unless this food consumption area is on public land.

Research by ENCAMS for this paper indicates clearly that all types of food that are consumed outside and disposed of incorrectly become ‘fast food’ litter. Fast food litter is defined as *“any fast food (as defined above) or the packaging sold with the food substance which is found discarded onto public streets”*. Therefore, triangular sandwich packaging, drinks cartons

and confectionery wrappings are fast food litter, as are burgers, chicken products, potato chips and their containers. Fast food waste is defined as *'any waste from an outlet that sells fast food (as defined above)'*. Fast food waste only becomes a problem if it is not managed, stored, or disposed of correctly and becomes litter.

For the purposes of this Voluntary Code, the term 'Fast food' has been used to encompass food that is eaten 'on the go'. This term is not intended to classify certain foods as those traditionally seen as 'Fast food' e.g. pizza.

After careful research during the foundation of this project, businesses have been categorised according to impact and ability to clean up, and different recommendations have been aligned to each category.

Categories are as follows:

Types of operators selling 'food on the go'	
Primary Outlet	An outlet whose main or sole purpose is to sell food for immediate consumption to customers, e.g. pizza shop, chip shop, burger bar.
Small outlets	These may be single premises or a couple of nuclear units often family owned, e.g. local pizzeria, kebab shops. Small to medium chains or franchise operations, usually regionally based, such as sandwich shops, burger and fried chicken franchises. This sector is dominated by national and international franchises otherwise known as Quick Service Restaurants (QSRs). Major multi-million pound sub-regional franchises are also in this bracket, where every outlet in the same franchise is owned by one business (or individual). International franchises dominate this sector, but there are also smaller local and regional drive thrus. These include potato vans, hot dog vans, ice cream vans and roadside vehicles.
Medium outlets	
Large outlets	
Drive thrus	
Mobile outlets	
Secondary Outlet	An outlet that sells food for immediate consumption but this is not its sole or main function, e.g. newsagents, supermarkets, petrol stations and any store selling sandwiches.
Small outlets	May be single premises or a couple of nuclear units, often family-owned, e.g. local newsagents, corner shops. These are characterised by local or regional marketing, franchise or packaging operations, also national and regional bakery chains. Petrol station shops and public houses selling food and drink for consumption off the premises are included in this category. These include large high street retailers and supermarkets, primarily those that sell takeaway sandwiches.
Medium outlets	
Large outlets	

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 to work out the best ways in partnership with other agencies 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; and reducing packaging, waste and litter. These four elements are equally key to improving our local environments and cannot be viewed in isolation.**

Conclusion

The recommendations contained within the Voluntary Code are based closely on research carried out with fast food operators, local authorities, and other major land managers. They are designed to reflect the abilities and limitations of individual operators, and to build on existing good practice in the industry. Through joint working, the recommendations can be tailored to meet the individual needs of the business and the supporting agencies. These recommendations continue to be assessed using appraisal processes to avoid unreasonable resource burdens on businesses, public bodies and local authorities.

The Voluntary Code is designed to help businesses, local authorities and other public and private bodies to reduce the incidence of outdoor food and drink litter, and waste that becomes litter, in the local environment. It will closely complement the Government's commitment to develop measures to improve the quality of public space and local environments.

The Voluntary Code is accompanied by a clear communication strategy to ensure that it is made available to all businesses and supporting agencies.

Format of Document

A full list of contents appears at the beginning of this document. This section marks the end of the Introduction to the Voluntary Code. The next section contains the Voluntary Code of Practice framework and recommendations for each business type, together with more detailed guidance and annexes containing documents relating to the Voluntary Code itself. Appendices contain details on current legislation for businesses and **local authorities, guidance on future Government plans, details of the research behind the Voluntary Code itself and examples of good practice.**

What are the advantages of this Voluntary Code to Local authorities, Town and City Centre Managers, and other land managers?

ENCAMS has produced additional guidance for these groups, available from www.encams.org or phone 01942 612639

1. The Voluntary Code framework starts with an **assessment of the issues** – when, where and why any problems with litter are occurring.
2. This foundation helps in identifying **local-level solutions** in cleansing, waste management and public education to reduce litter.
3. The Voluntary Code promotes the Duty of Care on Waste legislation, and provides **easy guidelines to keep within the law**.

What are the benefits of this Voluntary Code to businesses selling food on the go?

This Voluntary Code of Practice operates on the following principles:

1. **The quality of public space matters to business.** 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 premises¹. It is recognised good business practice to maintain a clean and tidy premise. 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 to refrain from littering.
4. **All businesses selling food on the go 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” packaging¹. 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 mishandled trade waste¹. Legislation is available to local authorities to serve notice on that create excess litter, requiring that they clean up to 100m either side of their business. This Voluntary Code sets carefully researched standards for different business types to come to voluntary arrangements with all agencies – for everyone to play their part - to agree local arrangements, recognising business’ limitations and existing good practice.

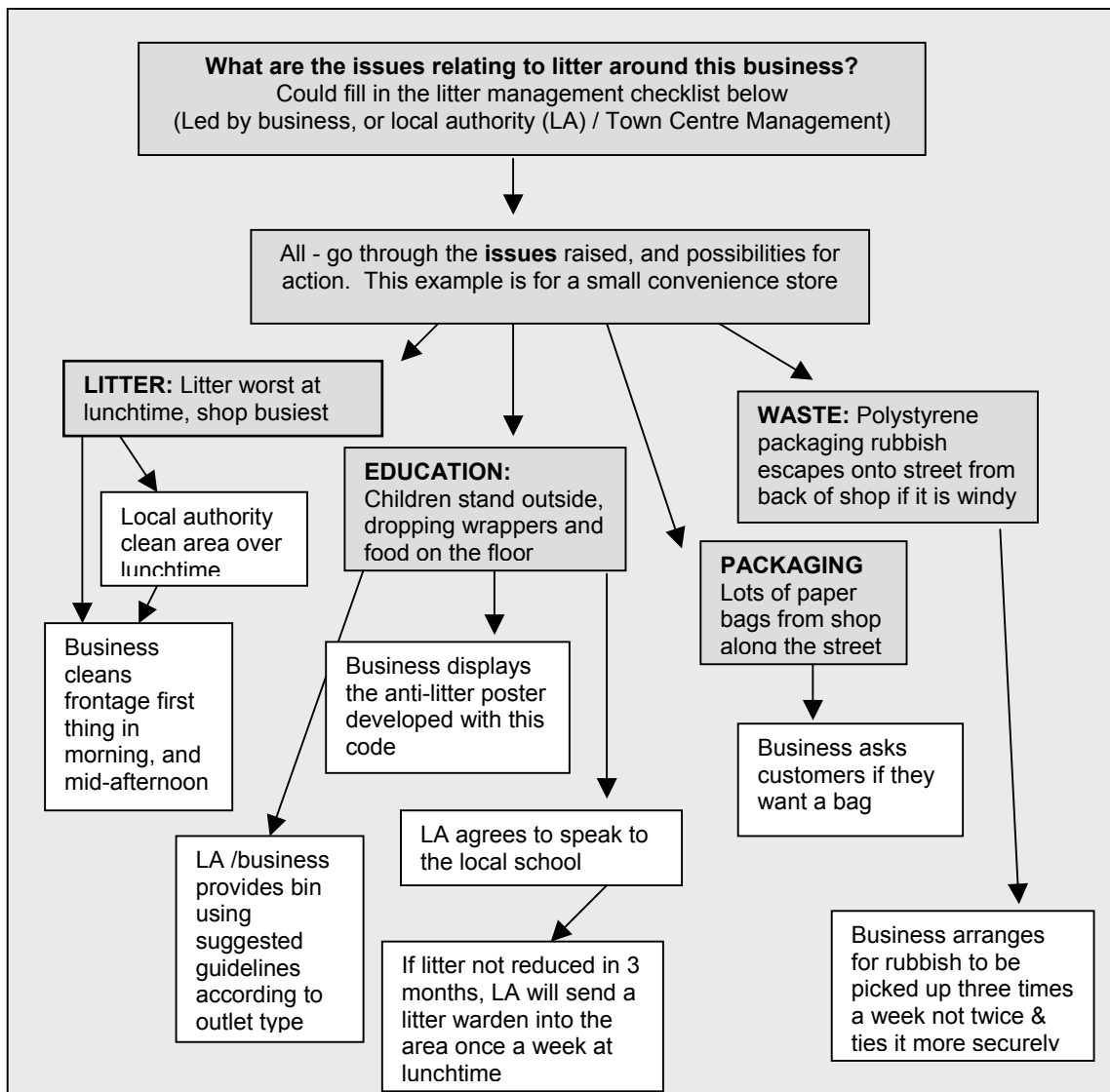
Reducing Litter caused by 'Food on the Go' – A Voluntary Code of Practice for local partnerships

Framework

This Voluntary Code is designed to provide a framework for action, involving all agencies responsible for litter from food on the go in public space. The research for this Voluntary Code identifies the main areas as: public education, litter, waste, and packaging.

Businesses selling food for immediate consumption, together with Local Authorities or Town Centre Managers, work together to look at the particular issues surrounding litter from food on the go in each particular business, and decide how to tackle these issues. **Annex A** contains a litter management checklist, which may provide a useful format.

- Solutions should be agreed according to local priorities, with regard to security and health and safety implications and food safety implications.
- Guidelines for business' actions are suggested. Pages 16-23 of this Code contain the proposed maximum requirements on businesses by category. Government feels very strongly that businesses should regard these as a full list of options to choose from and strive to undertake all where relevant. Categories have been developed in research for this document and requirements set according to business impact on the issues and their ability to take action without it affecting normal business operations.
- Guidelines for local authorities and Town Centre Management are also suggested.



Step one – 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?
- 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?
- 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)
- Are there any other issues to note? e.g. problems with vandalism, graffiti, noise

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. Businesses may choose to complete the checklist on their own, or in conjunction with a representative from the Council or Town Centre Management team.

Step 2: The Solutions

Once the particular issues, timings, spread, and some of the causes have been established, solutions can be developed. Suggestions for solutions are centred on the four main categories of public education, packaging, waste and litter.

The recommendations in this Voluntary Code have been calculated in order that businesses are placed in carefully researched categories, with related guidelines to ensure that businesses are only asked to do what is reasonable and achievable. The guidance beneath provides more information and also contains suggestions for actions by supporting agencies that the business may have dealings with. These include Local Authorities, Town Centre Managers and other land managers such as Network Rail and other transport operators. It is intended that an agreement on the best course of action is reached between the business and the supporting agency or agencies. The forms below contain space to confirm agreed actions between all parties, together with a note of the maximum requirements for each business category.

Voluntary Code of Practice – Primary Outlets (Small fixed Outlets)

Primary Outlet:	<i>An outlet whose main or sole purpose is to sell food on the go to customers, e.g. pizzeria, chip shop, burger bar.</i>
Small Outlets:	<i>These may be single premises or a couple of nuclear units often family owned, e.g. local pizzerias, kebab shops.</i>

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See section:

Changing Public Behaviour

- Anti-litter messages inside stores and on exits.

E1

Packaging

- Review packaging – can it be reduced?
- Ask customers if they want a bag

P1

P2

Waste

- Comply with the Duty of Care on Waste Regulations

W1

Litter

- Complete a litter management checklist annually
- Clear all litter daily from shop frontage to the edge of the pavement
- Litter bins – if the business and the local authority agree that one is needed, the business should request the local authority to provide one litter bin for outside the premises

L1

L2

L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Voluntary Code of Practice – Primary Outlets (Medium fixed Outlets)

Primary Outlet: An outlet whose main or sole purpose is to sell food on the go to customers, e.g. pizzeria, chip shop, burger bar.

Medium Outlets: Chains or franchise operations of ranging size, usually regionally based, such as sandwich shops, burger and fried chicken franchises.

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See section:

Changing Public Behaviour

- Anti-litter messages inside stores, on exits, and on bins where appropriate E1

Packaging

- Review packaging – can it be reduced? P1
- Ask customers if they want a bag P2
- (If applicable) Printed packaging to display the (minimum size) Tidyman symbol P3

Waste

- Comply with the Duty of Care on Waste Regulations W1

Litter

- Complete a litter management checklist annually L1
- In agreement with supporting agencies, carry out and record an appropriate number of daily litter picks for all litter on the frontage of the premises to the end of the pavement or for two metres in a pedestrianised area L3
L4
- Share litter pick charts with Local Authority or Supporting Agency L5
- Negotiate the provision of litter bins with local authorities if appropriate L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Voluntary Code of Practice – Primary Outlets (Large fixed Outlets)

Primary Outlet:	<i>An outlet whose main or sole purpose is to sell food on the go to customers, e.g. pizzeria, chip shop, burger bar.</i>
Large Outlets:	<i>National and international franchises otherwise known as Quick Service Restaurants (QSRs). Also includes major multi-million pound sub-regional franchises, where every outlet in the same franchise is owned by one business (or individual)</i>

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See
section:

Changing Public Behaviour

- Display anti-littering posters and messages inside stores, on exits, and on bins E1
- Support local community improvement and regeneration activities E2

Packaging

- Minimise packaging in production P1
- Consider segregation of waste trials P2
- Display the (minimum size) Tidyman symbol P3

Waste

- Comply with the Duty of Care on Waste Regulations W1

Litter

- Complete a litter management checklist annually L1
- In agreement with supporting agencies, carry out and record an appropriate number of daily litter picks for all litter on the frontage of the premises to the end of the pavement or for two metres in a pedestrianised area L3
L4
- Share litter pick charts with Local Authority or Supporting Agency L5
- Negotiate the provision of litter bins with local authorities if appropriate L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Voluntary Code of Practice – Primary Outlets (Drive Thrus)

Primary Outlet:	<i>An outlet whose main or sole purpose is to sell food on the go to customers, e.g. pizzeria, chip shop, burger bar.</i>
Drive Thrus:	<i>Dominated by international franchises of burger and chicken providers, but there are also smaller local and regional drive thrus.</i>

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See section:

Changing Public Behaviour

- Display anti-littering posters and messages inside stores, on bins and at drive thru exits E1
- Support local community improvement and regeneration activities E2

Packaging

- Minimise packaging in production P1
- Consider segregation of waste trials P2
- Display the (minimum size) Tidyman symbol P3

Waste

- Comply with the Duty of Care on Waste Regulations W1

Litter

- Complete a litter management checklist annually L1
- In agreement with supporting agencies, carry out and record an appropriate number of litter picks per day within 100 metres of shop frontage L3
L4
- Share litter pick charts with Local Authority or Supporting Agency L5
- Liaise with the Local Authority to identify hotspot areas for drive thru litter and carry out cleansing in these areas on a frequency to be negotiated. L5
- Consider the sponsorship of litter bins in areas where drive thru litter is proved to be deposited L6
- Negotiate the provision of litter bins with local authorities if appropriate L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Voluntary Code of Practice – Primary Outlets (Mobile Outlets)

Primary Outlet:	<i>An outlet whose main or sole purpose is to sell food on the go to customers, e.g. pizzeria, chip shop, burger bar.</i>
Mobile Outlets:	<i>These include potato vans, hot dog vans, ice cream vans and roadside vehicles.</i>

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See section:

Changing Public Behaviour

- Display anti-litter messages at point of sale and/or on your vehicle

E1

Packaging

- Review packaging – can it be reduced?
- Ask customers if they want a bag

P1

P2

Waste

- Comply with the Duty of Care on Waste Regulations

W1

Litter

- Complete a litter management checklist annually
- Carry out a litter pick for five metres around the mobile vending unit twice a day, the last pick prior to departure
- Litter bins – if the business and the local authority agree that one is needed, the business should request the local authority to provide one litter bin for outside the premises

L1

L2

L3

L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Voluntary Code of Practice – Secondary Outlets (Small Outlets)

Secondary Outlet: *An outlet that sells food for immediate consumption but this is not its sole or main function, e.g. newsagents, supermarkets, petrol stations and any store selling sandwiches.*

Small Outlets: *May be single premises or a couple of nuclear units, often family owned, e.g. newsagents, corner shops.*

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See section:

Changing Public Behaviour

- Anti-litter messages inside stores and on exits

E1

Packaging

- Review packaging – can it be reduced?
- Ask customers if they want a bag

P1

P2

Waste

- Comply with the Duty of Care on Waste Regulations

W1

Litter

- Complete a litter management checklist annually
- Clear all litter daily from shop frontage to the edge of the pavement
- Litter bins – if the business and the local authority agree that one is needed, the business should request the local authority to provide one litter bin for outside the premises

L1

L2

L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Voluntary Code of Practice – Secondary Outlets (Medium Outlets)

Secondary Outlet: *An outlet that sells food for immediate consumption but this is not its sole or main function, e.g. newsagents, supermarkets, petrol stations and any store selling sandwiches.*

Medium Outlets: *These are outlets of varying size, characterised by local/regional marketing/franchise/packaging operations, such as a local small shops chain.*

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See section:

Changing Public Behaviour

- Anti-litter messages inside stores, on exits, and on bins where appropriate E1

Packaging

- Review packaging – can it be reduced? P1
- Ask customers if they want a bag P2
- If you print packaging, display the (minimum size) Tidyman symbol P3

Waste

- Comply with the Duty of Care on Waste Regulations W1

Litter

- Complete a litter management checklist annually L1
- In agreement with supporting agencies, carry out and record an appropriate number of daily litter picks for all litter on the frontage of the premises to the end of the pavement or for two metres in a pedestrianised area L3
L4
- Share litter pick charts with Local Authority or Supporting Agency L5
- Negotiate the provision of litter bins with local authorities if appropriate L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Voluntary Code of Practice – Secondary Outlets (Large Outlets)

Secondary Outlet: *An outlet that sells food for immediate consumption but this is not its sole or main function, e.g. newsagents, supermarkets, petrol stations and any store selling sandwiches.*

Large Outlets: *These include large high street retailers and supermarkets, primarily those that sell takeaway sandwiches.*

Agreed Actions:

	Business	Supporting Agency/Agencies
Public Education		
Packaging		
Waste		
Litter		

Recommendations:

See section:

Changing Public Behaviour

- Display anti-littering posters and messages in store, on exits, and on bins where appropriate E1
- Support local community improvement and regeneration activities E2

Packaging

- Minimise packaging in production P1
- Consider segregation of waste trials P2
- Display the (minimum size) Tidyman symbol P3

Waste

- Comply with the Duty of Care on Waste Regulations W1

Litter

- Complete a litter management checklist annually L1
- In agreement with supporting agencies, carry out and record an appropriate number of daily litter picks for all litter on the frontage of the premises to the edge of the pavement or for two metres in a pedestrianised area L3
L4
- Share litter pick charts with Local Authority or Supporting Agency L5
- Negotiate the provision of litter bins with local authorities if appropriate L6

Signed
(on behalf of Business)

Date

Signed
(on behalf of Supporting Agency/Agencies)

Date

Guidance on the Recommendations

The following list of contacts can provide useful guidance and advice, depending on the business location:

- The local authority department with responsibility for street cleansing
- Town Centre Management (where applicable)
- The Environment Agency. Visit www.environment-agency.gov.uk or phone 08708 506 506 for your local office
- ENCAMS is a national charity which runs anti-litter campaigns and provides advice for businesses on litter and waste. Visit www.encams.org or telephone 01942 612639
- Transport operators – Network Rail, train operating companies, local bus, tram and light rail operators, passenger transport executives (e.g. Transport for London, Mersey Travel)
- Business Improvement District Management
- National Parks
- Parish and Community Councils

Public Education

The best way to reduce litter from ‘food on the go’ 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.

E1 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**
- An anti-littering poster has been designed by ENCAMS, the charity that runs the Keep Britain Tidy Campaign, specifically to support this Voluntary Code. See Annex B. **Free posters can be ordered from www.encams.org** or phone 01942 612639. The artwork is also available for businesses to co-badge and produce using their own methods.
- Local authorities and others may also have materials available locally.
- Larger operators could consider developing special tray-liners or in-store materials.

Supporting Agencies:

- Consider running local, targeted anti-litter education campaigns, using local media to spread the message further.
- Work with local schools to get the message across that littering is unacceptable.
- Undertake enforcement using Fixed Penalty Notices for littering.

E2 Community regeneration

Businesses:

Supporting local community improvement and regeneration activities through participation or sponsorship can raise the profile of a business. Local authorities and other local organisations have details of such events.

Supporting Agencies:

Local and national campaigns, such as the “In Bloom” programme, offer businesses opportunities to sponsor local regeneration and improvement features.

Pass on information of other opportunities to the businesses.

Packaging

Businesses:

This Voluntary Code does not aim to offer detailed best environmental practices relating to packaging. There are two main Regulations which cover packaging:

- (I) **The Packaging (Essential Requirements) Regulations 1998** place a number of requirements on all packaging placed on the market in the UK, including a requirement that packaging should be manufactured so that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer; and
- (II) **The Producer Responsibility Obligations (Packaging Waste) Regulations 1997** (as amended) are intended to increase the recovery and recycling of packaging waste. An extension of the 'polluter pays principle', they require businesses in the packaging chain, which have an annual turnover of more than £2 million and which handle more than 50 tonnes of packaging a year, to recover and recycle a specified amount of packaging waste each year. The amount of packaging waste producers have to recover and recycle is determined, in part, by the amount of packaging they handle. This gives businesses a further incentive to reduce the amount of packaging they handle.

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.

Supporting Agencies:

- Practical support for this section may depend on organisational priorities. A number of case studies have been incorporated to demonstrate existing work.

P1 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.

Case Study: Pathfinder Programme in Leicester

Leicester City Council supported the production of biodegradable packaging for small and medium operators in the city. For the full report, ring 01942 612639 or visit http://www.encams.org/BestPractice/pdf/4_fast_food.pdf

Operators that produce their own packaging could also look to

increase the amount of recycled materials or biodegradable materials in its production.

P2 Ask customers if they want a bag

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

Case Study: Pathfinder Programme in Sheffield

In Sheffield, small secondary outlets selling freshly-made sandwiches in paper bags to school children were finding a lot of littered paper bags between their shops and the local school. Working with the council, they began to sell sandwiches without wrapping to children, and the litter was vastly reduced. For the full report, ring 01942 612639 or visit http://www.encams.org/BestPractice/pdf/4_fast_food.pdf

However, in some circumstances, where 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.

P3 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 ENCAMS on 01942 612639 or visit www.encams.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

W1 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 34⁵. 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 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

⁵ Copies are available from the Stationery Office, phone 0870 600 5522, email: customer.services@tso.co.uk, or downloadable from <http://www.legislation.hms.gov.uk/acts.htm>. A simple leaflet, "Rubbish and the Law: A guide for businesses", is free from www.encams.org or phone 01942 612639

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 with 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 and presented for collection as indicated by the waste contractor.

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 the local authority for advice on storage and disposal.

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.

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.

Supporting Agencies:

- Look at current provision of information. Local authorities are required to inform businesses of their obligations under the Enforcement Concordat signed in 1998.⁶
- ENCAMS produces a simple free leaflet to help businesses know their waste obligations⁷
- ENCAMS has developed an award scheme for local authorities to adopt with businesses to encourage them to manage their waste better⁸.
- Environmental Health Officers or Town Centre Management may be involved in working on this Voluntary Code if they are checking trade waste documentation.

⁶ See <http://www.cabinet-office.gov.uk/regulation/pst/enforce/enforcecon.asp>

⁷ A simple leaflet, "Rubbish and the Law: A guide for businesses", is free from www.encams.org or phone 01942 612639

⁸ For more information phone 01942 612639 or visit www.encams.org

Litter

“Maintaining a clean and tidy premises is central to customer loyalty”

**British Retail Consortium
(consultation response)**

The following guidance is to help businesses and local authorities to decide whether cleaning times can be arranged to suit both parties. 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 under a duty to clear the land for which they are responsible. A full list of duties can be found in Annex E for businesses and appendix 1 for statutory agencies.

L1 Assess the extent of the litter arising from the business

Businesses:

It is suggested that businesses, together with the supporting agencies, consider the extent, timings and spread of litter around the premises, together with the peak activity times of the business. This is proposed as a good starting point for all of the arrangements in the Voluntary Code. More information is found under the Framework section above. A copy of a possible 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 is 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.

Supporting Agencies 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.

Supporting Agencies:

- The consultation showed strong approval of this approach from supporting agencies. Use the information to work out joint solutions.
- This Voluntary Code offers throughout solutions and examples of good practice arising from this approach

L2 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 of Cleansing Notice (see below and Annex E), these take precedence over the recommendations stated above.

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

Links with Health and Safety Legislation

The Health and Safety Executive (HSE) Health and Liaison Committee on Employee Safety believe that this Code

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

See Annex C for list of guidance available to businesses from the Environment Agency and HSE, and details on Workplace Health, Safety and Welfare legislation.

Under sections 93 and 94 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, to be designated by a Magistrate's Court, often within 100 metres of the business. Failure to comply with the order is an offence and can result in a fine of up to £2,500. As part of its 'Clean Neighbourhoods' consultation (see Appendix 2), the Government is proposing to improve and streamline the options available for local authorities to take

action in this area, the aim being a significant increase in the number of local authorities exercising these powers.

Accumulations of litter on the premises of a business could give rise to the council designating it a Litter Control Area under section 90 of the Environmental Protection Act 1990.

Supporting Agencies:

- Consider amending cleaning schedules to cover busy times for businesses when litter may be worst, and enable them clear litter at less busy times.
- Consider providing guidance or training for businesses.

L3 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, taking into account the health & safety of employees and the implications for food safety where the retailer's main purpose is the preparation and serving of fresh food.

This Voluntary Code suggests undertaking an appropriate number of litter picks, and the distance around the premises that these should cover.

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.

**Good practice – Maidstone
McDonald's Restaurants Ltd and KFC, who are opposite each other on the High Street, take it in turns to send a member of staff out to clear litter for 100m either side of their premises.**

Business and supporting agencies could agree times together so that these picks can be managed alongside business operations and take into account food safety implications. Businesses may wish to consider working with other operators to share picks.

Charts with spaces for signing off operations and maps have been provided in Annex C. Completing these may be useful, especially in cases where evidence must be provided in a dispute. See section L4 below.

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 pavement, or for two metres in front of the premises in a pedestrianised area⁹.
- **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** 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. The local authority may have specialist equipment for certain surfaces, or recommend particular cleaning methods. Businesses may wish to contact the council's cleansing 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 in the same category.

⁹ Or as stipulated by any Order, where relevant.

Supporting Agencies:

- Encourage co-operation within the business community
- Consider developing local agreements, and consider surrounding support – Town Centre Management, local authority cleansing regimes, whether businesses are situated within a Business Improvement District.
- Local Authorities could assist by providing scale maps at cost price
- Local authorities could review the nature and timing of street cleaning already undertaken and make changes to existing schedules as appropriate to tackle the problem

L4 *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 C 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.

Supporting Agencies:

- See section L5 below

L5 *Share litter pick information with local authority or supporting agencies*

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 the local authority department responsible for cleansing, or 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.

Supporting Agencies:

- Agree and communicate whether and how often information should be provided by businesses.
- Use this information to develop efficient and effective cleansing regimes to improve the quality of the environment.

L6 Provide litter bins

Businesses:

This Voluntary Code suggests businesses negotiate the supply and sponsorship of litter bins with local authorities. The checklist provides an estimate of the amount of litter present, and will help businesses and supporting agencies to evaluate whether the litter could be reduced if more bins were installed.

The majority of operators selling food on the go are asked to pay for and provide their own litter bins under this Voluntary Code. Businesses should always do this in consultation with the council. Local priorities determine which entity is responsible for bin provision, and both the Highways Department and the department responsible for street cleansing could be involved in this decision. Areas of high security risk have different regulations on litter bin provision, which take priority.

Consideration to disabled access and possible fire hazard, should be given and a risk assessment completed by the local authority or responsible agency, or business, as appropriate.

Table 2 below lists guidance for each type of operator with regard to the size and design, servicing, placement, maintenance, and cleansing of litter bins. Where the local authority is stated, and the business is located in an area owned by another private land manager, the business should consult with the private land manager in the first instance. Where the table refers to busy shopping areas, this refers to land zoned within zone 1 according to the Code of Practice on Litter and Refuse, issued under section 89(7) of the Environmental Protection Act 1990. This is defined as: *'town centres, shopping centres & shopping streets; major transport centres (such as bus stations and airports; central car parks; and other busy public places'*.¹⁰

¹⁰ <http://www.defra.gov.uk/environment/localenv/litter/code/index.htm>

Table 2: Guidance for aspects of litter bin provision

		Size & Design	Purchase	Location decision	Servicing	Maintenance	Cleaning
Primary Operators	Small fixed operator	Local authority	Local authority	Both, ultimately Local Authority	Local authority (in busy shopping areas), negotiable in other zones	Local authority	Local authority
	Medium fixed operator	Local authority	Operator	Both, ultimately Local Authority	Local authority (in busy shopping areas), negotiable in other zones	Local authority on own bins, operator on own bins	Local authority on own bins, operator on own bins
	Large fixed operator	Local authority	Operator	Local Authority land: Both, ultimately Local Authority Private land: operator	Local authority (in busy shopping areas), negotiable in other zones	Local authority on own bins, operator on own bins	Local authority on own bins, operator on own bins
	Mobile Vendor	Local authority	Local authority	Local authority	Local authority	Local authority	Local authority
	Drive Thru	Local authority	Operator	Local Authority land: Both, ultimately Local Authority Private land: operator	Operator on private land, negotiable in agreed other locations	Local authority on own bins, operator on own bins	Local authority on own bins, operator on own bins

		Size & Design	Purchase	Location decision	Servicing	Maintenance	Cleaning
Secondary Operators	Small fixed operator	Local authority	Operator	Local authority	Local authority (in busy shopping areas), negotiable in other zones	Local authority	Local authority
	Medium fixed operator	Local authority	Operator	Local authority	Local authority (in busy shopping areas), negotiable in other zones	Local authority on own bins, operator on own bins	Local authority on own bins, operator on own bins
	Large fixed operator	Local authority	Operator	Local Authority land: Both, ultimately Local Authority Private land: operator	Operator on private land, Local authority (in busy shopping areas), negotiable in other zones	Local authority on own bins, operator on own bins	Local authority on own bins, operator on own bins

It is proposed that local authorities would be responsible for emptying all additional litter bins on their land in zone 1 (designated as town centres, shopping centres and shopping streets, major transport centres, central car parks and other busy public places), according to the Code of Practice on Litter and Refuse, issued under section 89(7) of the Environmental Protection Act 1990. Businesses would be responsible for emptying all litter bins on their own land, and to consider contributing towards the emptying of litter bins in other locations (where litter from that particular operator is proved to be a problem by the local authority).

If businesses have 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 the local authority 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 litter bins 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 area¹¹, 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 litter¹².

Case study: Torbay Council

Following the opening of a new drive-thru restaurant, the council noted an increase in fast food litter along several routes. They recorded positions of litter on a Geographical Information System (GIS) layer over a three month period, and used this in discussions with the company about the impact their fast food litter was having on the environment. The company agreed to carry out early morning litter collection along specified roads, identified by the survey.

This Voluntary Code suggests that drive thru restaurants liaise with the council regarding litter disposal. Councils carry out litter surveys of their land on a regular basis, and all will be required to report these results to the Government from April 2004. If particular areas are proved to be litter hotspots, Drive Thru restaurants are asked to consider sponsoring litter bins in these areas, and to contributing to the cost of servicing the bins.

Supporting Agencies:

- The table above was regarded as a useful outline. Work with the other agencies involved in litter bin provision to develop local solutions.
- Use local knowledge to determine need for extra litter bin provision
- Consider developing opportunities for litter bin sponsorship if appropriate locally.
- Promote co-operation between operators.

¹¹ ENCAMS Fast Food Litter local authority survey (qualitative study): ENCAMS 2002. www.encams.org

¹² First Annual Report on LEQSE September 2002. For more information, visit www.encams.org

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? 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>	

Contact the cleansing department of the council to discuss the issues raised in this checklist.

Annex B

Anti-Litter Poster

A poster has been created for outlets to communicate to the public that they are supporting the 'Food on the Go' Voluntary Code of Practice. The poster also delivers a message to the customer to dispose of their litter correctly, and enables the public to see the commitment of the business to maintaining a litter-free local environment.

The poster is available via the ENCAMS website. An A4 window sticker version of the poster may also be produced and material can be modified to incorporate corporate logos. Copies of the poster are available free to businesses participating in this Voluntary Code. Visit www.encams.org or telephone 01942 612639 to order.

ANNEX C Litter Pick Chart (Mon - Thurs)

Business Name:	Business No.:
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)

Restaurant Name:	Restaurant No.:
Completed by:	Date commencing:
Approved by:	

DAY	TIME	LOCATION	PICKED BY	SIGNATURE	COMMENTS
FRIDAY					
SATURDAY					
SUNDAY					

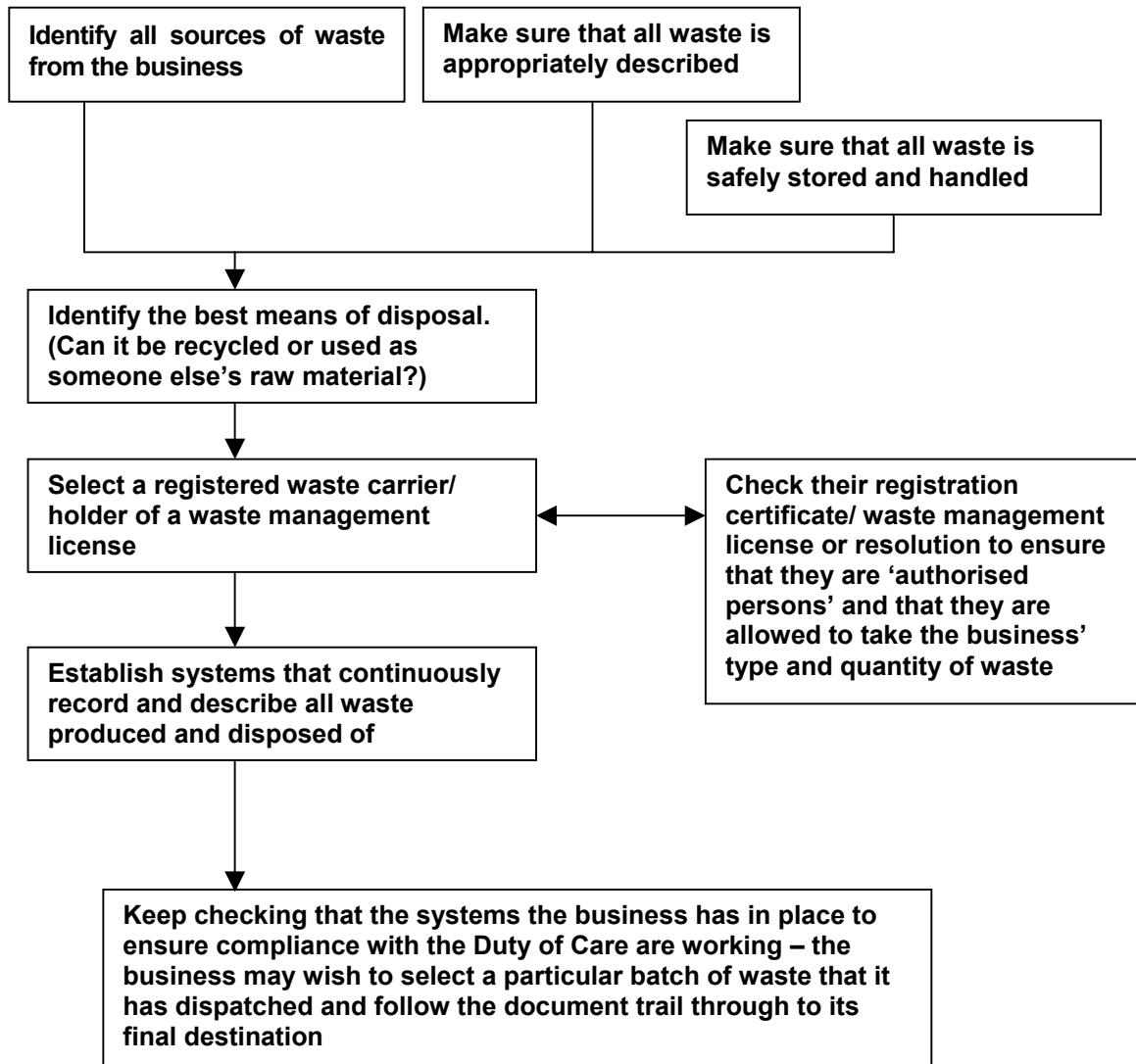
This form is to be signed upon completion of the litter pick by whoever has performed the pick.

Litter Pick Map



Annex D

How to comply with the waste laws



Annex E

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.

Litter bins

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

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.

Specific guidance available to businesses:

General guidance on improving businesses' environmental performance and preventing pollution: <http://www.environment-agency.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://www.environment-agency.gov.uk/commondata/105385/ppg15.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://www.environment-agency.gov.uk/search/?keywords=ppg1&any_all=all&search=yes. 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.ciwm.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, fixed penalty notices. 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/localenv/litter/business.htm>

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

Appendix 1

Summary of Legislation

An outline of the main sections of legislation available to manage fast food litter and waste can be found below.

Waste

Section 34 Environmental Protection Act 1990 Part II	Waste Management. The Duty of Care. A Code of Practice
Section 47 (2) Environmental Protection Act 1990 Part II	Requirement for businesses to provide waste containers
Section 59 Environmental Protection Act 1990 Part II	Powers to remove waste unlawfully and knowingly deposited on private land.
Part III (Statutory Nuisance) Environmental Protection Act 1990	Abatement Notice for removal of waste from private land

Litter

Section 87 Environmental Protection Act 1990 Part IV	Offence of Leaving Litter
Section 88 Environmental Protection Act 1990 Part IV	Fixed Penalty Fine for Littering
Section 90 Environmental Protection Act 1990 Part IV	Litter Control Area
Section 92 Environmental Protection Act 1990 Part IV	Summary Proceedings by Litter Authorities
Sections 93&94 Environmental Protection Act 1990 Part IV	Street Litter Control Notices

Litter and Refuse on Private Land

Section 215 Town and Country Planning Act 1990	Notice requiring owners of land to tidy up.
Section 22 (3) Control of Pollution Act 1974	Powers for district councils to clean private land and reclaim costs.
Section 78 Public Health Act 1936	Powers for district councils to cleanse private shared land and reclaim costs.
Section 34 Public Health Act 1961	Power to remove rubbish from land in the open air
Section 6 Refuse Disposal (Amenity) Act 1978	Powers to remove any thing abandoned without lawful authority.
Section 4 Prevention of Damage by Pests Act 1949	Powers to require owners to remove waste where damage by pests is likely to occur.

Legislation is available from The Stationery Office, phone 0870 600 5522, e-mail: customer.services@tso.co.uk, or downloadable from <http://www.legislation.hmso.gov.uk/acts.htm>

Appendix 2

Further Government Initiatives

As stated earlier, this Voluntary Code should not be viewed in isolation. The Government has been working hard in recent years on a raft of initiatives to improve the quality of our local environments and to ensure that the communities in which we live and work are clean, safe and green.

The Government recognises that it is everybody's responsibility to take care of our streets and public spaces. As a result, it is pursuing a number of initiatives that not only look at the role of the business community, but also local authorities, other land managers, and the public. By signing up to this Voluntary Code, businesses will be playing their part in this process and showing their commitment to making our communities more pleasant places to live.

Below is a summary of some of the other complimentary initiatives that the Government is pursuing:

Review of Public Space Legislation

In 2002, the Government launched the consultation document '*Living Places – Powers, Rights, Responsibilities*' which set out 27 options for reforming the legislative framework relating to public space.

Since then, the results of the consultation have been taken forward and developed further. This resulted in the recent launch of a further consultation document '*Clean Neighbourhoods*', which set out a raft of legislative changes that the Government were committed to pursuing should a suitable opportunity arise. The consultation closed on 24 September 2004. Proposed measures include:

Litter, Graffiti and Fly-Posting

- Extending the litter offence to cover all types of land, including aquatic environments.
- Specifically defining chewing gum and cigarette ends as litter, punishable with a fixed penalty notice of £50.
- Controlling the distribution of free literature which often ends up as litter.
- Extending the powers local authorities have on litter to cover graffiti and fly-posting.
- Making current summary proceedings e.g. litter control areas and cleansing notices, easier for local authorities to use against premises that are causing a litter problem.

Nuisance Vehicles

- Creating a definition of a nuisance vehicle which would be one that is abandoned, being kept on the road illegally or causing a blight to an area. Local authorities will be able to take these vehicles away immediately and recover the costs of doing so.

Fixed Penalty Notices

- Giving local authorities the power to set the level of penalty within a national framework and making it an offence for people to give litter wardens false names and addresses.

Nuisance

- Giving local authorities more powers to tackle noisy premises.
- Including artificial light as a statutory nuisance.

Education and sharing best practice

The Government continues to work closely with the environmental charity, ENCAMS, formerly the Tidy Britain Group, and supplies it with funds to carry out a variety of work, including marketing campaigns aimed at changing people's behaviour. Recent months have seen a hard-hitting campaign aimed at young people who drop litter. A previous dog fouling campaign contributed to a 27% reduction in levels of dog dirt. More information can be found at www.encams.org

The Government works closely with a number of different organisations to ensure that best practice is shared effectively amongst land managers. The Improvement and Development Agency Knowledge website has been established for local authorities as the first port of call in terms of performance, practice, and innovation, and provides examples of good practice through case studies, tools, and community discussion forums. More information can be found at www.idea-knowledge.gov.uk.

Appendix 3

Research for the Voluntary Code of Practice

ENCAMS, the organisation that runs the Keep Britain Tidy Campaign, was asked by the Department for Environment, Food and Rural Affairs, to develop a Voluntary Code of Practice for businesses selling food for immediate consumption, to reduce litter and waste in the environment.

The four-month research programme aimed to *'To provide a clear framework of best environmental practice for fast food operators, which will enable DEFRA, together with local authorities, other major land managers, and enforcement agencies, to reduce litter and waste in the local environment, without significant extra cost to the industry'*.

The Background

ENCAMS carries out Annual Local Environmental Quality Surveys of England for Defra. These showed that litter from all types of food and drink consumed outdoors were growing faster than any other type of litter. It was not just food packaging from major "fast food" retailers that was growing, although this went up by 12% nationally, and was found in 17% of all areas surveyed. In fact, more frequently found were littered food packaging from snacks and confectionery found on one third and one half of all sites surveyed, which had risen by 10% and 6% respectively in a year. It was apparent that all businesses selling food for immediate consumption needed to be included in this Voluntary Code.

It was clear that although the businesses themselves do not directly drop the litter on our streets, their customers do. Poorly stored waste and excess packaging can also become litter, for which businesses have more responsibility, so the Voluntary Code also includes these elements within it. Legislation is in place to enable local authorities to fine people for dropping litter, and also to require businesses to clear litter within a specified distance of their frontage. However, it is clear that involving businesses in communicating to their customers that they must not litter, and encouraging businesses to work with local service providers to devise local-level, targeted solutions, must be a more effective approach in combination with legislation as required.

Thus, the Voluntary Code was researched with representatives from all businesses selling food and drink for immediate consumption outdoors, members of the packaging industry, local authority representatives and town centre managers. Results from ENCAMS' research into why the public litter was also fed into the study.

The research

The research fell into three main sections.

- The first section of research, conducted between July and October 2002, served to define the project and inform the draft Voluntary Code.
- The second section of research, conducted via a 12-week formal public consultation between October 2002 and January 2003, involved gathering and analysing responses to draft Voluntary Code, and included face-to-face meetings with some bodies.
- The third section of research, conducted between January and September 2004, involved gathering and reporting on the findings of three pilot projects carried out by local authorities, the Local Government Association, and McDonald's Restaurants Ltd, into the practical application of the Voluntary Code.

Section One – Informing the draft Voluntary Code

The research aimed to:

- define the types of food and packaging to be included in the study under its broadest title of “fast food”, which was food for immediate consumption outdoors;
- define groups of businesses selling food and drink for immediate consumption by impact, and by ability to carry out activities to alleviate the impact of their products becoming litter;
- define clear actions for all parties to take;
- denote the current legislation available; and
- calculate baseline costs to the industry.

During the summer of 2002, the following research programme was carried out to inform the development of the Voluntary Code before it was released for formal public consultation.

Stage 1

Desktop research was conducted into the legislation relating to local authorities, businesses and the public and their duties and powers for managing litter and waste.

Stage 2

Four focus groups were conducted with a total of 23 local authority representatives. The focus groups were held in Newcastle, Birmingham, London and Exeter. Each group explored the following:

- general **definitions** of fast food and therefore fast food outlets;
- perception of the **problems associated with fast food outlets** and how this differs between different types of outlet;

- effectiveness of current **legislation**, barriers to enforcement and gap analysis;
- opinions of **categorisation of fast food outlets with regards to litter**; and **waste issues** (spontaneous and in response to categories derived by ENCAMS);
- **methods of communicating** with differing types of fast food outlets, barriers to communication.

Stage 3

Based on the findings of Stage 2, a questionnaire was developed and sent to all local authorities in England. Ninety-five responses were received, representing a response rate of 30%. The results of this study helped confirm the findings of the focus groups by providing quantitative figures relating to the various areas explored. Results of this study are available from www.encams.org

Stage 4

Telephone research into the attitudes of small businesses to fast food litter and waste. Research explored the following:

- Attitudes of small businesses to the litter around their premises.
- Views on who has responsibility for litter.
- What small businesses already do already to manage litter and waste both from, and around, their premises.

Interviews were conducted with eighty-three small and medium businesses responsible for selling entirely food for immediate consumption, and those where it was part of their business. This piece of research was carried out by MEL Research on behalf of ENCAMS.

Stage 5

Depth interviews were conducted with members of the 'Fast Food Forum'. This forum was convened by Michael Meacher at the outset of the project, and is comprised of the main Fast Food operators, some industry representative bodies and packaging manufacturers.

Stage 6

ENCAMS conducted research into public littering behaviour and attitudes to explore the role of the public in dropping fast food litter.

Stage 7

Written consultation to industry representative bodies and others with an interest in this area, inviting their views. Twenty-three responses received, representing a response rate of 56%.

Brief summary of findings:

- Of the 'primary' fast food outlets, drive thru restaurants were rated as being a 'major problem' by over a quarter of local authorities (28%). Next were large outlets, rated as being a 'major problem' by 18%. Mobile outlets were rated as being the least problematic.
- Fewer secondary outlets than primary outlets were thought to cause major fast food litter problems. Of the secondary outlets, it was the small and medium sized stores, which were most problematic, with only 2% and 5% of local authorities respectively saying there were 'no problems' around these stores.
- Local authority representatives felt that although the scope of the legislation available to tackle litter and waste was sufficient, it was not used to its full potential and was too long winded. All authorities were aware of the legislation available to them, although some were unsure of exactly how it could be used in practice.
- Two in five fast food establishment owners (40%) said there was either some, or a large amount, of litter around their premises. Of these, over half (53%) were at least quite concerned. (Twenty-three per cent were quite concerned, and 30% were very concerned.)
- Reasons for this concern were mainly due to the 'image of the local area', and the 'image of the establishment'.
- Eighty-five percent of small and medium businesses said that they took some action to clear litter from their premises, and 74% said they picked it up. Forty-one percent of businesses felt that it was their responsibility to clear litter around their establishment, and 33% felt that it was the council's responsibility.
- According to outlet operators, litter surrounding fast food outlets was mainly thought to be a result of 'children and adults dropping it', 'local schools', 'lack of litter bins', and 'the council failing to clean up'.
- However, 12% of establishment owners said all or most of the litter outside their establishment was a result of an item sold from it.
- Discarded food and its wrappings was identified by the public as one of the top two worst litter items. Fast food litter is seen as messy, dirty, linked with vermin and difficult to pick up, therefore more offensive than other types of littering.¹³

¹³ Public Behavioural Study into Littering 2001: ENCAMS 2001. www.encams.org

Consultation showed that:

- Fast food should be defined as ‘any edible product which can be eaten immediately upon exiting the premise in which it was bought’. This meant **the Voluntary Code had to encompass a very wide range of businesses.**
- The Code is voluntary at this stage. It needs to comprise a sensitive selection of **options for everyone to take part in to help to reduce food and drink litter outdoors – businesses, local authorities and the public.** It needs to be supported by public campaigning, statutory bodies carrying out their responsibilities and businesses taking some corporate social responsibility.
- **Careful categorisation was needed to make the Voluntary Code reasonable and applicable,** so specific categories, tested during the consultation with industry representatives and local authorities, were developed according to impact and ability to clean up (**see page 8**).
- **Requirements covered:** General (informing partnerships); Litter; Waste; Packaging; Public Education.

Section two: Results of consultation on draft Voluntary Code

The Government released the draft Voluntary Code, entitled “*Voluntary Code of Practice for the Fast Food Industry*” for full public consultation between October 2003 and January 2004. This was the opportunity for any interested party to shape the final Voluntary Code. Ninety responses were received by the deadline of 30 January 2004; one response was received after the closing date, making a total of ninety-one responses. Forty eight percent (48%) of these were from local authorities, twenty one percent (21%) from NGOs and public sector bodies, fifteen percent (15%) from societies and associations, nine percent (9%) from business, three percent (3%) from members of the public, and three percent (3%) from others.

The full report, *Voluntary Code of Practice for the Fast Food Industry – options for reducing fast food litter and waste in the local environment: Consultation Summary*, is published by Defra at www.defra.gsi.gov.uk/environment/localenv

Key findings:

- The vast majority of respondents felt that the Voluntary Code was a good concept that had been well researched.
- There was greatest disparity between local authority respondents, who largely thought that the Voluntary Code should be made mandatory, and the business respondents, who largely felt that the Voluntary Code should, at most, be a guidance framework.

- Many respondents felt that they did not see themselves as selling “fast food”, and it was felt that the title should be changed.
- Respondents also felt, on the whole, that the Voluntary Code could be simplified in its appearance. They also felt that the difference between the voluntary litter sections and compulsory waste duties should be made more apparent.
- Concerns were also raised that the relevant health and safety legislation was referred to.
- Respondents felt that the role of statutory agencies in supporting this Voluntary Code, including local authorities and Town Centre Managers, should be reinforced.

Section 3: Findings from the pilot studies

Three local authorities (Maidstone Borough Council, Sheffield City Council, and Taunton Deane Borough Council), together with McDonald’s Restaurants Ltd, the Local Government Association, and the Improvement and Development Agency (IDeA), volunteered to pilot the Voluntary Code in their districts, and feed back into the consultation. ENCAMS supported by the provision of survey methodology. Full case studies can be found in appendix 4.

Key findings:

- The Voluntary Code would benefit from being simplified in its wording.
- The Litter Management Checklist takes time to complete, but it was found to be a valuable tool in establishing the issues and developing solutions.
- The Voluntary Code has been well supported by agencies within the borough, but it takes time to involve all businesses, particularly those that are smaller in size. Good practice examples have been developed and should be included in the final Voluntary Code.
- It has also been useful as a basis for wider work in the community, including developing town centre anti-litter campaigns.
- Recognition of businesses taking part in the scheme would be an advantage.

All of these findings have been taken into account and now inform this, the final Voluntary Code.

Appendix 4

Good Practice for Managing Litter from ‘Food on the Go’

In November 2003, McDonald’s Restaurants Ltd and the Local Government Association (LGA) formed a pioneer partnership to assist local authorities in improving the quality of local environments and public spaces. The scheme was devised to support the ‘Food on the go’ Voluntary Code of Practice.

Working together in three pilot locations – Sheffield, Maidstone and Taunton Deane – McDonald’s Restaurants Ltd and the local authorities developed new ways of working together to tackle littering associated with fast food outlets.

Maidstone Borough Council

Maidstone Borough Council had already worked in partnership with McDonald’s Restaurants Ltd on a local level, delivering the "Materials Matter" project in a number of primary schools throughout the Borough.

Although Street Litter Control Notices were issued to all fast food outlets (and banks and building societies with ATM machines) in Maidstone Town Centre in 2003, the council became aware that McDonald’s Restaurants Ltd were already making a major contribution to maintaining cleanliness within the Town Centre whilst other businesses were doing the bare minimum required under the notices. An initial exercise in completing the proposed Litter Management checklist, suggested by the Voluntary Code, highlighted some issues for the council itself, such as the provision of litter bins in appropriate locations.

The council, in partnership with McDonald’s Restaurants Ltd and the Town Centre management company, were successful in involving Burger King, KFC and Wimpy in the trial. As the KFC and McDonald’s Restaurants Ltd outlets were opposite each other in Maidstone’s main shopping street, the two companies shared their litter picking schedules and duties, resulting in a marked improvement of cleanliness in the area around their stores.

A further development was the formation of a partnership between the Council, McDonald’s Restaurants Ltd and the Town Centre Management company. The council produced stickers that were placed on all shop windows and litter bins in the town, encouraging everyone to “Keep Maidstone Tidy” and to use a litter bin. Window posters and in-store tent cards were also produced to display in McDonald’s Restaurants Ltd.

It is hoped that those smaller outlets who find it difficult to litter pick, particularly late at night, will support the Voluntary Code by concentrating on litter bin provision and promotional material.

A comparison of the results of BV199 Cleanliness surveys before and towards the end of the trial showed a marked improvement. There has been a 65%

improvement in levels of litter in the Town Centre area. This can be attributed to improved litter bin location; shared cleaning schedules between those outlets carrying out litter picking to avoid duplication; and the publicity campaign. As the campaign is ongoing and sustainable, it is hoped that further improvements can be made.

Sheffield City Council

The trial fundamentally concentrated on the litter, promotion and community involvement aspects of the Voluntary Code.

Litter

What they did

Working with eight of the McDonald's Restaurants Ltd stores in Sheffield, the council measured the McDonald's Restaurants Ltd litter using a simple litter count. The measurement indicated that on the whole McDonald's Restaurants Ltd own litter code was tackling the litter effectively, but that there were 'hot spots' that were not necessarily covered by their litter picks.

Street Cleaning Managers met with the store managers to share working practices. Changes were made to sweeping routes and times so that they were complementary where possible.

The council compiled a common document that details both the LA's and McDonald's Restaurants Ltd routes and schedules to act as a reference manual for both parties.

Challenges

- Matching busy schedules and workloads to get people together
- Maintaining the momentum after the initial enthusiasm
- Store Managers' ability to change contract hours

Successes

- Sharing information on cleaning schedules
- Knowing local Managers and contacts
- Improvement on the street
- Agreement to a common document

A second litter count was carried out in September 2004 for all eight stores.

An average improvement of 40% was recorded

Promotion

What they did

McDonald's Restaurants Ltd and the council already shared a common slogan with 'Bin It' making their existing campaigns complementary, so there was no real need for additional resource during the trial.

Publicity/media contact was made jointly with both parties co-operating and agreeing to information before release.

Challenges

- Use of third party PR companies
- Attracting media interest

Successes

- Good coverage when the media attended publicity initiatives

They are now exploring the possibilities of printing tent cards with a jointly branded litter message to be used in the Sheffield stores

Community Involvement

What they did

The council completely changed how the stores tackled community involvement. In past years, each store has organised their own clean up activity making it difficult for the LA to support them. For the trial a joint 'ground force' type day with employees was organised from all eight stores working together on one site.

Challenges

- Involving the media

Successes

- Great day, McDonald's Restaurants Ltd staff invested a great deal of effort and worked with a huge amount of enthusiasm
- People from small businesses in the area coming out to ask what was happening – very positive response to the project

McDonald's Restaurants Ltd staff originally cleared and grassed an area of neglected land. On 29th of October they returned to the site to plant a mixture of daffodil's, crocus and snowdrops to create a sea of spring blooms.

Taunton Deane Borough Council

Taunton has held meetings with Take away managers, the district council and Police.

As a result of their discussions to date they have established gaps in the provision of litter bins and agreed with the council the sites for new bins and the re-sitting of some existing. The council has established the willingness on behalf of the major Take away companies to more regularly carry out litter picks in the vicinity of their outlets.

The council is finalising the details of a take away litter poster competition to run through local schools with the local press, as well as a litter picking day with one of the local schools.

Eat Neat: An Anti-Litter Campaign in Stoke on Trent

Stoke on Trent Council designed and implemented an anti-fast food litter campaign known as *Eat Neat*. Identifying areas within the city centre with particular problems through an ENCAMS Local Environmental Quality Survey (LEQS), bin provision was improved and a campaign devised. The *Eat Neat* branding was developed by a professional advertising agency following unsuccessful approaches to the local university. A public awareness campaign was run on the local commercial radio station and involved daily prize draws of named and addressed litter items placed by the public into specially marked litter bins around the city centre. Litter in the area has shown a marked improvement since the campaign.



This project was funded through the Department of Environment, Food and Rural Affairs Pathfinder Programme administered by ENCAMS, which encouraged the development of innovative solutions to local environmental quality issues.

Approaching businesses

A code of practice was developed, centred around good waste management, food hygiene and clearing the outside of their premises at the close of business, and fast food operators were approached with the help of the City Centre Management group. The City Centre Management group had contacts with the big chains, but many of the fast food outlets were one-man bands. Initial contact was made through a visit. For evening traders the visit was made during the evening; visits during the day were not attempted. These businesses tended to keep themselves out of the 'United Nations' style City Centre Management group, perhaps due to different cultural traditions (many were Turkish or Indian/Pakistani). For day traders such as sandwich shops, a visit was made during the day together with City Centre Management.

The businesses that were approached included sandwich shops, curry houses and kebab shops. Some spoke limited English, and although this was a problem, the point was still put across to all of the businesses.

Most businesses were pleased to see council representatives. Litter was perceived as a problem but the traders did not know how to stop it. They were asked to clean up regularly outside their shops and were given a supply of clear polythene bags. When full these were taken away by the Council free of charge, unlike trade waste for which a charge was made. Additional street cleaning was also put in place for the period of the campaign with an extra emptying before the evening started

Tips for replication

- Cultivate positive relationships with local radio stations, commercial as well as BBC
- Work closely with City or Town Centre Management groups – they can provide access to businesses and insight into the best types of approach
- Use as many publicity channels as possible – radio, TV and print media
- Have a short, intense campaign – the four weeks of the *Eat Neat* campaign was felt to be too long
- Liaise with and try to cater for the interests of other departments and organisations – environmental health, trading standards, licensing and the police
- Don't endorse businesses with respect to litter which are a concern from other perspectives such as food hygiene and public order
- Directly involve the cleansing crews in the programme to ensure that they recognise the importance of their role – don't leave this to cleansing supervisors
- Make use of objective surveying to identify areas of concern, both before and after a campaign
- Use professional advertising agencies to focus on the target audience
- Ensure support for the project at all levels within the authority, both in official and elected member circles
- Make contact with businesses at a time to suit them and by face-to-face visits

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Restormel Borough Council

The Red Book Scheme - A Seasonal Voluntary Code in Newquay, backed up with enforcement

A popular tourist destination, Newquay experiences great problems with fast food litter during the holiday season. In order to control this problem, Restormel Borough Council operates a seasonal voluntary code for all fast food operators in the centre of Newquay. Council Officers visit all outlets that are not yet under a Street Litter Control Notice in Spring, as businesses are getting ready for the summer season. They are encouraged to sign an agreement stating that they will provide and empty litter bins and keep the frontage of their shop clean and clear of litter. This information is logged in a red book.

The Officer ensures that businesses have capacity to store waste on their frontage and that they understand their duties with regard to waste and litter. The officer informs them that if they do not cooperate with the scheme, they will firstly receive a written warning, and then if they continue to not cooperate, they will be served with a Street Litter Control Notice requiring them to clean 100 metres either side of their premises. Officers return periodically throughout the season.

The nightclubs in Newquay also play their part. They have a policy of distributing leaflets to attract customers during the evening, frequently dropped as litter. All nightclubs are asked to contribute to fund the first hour of the salary of a street cleansing operative in order to pick up the leaflets, throughout the summer season. The operative wears a vest reading 'Sponsored by Newquay Nightclubs'.

There has been little resistance to this approach, although one Street Litter Control Notice has been challenged. The red book scheme does serve to control the fast food litter problem in Newquay. This scheme is now in its fourth year.

National Federation of Fish Friers

Disseminating information to small business partners

The National Federation of Fish Friers works to promote and protect the interests of fish friers throughout the United Kingdom. They have a membership of 2000 businesses across the UK. Members can apply for quality awards from the Sea Fish Industry Authority.

The Federation disseminates information on topics relevant to the industry in two ways. Firstly, a three-day training course is held for potential members, which incorporates issues such as techniques for maximising profitability by minimising waste in production and maximising profits and the importance of keeping a clean frontage.

In addition, the Fish Friers' Review is the industry magazine, which is sent four times per year to every fish frier in the UK, whether registered with the Federation, or not. This magazine has considered topics such as the advantages and disadvantages of product packaging methods. It also reviews new and forthcoming codes and legislation, which will impact upon fish friers. It is a valuable way of disseminating information to a geographically and economically diverse industry.

Quick Service Restaurants

Disseminating information through franchises and maintaining a quality brand image

The three major International Quick Service Restaurants in the UK have developed similar systems for managing their restaurants to keep one quality standard for customers to recognise. Restaurant and Franchise Managers are asked to complete weekly reports, separated into a number of different sections, stating that all requirements have been met. In some cases, each part of each section is given a score and an overall tally is calculated for the restaurant.

In terms of litter and waste management, Managers are required to ensure that:

- all waste is stored, managed and disposed of correctly;
- the inside of the restaurant is clean and hygienic;
- regular litter picks are carried out by staff of a specified area of the surroundings including any car parks and varying amounts of the local streets, sometimes this area is specified in terms of a 100 metre radius;
- litter picks are documented and accounted for, sometimes maps are drawn up of the area; and
- in general, litter bins are provided and emptied in restaurant-owned car parking areas, and individual arrangements regarding provision and emptying of litter bins outside of the curtilage of the restaurant are commonly made with the local authority or land manager.

The completion of these criteria forms part of the management requirements for the restaurant. It has proved an effective way of managing and maintaining quality methods across the industry. It could be that smaller franchises or even individual businesses could develop this formal checklist system to ensure that all statutory and non-statutory obligations are met.

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