

Transport and Environment Committee

10.00am, Tuesday, 29 October 2013

Towards a Litter-Free Scotland - Consultation on a strategy to tackle and prevent litter and flytipping

Item number	7.6
Report number	
Wards	All

Links

Coalition pledges	P15
Council outcomes	CO17 CO18 CO19
Single Outcome Agreement	SO4

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Executive summary

Towards a Litter-Free Scotland – Consultation on a strategy to tackle and prevent litter and flytipping

Summary

The report seeks approval for a draft response (see Appendix 1) to the Scottish Government Consultation on a strategy to tackle and prevent litter and flytipping.

The consultation outlines support for practitioners and stakeholders through to 2020, with a focus on influencing individuals to take more responsibility. Actions are set out under three strategic directions:

- Information: communication, education and support for business;
- Infrastructure: providing/servicing bins, product design, guidance and future funding
- Enforcement: improving the effectiveness of legislation and training

Recommendations

1. It is recommended that the Transport and Environment Committee note the response to the consultation document set out in Appendix 1.

Measures of success

- Achieve a citywide recycling rate of 50% by 2014.
- Delivery towards Capital Coalition Pledge prioritise keeping our streets clean and attractive.
- Achieving a citywide CIMS score of 72.

Financial impact

There are no financial impacts as a result of this report.

Equalities impact

The content of this report is not relevant to the public sector equality duty of the Equalities Act 2010.

Sustainability impact

There are no sustainability impact arising from the consultation document.

Consultation and engagement

All relevant Council Service Areas were consulted to prepare this response. Elected Members were invited to respond to consultation document.

Background reading / external references

[Scottish Government consultation on a strategy to tackle and prevent litter and flytipping.](#)

[Transport and Environment Committee Business Bulletin 27 August 2013](#)

[Scotland's Litter Problem. The scale and cost of Scotland's litter and flytipping](#)

Towards a Litter-Free Scotland – Consultation on a strategy to tackle and prevent litter and flytipping

1. Background

- 1.1 On 4th July 2013 the Scottish Government issued for consultation a draft national strategy for tackling litter – ‘Towards a Litter-Free Scotland’. The closing date for responses was 27th September 2013. The Business Bulletin to the Transport and Environment Committee on 27th August 2013 advised of the consultation and Elected Members were invited to contribute to the Council’s response.
- 1.2 The indicative timetable for the National Litter strategy is set out below:
- 2013 Summer – Consultation and on-going delivery
 - 2013 Autumn – Response analysis and on-going delivery
 - 2014 Spring /summer – Publication of strategy and implementation
 - 2015 – Implementation
 - 2017 – 2020 – Refined strategy implementation
 - 2020 – Strategy evaluation

2. Main report

- 2.1 The consultation is a draft National Litter Strategy for Scotland which will help explain to individuals the benefits of a clean, safe environment. It is designed to encourage people to take greater responsibility, and for organisations to be more accountable, as part of our overall focus on preventing litter and illegal dumping.
- 2.2 The main evidence on which the strategy is based is Zero Waste Scotland's report: “Scotland’s Litter Problem – The scale and cost of Scotland’s litter and flytipping”. This indicates, for the first time, the scale of the problem:
- 50% of the population admit to having littered at some point.
 - more than 250 million individual litter items - and more than 60,000 flytipping incidents - are dealt with by public bodies each year.
 - around 25 per cent of Scots see litter as a problem in our local communities.

- littering by individuals (which affects 98% of survey sites) is often habitual or caused through thoughtless actions, whilst flytipping (which tends to be more localised) is premeditated and deliberate.

2.3 The National Litter Strategy consultation puts forward a package of measures grouped under three main headings:

- Information: communication, education and support for business;
- Infrastructure: providing/servicing bins, product design, guidance and future funding
- Enforcement: improving the effectiveness of legislation and training

2.4 The intention is that these measures will challenge individuals who litter and fly-tip, support those who already dispose of their waste responsibly and encourage more recycling. The approach seeks to encourage personal responsibility and provides businesses and other organisations with new and enhanced tools to help influence people to dispose of their waste properly.

2.5 A response to the consultation has been prepared and submitted by Services for Communities on behalf of the Council (see Appendix 1). The response welcomes the national strategy and is broadly supportive of the proposed measure within it. In addition the Council's response makes a number of suggestions including:

- Focussing education and publicity campaigns on young people
- The need for communication campaigns to be more effective in making littering socially unacceptable
- Measures to enable effective enforcement action against fly-posting
- Consideration of measures to recover the costs of cleaning up flytipping

3. Recommendations

3.1 It is recommended that the Transport and Environment Committee note the response to the consultation on the National Litter Strategy set out in Appendix 1.

Mark Turley

Director of services for Communities

Links

Coalition pledges	P15 - Prioritise keeping our streets clean and attractive.
Council outcomes	CO17 Clean – Edinburgh’s streets and open spaces are clean and free from litter and graffiti. CO18 Green – We reduce the local environmental impact of our consumption and production. CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.
Single Outcome Agreement	SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.
Appendices	Appendix 1 – Response to Scottish Government’s consultation on a strategy to tackle and prevent litter and flytipping.

TOWARDS A LITTER-FREE SCOTLAND

Consultation on a strategy to tackle and prevent litter and flytipping



Respondent Information Form

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

City of Edinburgh Council

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Julie

Forename

Fahey

2. Postal Address

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Phone 529 7153

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Strategic approach

Q1. Do you agree that the strategic approach proposed (Action 1) should form the basis of the National Litter Strategy's overall vision, mission, values and objectives?

Agree Partially agree Disagree

Please provide reasons for your answer.

A Strategic approach will help all responsible parties to focus resources towards clear, identifiable goals and outcomes. Whilst encouraging good habits will help influencing behaviours, we welcome a strategic approach to highlight that littering and flytipping is socially unacceptable through a national approach.

Information strategic direction

Q2. Do you agree that improved communications (Action 2), education resources (Action 3) and business engagement (Actions 4 and 5) should be the National Litter Strategy's information focus for preventing litter?

Agree Partially agree Disagree

Please provide reasons for your answer.

Education and publicity needs to be a priority, Litter is still a problem in Scotland and many people and businesses are unaware of their individual responsibilities and the impact and associated costs of litter. We believe there needs to be a focus on young people in order to achieve a longer term solution and change in attitudes towards litter in Scotland.

Q3. If you are responding on behalf of a group/organisation: as a business or organisation (including litter duty bodies) would you find it valuable to have a national recognition scheme which supports you in encouraging positive behaviour (Action 5)?

Yes No Partially

Please provide reasons for your answer.

We would support such a scheme amongst Local Authorities and businesses to encourage a wider response to littering in Scotland. The e-

learning scheme proposed under action 4 would be a good requirement for business staff to promote wider knowledge and responsibility amongst waste producers regarding their responsibilities.

Our only query would relate to how the scheme would be fairly accredited or judged. For example, a simple cleanliness score would be easier to achieve in some area's rather than others depending on geography, population etc.

Infrastructure strategic direction

Q4. Do you agree that businesses and other organisations have a key role to play in the design of products and packaging to reduce litter and that those with litter control responsibilities should be encouraged to recycle more (Actions 6 and 7)?

Agree Partially agree Disagree

Please provide reasons for your answer.

We would strongly agree with this action regarding businesses taking responsibility for the packaging they produce along with their product. Guidance or legislation from the Scottish Government would ideally state that packaging should be minimised as far as possible and it should be a requirement that it consists of recyclable material.

A general requirement placed on businesses to increase the number of recycling bins to replace general litter bins would also be beneficial in terms of reducing waste gathered going to landfill which could have otherwise been recycled. One observation is that some businesses are not aware of what they will be required to do by law in the new year(with regard to recycling of their waste), as businesses become more aware of the new requirements hopefully this should encourage more responsibility from waste producers.

Q5. Are you able to provide details of good practice in reducing accidental litter arising from waste and recycling collections (Action 8)?

Yes X No

Please provide any details and/or evidence of good practice.

With the move to alternate weekly collections in Edinburgh we ran high profile citywide publicity campaign to encourage recycling ahead of the change. This resulted in a high uptake in new recycling containers. As part of the programme of change there was a coordinated effort across all interested parties to ensure areas (where monitoring)identified high levels of overflowing bins were dealt with quickly using an educational approach around what recycling options, followed by warnings and ultimately enforcement as a last result. This saw incidences of overflowing bins reduce from up to nearly 700 reported incidences down to single figures. We noted the most effective communication method throughout this period was face

to face through recycling advice or enforcement warnings.

Q6. Do you agree the Code of Practice on Litter and Refuse (Scotland) 2006 should be revised (Action 9) to reflect the National Litter Strategy?

Agree Partially agree Disagree

Please provide reasons for your answer and, if applicable, any details of how you believe the Code of Practice on Litter and Refuse should be improved.

We would encourage awareness is raised of the document, and would generally agree with updating the Code of Practice. More information on the actual planned updates to the Code of Practice would be beneficial though.

Q6a. Are there aspects of the Code of Practice on Litter and Refuse (either those mentioned at Action 9 or additional areas) that you believe should be improved. If so how?

Yes No

Please provide any reasons for your answer and details of any suggested improvements.

Improved guidance for implementation of a Street Litter Control Notice and similar legislation such as litter abatement notices etc. would be beneficial.

Q7. Do you agree that robust measures are needed to monitor National Litter Strategy progress and to measure success (Action 10) including requiring additional litter duty bodies to demonstrate how they are meeting their responsibilities (Action 9)?

Agree Partially agree Disagree

Please provide reasons for your answer.

We would support the need for a monitoring framework that is outcome focused, although would note that public perception surveys are not always a dependable reflection of actual levels of litter. We would welcome an assessment of how peoples perceptions around their responsibilities with regards litter and disposal of waste have been met as a result of the introduction of the strategy.

We would support requiring duty bodies to demonstrate how they are meeting their responsibilities, but would encourage this requirement to also cover large businesses producing waste (perhaps producing more than a set amount).

Our only concern is that the monitoring process does not become onerous or resource intensive, time and resources may be better spent actually tackling the litter problem.

Q8. Do you agree that the National Litter Strategy should support communities in developing local initiatives to prevent litter (Action 11)?

Agree Partially agree Disagree

Please provide reasons for your answer.

We would fully agree with this action. Edinburgh's currently developing a 1 year plan around community engagement and litter in conjunction with the KSB 'Clean Up Scotland' campaign promoting community responsibility and action against litter. We are concerned that litter is seen as a Local Authority responsibility to clean up, rather than a wider issue in which everyone has a responsibility across the whole community. Improvements in litter levels have a positive impact on low level crime figures such as vandalism and antisocial behaviour, as well as resulting in communities feeling safer and a sense of pride in their local environment.

Q9. Do you agree that future Zero Waste Scotland funding should focus on activity which supports the strategy's objectives, including requiring publication of approaches to litter delivery (Action 12)?

Agree Partially agree Disagree

Please provide reasons for your answer.

We would generally agree with this question, although looking at the examples we feel the proposed spending on infrastructure may be the least beneficial to reducing litter in Scotland. We would therefore suggest more funding is focused on the other two proposals. We feel that national campaigns could be more effective with regard to the anti litter message in making the act of littering socially unacceptable. Whilst we support and have been involved Recycle on the Go investment. Getting the anti litter message across will increase the responsible disposal of waste generally.

Q10. Do you agree that that the strategy should recognise the specific interventions that will be required for tackling flytipping (Action 13)?

Agree Partially agree Disagree

Please provide reasons for your answer.

We would agree with this proposal although do not think the research should be restricted to fly tipping. Any work which would help us to target litter and the reasons behind it as well as fly tipping would enable us to have a better understanding and perhaps target resources more effectively. (who, why, what, where, when etc.)

Enforcement strategic direction

Q11. Do you agree National Parks Authorities should have the power to issue Fixed Penalties (Action 14)?

Agree Disagree

Please provide reasons for your answer.

Anti litter and litter enforcement should be as wide spread a message as possible, there is no good reason to restrict this power.

Q11a. Are there other public bodies you believe the power to issue Fixed Penalties should be extended to, and why (Action 14)?

Yes No

Please provide reasons for your answer.

Any public body which is responsible for any public land should have the powers to take enforcement action against littering.

Q12. Do you believe it would be valuable to have the option to offer a discount to encourage prompt payment of Fixed Penalties for littering (Action 14)?

Yes No

Please provide reasons for your answer. We would also welcome views on what level of discounts should be permitted.

Mixed views.

Although the payment option may increase the percentage of paid FPN's, we feel this option conflicts with the other aim of increasing the actual amounts of the FPN's.

We would also be concerned that it may actually reduce the revenue from FPN's which already do not cover the costs of enforcement. Any discount should not be less than the current value of £50 to reduce the risks of reduced revenue. So for example: Littering offence (£80), discount of £20 if paid within a 14 days resulting in £60 paid.

Q13. Do you agree that the level of Fixed Penalties should be increased to £80 for litter and £200 for flytipping (Action 15)?

Agree Partially agree Disagree

Please provide reasons for your answer. If you do not agree, what level should the Fixed Penalties for litter and flytipping be set at, and why?

We would partially agree with this action.
We would be concerned about a possible reduction in the percentage of paid Fixed Penalty Notices.
Our most common littering offence is for a cigarette end, £80 is likely to be considered excessive next to the current levels for dog fouling (£40 rising to £60) or the current levels of ASB FPN issued by the Police (£40). Therefore we would suggest consideration for littering a cigarette end to stay at £50.

With regards to fly tipping, the costs of fly tipping in particular can vary from tens to tens of thousands of pounds to clear up for any one incident. We would therefore suggest consideration is given to formally incorporating the recovery of costs in cleansing fly tipping, similar to the Clean Neighbourhood Act in England and Wales which added to the EPA under sections 33A, 33B and 33C. Alternatively some provision of a two tiered FPN, perhaps taking into account previous transgressions or the volume and costs of the specific instance of fly tipping would allow more serious offenders to be tackled appropriately.

Q14. Do you agree that the effectiveness of enforcement can be improved by reviewing training and guidance (Action 16)?

Agree Partially agree Disagree

Please provide reasons for your answer.

We would welcome all improvements and updates in training and guidance. Supporting this we would add that the levels of Fiscal fines must be higher than the Fixed Penalty Notice amount, and would also support the improvements in submitting reports to the Procurator Fiscal. We also support the proposal to establish effective best practice around addressing littering by U16's.

We fully support the proposal to make it an offence not to supply details for a littering or fly tipping offence, but would ask that this includes a requirement that the registered keeper of a vehicle involved in an offence must provide the details of the driver at the time of an offence to enable further enforcement.

Q14a. What other training and guidance issues, if any, do you believe the review should address? Please provide details.

Street Litter Control Notices should be made easier to implement and make the businesses more accountable and aware of this power.

Q15. Do you agree there is a case for future improvements in the enforcement system to make it more effective in preventing littering and flytipping (Action 17)?

Agree Partially agree Disagree

Please provide reasons and/or evidence for your answer.

We would support these proposals including the Police enforcement of littering, but consideration should also be given to incorporating Dog fouling into this proposal.

We also support the introduction of a FPN for failure to produce an up to date Waste Transfer Note.

We also support the proposal for an effective mechanism for effective enforcement against printed material such as flyers, but would request that this proposal also includes fly posting. Accountability for this needs to be clear, as currently the businesses which benefit blame the fly posters, and the fly posters blame the businesses and adopt a “I’m just doing what I’m told” stance. Accountability lying with the venue or event would allow effective enforcement against those who benefit most. Consideration could also be given to licensing the flyer or fly posting trade?

We would also request that work is carried out to improve the “buy in” and support from the Procurator Fiscal and Sheriffs, as well as providing more information and feedback from the existing SRA system.

We feel more work could be done to publicise successful prosecutions.

We would also request consideration is given to the financial and staff costs of preparing a Procurator Fiscal report, so that some revenue is returned to the local authority when a Fiscal fine or successful court action is taken.

Q15a. What priority do you attach to improving prevention through enforcement in the examples summarised below and referenced in Action 17?

1. High
2. Medium
3. Low
4. None

Potential improvements	Priority	Reason
Include litter under the anti-social behaviour Fixed Penalties regime	2	This should generally increase Litter enforcement which we fully support.
Overcome barriers to enforcement in cases of littering	2	This would be beneficial through increased

from vehicles		enforcement of such offences
Improvements to the waste carrier licensing system and duty of care compliance for businesses	1	This is particularly important for the duty of care aspect which is not widely understood by businesses and the general public.
Extend the list of categories to which a Street Litter Control Notices applies	1	This is important. Pubs are one of the main type of businesses we would like to use this legislation for but they are currently excluded.
Explore whether there might be an effective mechanism for litter practitioners to intervene when printed materials create litter problems	1	In Edinburgh this is a large problem due to the many high profile events and the Edinburgh festivals which attract large amounts of flyposting and leaflets

Q15b. What additional areas, if any, could make the enforcement system more effective in preventing litter and flytipping?

Please provide details, reasons for these and what level of priority you would attach to these.

As above, we would suggest consideration is given to formally incorporating the recovery of costs in cleansing fly tipping, similar to the Clean Neighbourhood Act in England and Wales which added to the EPA under section 33A, 33B and 33C.
The proposal to make it an offence to fail to provide details for this type of offence will also help tackle perpetrators (including registered keepers of vehicles involved).

General comments

Q16. Do you have any further comments on or ideas for the National Litter Strategy?

Yes No

Please provide any details with reasons and evidence for these.

As above, we would like to see legislation allowing action to be taken against the premises or events benefiting from illegal fly posting or irresponsible flyering. The National Litter Strategy should focus on "National" media campaigns which highlight the responsible disposal of litter and waste from flytipping to street litter

Strategic Environmental Assessment

Q17. Do you have feedback on the findings of the assessment?

Yes No

Please provide details of any feedback.

Partial Business and Regulatory Impact Assessment (BRIA)

Q18. Are there particular issues you want to highlight with regard to the partial BRIA and the potential impacts on the third sector, business and the economy?

Yes No Partially

Please provide details.

The impact on the business community is likely to increase costs, especially in conjunction with commencement of the Waste Scotland regulations on 1st January 2014. However, businesses which embrace the proposals are likely to reduce the volume of waste they produce, both on site and via littering by their customers. Some form of incentive for businesses, ideally financial, who adopt this approach should be encouraged and promoted to show other businesses what is possible through best practice.

Equalities

Q19. Are there any equalities issues that you wish to highlight so that these can be factored into the Equalities Impact Assessment for the National Litter Strategy?

Yes No Partially

Please provide reasons for your answer. We welcome views on potential impacts, either positive or negative, which you feel the actions in this consultation document may have on any particular groups of people.