

REPORT TO: ENVIRONMENT COMMITTEE – 28th OCTOBER 2013

REPORT ON: CONSULTATION ON A STRATEGY TO TACKLE AND PREVENT LITTER AND FLYTIPPING – TOWARDS A LITTER-FREE SCOTLAND

REPORT BY: DIRECTOR OF ENVIRONMENT

REPORT NO: 432-2013

1.0 PURPOSE OF REPORT

1.1 To seek Committee's approval for the Council's proposed response to the above Scottish Government consultation exercise.

2.0 RECOMMENDATIONS

2.1 It is recommended that Committee approves the attached response and remits the Director of Environment to submit this to the Scottish Government accordingly.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4.0 MAIN TEXT

4.1 The Scottish Government are consulting on a national strategy to tackle and prevent litter and fly tipping. Dundee City Council would be expected to implement key elements of the strategy. The Scottish Government wants the proposed National Litter Strategy to achieve a cleaner, safer environment for people who live in and visit Scotland.

4.2 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

4.3 The Scottish Government invited responses to the consultation by 27th September 2013. They have accepted a draft response from the Director of the Environment pending committee approval. Appendix 1 sets out the proposed responses to the consultation questions posed.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

6.1 The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services have all been consulted in relation to this report.

7.0 BACKGROUND PAPERS

7.1 None

Ken Laing
Director of Environment

Kenny Kerr
Head of Environmental Protection

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

DUNDEE CITY COUNCIL – ENVIRONMENT DEPARTMENT

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

Surname

LAING

Forename

KEN

2. Postal Address

ENVIRONMENT DEPARTMENT

DUNDEE CITY COUNCIL

353 CLEPINGTON ROAD

DUNDEE

Postcode DD3 8PL

Phone 01382 434729

Email

ken.laing@dundeecity.gov.uk

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.

We agree in principle with the overall approach in the strategy.

The consultation invites respondents to comment on any links with other issues such as dog dirt, graffiti and fly posting.

Dog fouling is considered by the public in the same way as litter. Littering/fouling of beaches causes particular public concern. The strategy should therefore aim to alter the behaviour of people who litter and allow their dogs to foul .

We would prefer to see wording such as 'recycle / re-use where possible' rather than 'dispose of'.

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.

We generally agree with this approach. It is important that a clear and consistent public message is sent about littering. This message should not be complicated by also trying to persuade people to Recycle on The Go (RoTG). There are more waste bins available than RoTG facilities. The message should focus on using available bins.

The consultation refers to improving communications (Action 2). There are several campaigns currently running which feature litter as part of their message. A single strategic campaign may therefore provide the most effective approach.

The existing Eco-Schools programme can be adapted to incorporate appropriate littering information. Similar additional information should be

included in the Curriculum for Excellence programme.

Business engagement is welcomed. Whilst e-learning modules may assist at a local level it is likely that, initially, a relatively small percentage of organisations will take part. It is assumed that the communications strategy will include information on enforcement penalties.

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.

A number of schemes are available for national roll out.

KSB currently operates a scheme for businesses, targeting action around litter, waste management and recycling.

Other schemes run by KSB are currently under development.

BIDS (Business Improvement Districts) can be created in defined areas where businesses vote to invest collectively in local improvements resulting in an improved business environment. The scheme could be extended to include recognition. Businesses not participating in a BID scheme should also be recognised for their efforts.

A national recognition scheme operating in a similar way as the Tidy Station Standards scheme (currently in place for rail operators) could work. Such schemes raise awareness through national award recognition and inviting comparisons with other similar organisations. It should be noted however that such schemes are limited to those businesses that choose to enter or participate. Gaining the necessary behavioural change in businesses that show no enthusiasm for recognition schemes will require a mandatory approach.

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.

Product packaging should be subject to the same surcharging as is proposed for plastic carrier bags – i.e. if it's requested it should be surcharged.

Courtauld Commitment 3 is partly funded through the Scottish Government and it is through this that the required packaging limitations should be pursued.

Receptacle design should highlight the resource value of materials (as opposed to being a point of disposal). Aperture design is also important – e.g. sized round holes for alu-cans etc.

ROTG units were originally provided to Local Authorities via a capital funding programme and have been found to incur increased revenue costs for servicing. In addition to this, contamination levels can be high. The provision of any containers or receptacles in public areas (whether for recycling or litter) should certainly negate at least some instances of littering, and therefore appropriate capital and revenue funding streams for the provision of ROTG and/or litter receptacles should be considered.

'Smart bins' would help to reduce the incidence of bins overflowing, particularly in areas where servicing the bins more frequently may be difficult. However they should only be used in conjunction with ROTG bins to encourage greater recycling of litter.

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

Yes No

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

There are various initiatives that can be applied to help reduce litter:-

- Closed bin lid policy for both domestic and business waste

- Preventing households and businesses presenting bags of waste on collection day
- Ensuring waste is only put out for collection at prescribed times
- Ensuring waste containing food is only presented in a container with a lid
- Where bags are unavoidable, ensuring the bag specification reduces the potential for seagulls and other pests opening the bags
- Ensuring (if feasible) for spillages to be collected during or immediately after the collection has taken place
- Redesigning street sweeping routes to coincide with refuse collection

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.

The 2006 Code of Practice requires to be updated in line with current proposals & guidance.

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.

There should be much more emphasis placed on recycling of resource materials than litter disposal.

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.

To ensure that all local authorities and additional litter duty bodies adopt a consistent approach. Effective monitoring will be especially important to regulate any new litter duty bodies.

The monitoring should include scrutinising enforcement polices and the arrangements in non local authority bodies for reporting non compliance with FPNs to the Procurator Fiscal.

It will be important to measure progress with the public's attitude to and perceptions of the litter problem. It will be particularly important to track the changes to the percentage of the population who admit littering.

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.

Community support and involvement will be a key factor in succeeding with reducing litter

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.

A percentage of litter offenders will fall into the 'can't pay / won't pay' category and consideration should be given to issuing such offenders with Community Service Clean Ups to focus on appreciating the problem of litter.

ZWS funding should focus on activity which supports the strategy.

Funding processes should be fair and transparent.

Funding should be provided with a clear direction on robust objectives such

as improving LEAMS results.

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

Agree Partially agree Disagree

Please provide reasons for your answer.

Fly-tipping and littering differ in their root cause. Littering results from an on the spot decision or lack of thought from members of the public, whilst fly-tipping tends to be pre-planned and prompted by disposal cost avoidance or inconvenience. Fly tipping is committed by or on behalf of a much smaller proportion of the population. Fly tippers include commercial organisations. A different campaign and enforcement approach will therefore be required.

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.

Preventing littering in National Parks is part of encouraging use of the parks and reducing costs of maintaining these areas.

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.

NHS Trusts should be able to issue FPNs to persons who litter on NHS sites. Discarded cigarette litter is a particular problem. NHS Trusts are expected to promote smoke free sites.

Litter enforcement should be delegated to other bodies as required in order to allow them to protect their local environments.

However the necessary enforcement infrastructure needs to be established in such bodies.

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.

The fine amount for littering should be payable as a discounted amount if paid within 14 days.

Consideration should be given to extending the payment period for a littering or fly tipping FPN from the present 14 days to 28 days to accommodate offering such a discount and to give an offender longer to pay.

The discount levels are contained in Q13 below

Q13. Do you agree that the level of Fixed Penalties should be increased to £80 for litter and £200 for fly tipping (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 fly tipping be set at, and why?

The littering FPN should not be increased from £50 but should be payable at a discounted rate of £30 if payment is made promptly. The fly tipping FPN could be increased to £200 but be discounted to £150 if paid promptly.

Fly tipping is a relatively more serious offence and the amount of material to be cleaned up/removed as the result of an offence is usually considerably greater.

The use of the FPN is intended to modify people's behaviour. Unpaid FPNs are subject to a report to the Procurator Fiscal. If the number of unpaid FPNs for littering went up because of the penalty being increased to £80 then this will place an additional burden on the LA in preparing more PF reports. On average Dundee city Council issues 300/400 FPNs for littering each year. Approximately 50% of these are reported to the PF as unpaid.

Please note also that enforcement or regulatory services are not funded on collection of fines and these FPNs have never been issued as a means to generate income.

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.

A national standardised approach to how Enforcement Officers issue FPN's may be beneficial – e.g. providing an explanation of why the FPN was issued to the offender.

Some of the listed actions are already in place – for instance police officers can already issue FPNs for littering.

A strategic approach at national level could provide more uniformity at local levels. At present enforcement protocols can differ between Local Authority areas.

All local authorities should be members of Keep Scotland Beautiful (KSB). They provide training in this and update courses when legislation changes. They also coordinate manager's forums for littering and fly tipping.

Zero Waste Scotland could fund local authority membership of KSB. This would build on existing good practice and ensure that all local authorities have access to the support available from KSB.

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

Please see the previous response at Q14 about the role of KSB in training. Training packages will be required for the staff of any new litter bodies.

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

Agree Partially agree Disagree

Please provide reasons and/or evidence for your answer.

As stated above there is a need for a co-ordinated campaign to alter behaviour underpinned by improved and flexible enforcement sanctions.

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	3	
Overcome barriers to enforcement in cases of littering from vehicles	1	
Improvements to the waste carrier licensing system and duty of care compliance for businesses	1	
Extend the list of categories to which a Street Litter Control Notices applies	2	
Explore whether there might be an effective mechanism for litter practitioners to intervene when printed materials create litter problems	2	

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

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

We have no additional areas over and above what we have stated in our responses to the previous questions.

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.

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.

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.