

Agenda Item	6
Report No	CP/4/22

HIGHLAND COUNCIL

Committee: Communities and Place

Date: 23 February 2022

Report Title: Response to the Scottish Government's Consultation
"National Litter and Flytipping Strategy"

Report By: Interim Executive Chief Officer – Communities and Place

1 Purpose/Executive Summary

- 1.1 The Scottish Government's consultation "National Litter and Flytipping Strategy" was opened on the 13 December 2021 and closes on the 31 March 2022. The consultation, which was drafted in partnership with Zero Waste Scotland, Keep Scotland Beautiful and Scottish Environment Protection Agency (SEPA), is seeking views on the aims, objectives and actions that will sit under, the new National Litter and Flytipping Strategy for Scotland.
- 1.2 The proposed actions sit within three strategic themes that were agreed by the Stakeholders: Behaviour Change, Service Infrastructure and Enforcement
- 1.3 The responses to this consultation will assist in shaping and deliver the final national strategy which will be published in 2022.

2 Recommendations

- 2.1 Members are asked to:
 - i) Note the consultation carried out by the Scottish Government on the National litter and flytipping strategy including the proposed potential actions to tackle litter and flytipping in Scotland; and
 - ii) Agree the response prepared by the officers within the Communities and Place Service as detailed in **Appendix 1** to this report.

3 Implications

- 3.1 **Resource** - The costs for clearing Litter and Flytipping are met within the Council's Street cleansing and waste disposal budgets.

The Environmental Health team currently have 8 officers authorised who routinely undertake statutory enforcement duties for flytipping and litter. The officers undertake a range of other statutory duties which can include stray dogs, dog fouling, flytipping, litter, abandoned vehicles, pest control and water sampling with support from Environmental Health Officers and technical officers when required.

- 3.2 **Legal** - This Code of Practice on Litter and Refuse (COPLAR) provides guidance on fulfilling the duties under the Environmental Protection Act 1990, Section 89. The Act places duties on the Council and other certain organisations to, so far as is practicable to ensure that their land (or land that is under their control), is kept clear of litter and refuse.

The Council have statutory powers for litter and flytipping issues under the Environmental Protection Act 1990 (EPA). It contains a number of key provisions including the powers to serve fixed penalty notices for litter or fly tipping.

- 3.3 **Community (Equality, Poverty and Rural)** - A new National Litter and Flytipping Strategy for Scotland will continue to require a consistent approach to meeting the statutory duties of the Council across Highland.

- 3.4 **Climate Change / Carbon Clever** – An intention of the new national litter and flytipping strategy is to encourage responsible behaviour and make it easier for individuals to make the right choices.

The new strategy aims to take into account existing commitments and frame the pollution caused by litter and flytipping within the context of contributing to the climate and biodiversity crisis. Building a Circular Economy and preventing litter and flytipping is essential in achieving this.

- 3.5 **Risk** - There are no known additional risk implications arising from this report.

- 3.6 **Gaelic** - There are not considered to be any implications within this report.

4 Background

- 4.1 In June 2014, the Scottish Government published the country's first National Litter Strategy "Towards a Litter Free Scotland: A Strategic Approach to Higher Quality Local Environments."

- 4.2 The landscape within which the previous strategy was written has evolved significantly, and a number of new policy areas are now linked to the impact of litter and flytipping.

- 4.3 This strategy sets out our vision for a future where Scotland's environment is unblighted by litter and flytipping. To achieve this vision, some potential actions have been identified for litter and flytipping under key themes:

5 Key Themes

- 5.1 **Behaviour Change:** Individuals and organisations have greater awareness of the problems caused by litter, understand their responsibility in preventing litter and are motivated to behave responsibly.

- 5.2 **Services and Infrastructure:** Scotland's services and infrastructure are fit for purpose, encourage responsible behaviour, and make it easier for individuals to make the right choices; and prioritise action and innovation that proactively prevents litter and supports a circular economy.

The objective is to ensure services and infrastructure capture a suite of interventions where facilities and services are accessible and make it easy for people to appropriately dispose of their waste to prevent it becoming litter.

- 5.3 **Enforcement:** The aim is to provide a strong and consistent enforcement model across Scotland that is fit for purpose, promotes positive behaviours, acts as a proportionate deterrent, and effectively stops people from littering.

An accepted lack of a consistent approach to enforcement across Scotland is seen as a barrier to deterring behaviour. An evidence review of the barriers to current enforcement practices will help to inform what changes are needed to ensure that Scotland's enforcement model is effective and deters people from littering.

6 Outcome

- 6.1 It is the Scottish Government's intention to publish the final strategy as soon as practicable after the closing date (31 Mar 22). The strategy aims to take into account the views expressed within the consultation. The consultation places importance on the continuation of collaborative work that will continue to deliver this new strategy.

Scottish Government will also work with key partners to develop the strategy and identify system-wide action to drive further progress on litter and flytipping.

Designation: Allan Gunn, Interim Executive Chief Officer – Communities and Place

Date: 3 February 2022

Author: Alan McKinnie, Strategic Lead (Waste Strategy & Operations)

Background Papers: Appendix 1, Consultation Response

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Litter - Behaviour Change

The questions in this section relate to the proposed actions to tackle litter under the theme behaviour change.

1. Do you support the proposed action to conduct research to understand the full range of influences on littering behaviours (action 1.1)?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

The Highland Council recognise the benefits that could be achieved by carrying out proportionate research to better understand the influences on littering behaviour.

2. Do you support the proposed action to develop and adopt a national anti-littering behaviour change campaign (action 2.1)?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

The Highland Council supports action to develop a collaboratively achieved anti-littering behaviour change campaign where the theme and language used is appropriate and fairly represents the whole of Scotland.

3. Which topics are a priority for behaviour change interventions?

Please indicate, which topics if any, you think we should prioritise for behaviour change interventions

Fast food and drinks litter

Night-time economy litter

School Litter

Roadside littering

Tourism Litter

4. Is there a need to develop a standard definition of litter that can be used across Scotland?

- Yes
- No

Do not know

Please give reason(s) for your answer

Responsibilities and the offence is understood, the Highland Council are happy with the definition already provided within the accompanying impact assessments.

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Litter - Services & Infrastructure

The questions in this section relate to the proposed actions to tackle litter under the theme, services and infrastructure.

5. Do you support the following proposed actions to:

Action 3.1: Review available litter data and reach an agreement between stakeholders on a common approach to data collection?

- Yes
- No
- Do not know

Action 3.2: Identify commonly littered items and litter hotspots, and work with local authorities to develop targeted interventions?

- Yes
- No
- Do not know

Action 3.3: Increase the use of citizen science to support data on the amount and composition of litter?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

3.1 The Highland Council acknowledge that in addition to the data being gathered by local authorities and other duty bodies using LMS, other data is being gathered by additional stakeholders, and although at this time it is unknown how this could managed and analysed to provide productive data we do recognise a benefit in developing a common approach.

3.2 The Highland Council are happy to work with other stakeholders to develop proportionate target intervention where benefit could be achieved. The input of local authorities will be dependent on the available resource.

3.3 Any additional gathered data by a Citizen group that provided information to support the

6. What would encourage increased participation in citizen science data collection?

▶ [More information](#)

The national promotion of and easy to use format that could be used potentially in conjunction with community led voluntary litter picks.

7. Do you support the proposed actions to:

▶ [More information](#)

Action 4.1: Review the Code of Practice for Litter and Refuse (2018) and its implementation by duty holders?

- Yes
- No
- Do not know

Action 4.2: Explore the use of flexible and innovative interventions to support litter prevention and removal?

- Yes
- No
- Do not know

Action 4.3: Establish an action focused group to encourage collaboration and share best practice between local authorities, national parks and other duty bodies?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

4.1 - The Highland Council views the existing Code of Practice for Litter and Refuse (2018) as being fit for purpose.

4.2 - The Highland Council supports exploring affordable innovation with a greater emphasis on carbon reduction service models.

4.3 - It is our view that there is already a litter management network that is facilitated by APSE and that is open all Duty bodies.

8. Please provide examples of flexible or innovative interventions that have or have not worked well in the past.

Worked Well

Providing a seasonally enhanced service (Ranger Service, Waste employees, additional litter bins) that reflects the significant impact of visitor numbers in the Highland area.

Route Optimisation software.

Improved litter bin management through the provision of Recycling on the Go litter bins.

Better opportunity for collaboration through using remote meeting technology

Not Worked Well

Progress made on the transition of LEAMS to LMS

9. How can increased collaboration and information sharing across local authorities, national parks and other duty bodies be achieved?

A continuation of remote meeting technology to achieve an improved level of collaboration with all duty bodies.

10. Do you agree with the proposed actions to:

Action 5.1: Create a national litter hub to provide information to community groups?

- Yes
- No
- Do not know

Action 5.2: Create a community focused litter education programme?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

5.1 - The work is currently being sufficiently undertaken by Keep Scotland Beautiful and Zero Waste Scotland, there is existing positive contact in Highland with Community groups, this especially so in supporting volunteer litter picks.

5.2 - This would be welcomed, with development input from Local Authorities.

11. What advice, information and support should be included in a national litter hub?

Litter prevention material
Contacts for supporting community clean-up initiatives
H&S information
Citizen science guide

12. What topics should be included in a community focused litter education programme?

Understanding the Environmental impact of litter and how clean and safe communities can be achieved.

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Litter - Enforcement

The questions in this section relate to proposed actions to tackle litter as set out under the enforcement theme.

13. Do you support the proposed actions to:

Action 6.1: Conduct an evidence review of barriers to enforcement?

- Yes
- No
- Do not know

Action 6.2: Explore raising current fixed penalty notice amounts?

- Yes
- No
- Do not know

Action 6.3: Explore potential alternative penalties (e.g. litter picks) to monetary fixed penalties?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

6.1 - The Highland Council can see benefit in exploring reasons for possible barriers to enforcement.

6.2 - The Highland Council supports exploring raising fixed penalty amounts to ensure they are an appropriate deterrent.

6.3 - The Highland Council would support exploring alternative penalties, particularly examples that have been successful in other countries, but would have concern over the practicalities, appropriateness and administration of options such as litter picks or education courses.

14. Do you support proposed action 7.1, to review and further develop guidance on enforcement best practices?

- Yes

- No
- Do not know

Please give reason(s) for your answer.

The Highland Council strongly support the review and further development of guidance on enforcement best practices. Practical examples of best practice can assist enforcement officers in undertaking their duties.

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Flytipping - Behaviour Change

The questions in this section relate to proposed actions to tackle flytipping which sit under the theme, behaviour change.

15. Do you support proposed action 8.1, to conduct research to understand the behaviour that leads to flytipping?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

The Highland Council recognise the benefits that could be achieved by carrying out proportionate research to better understand the behaviours that lead to flytipping.

16. Do you agree with the proposed actions to:

Action 9.1: Develop a sustained, evidence based, national anti-flytipping behaviour change campaign?

- Yes
- No
- Do not know

Action 9.2: Create a single information point containing advice on disposal of commonly flytipped materials?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

9.1 The Highland Council supports action to develop a collaboratively achieved anti-flytipping behaviour change campaign where the theme and language used fairly represents the whole of Scotland.

9.2 There should be a single information point that links to current information on Local Authority websites that will ensure updated accurate information is provided.

17. Which topics should be a priority to address by behaviour change interventions?

Environmental and cost Impact.
Legality – implication of illegal waste disposal.
Awareness raising on what is required when engaging a contractor to remove waste.
Information on legal waste disposal routes.

18. What information should be included in a single information point?

Information that addresses answers provided in Q17

19. Is there a need to develop a definition of flytipping that can be adopted across Scotland?

- Yes
- No
- Do not know

Please give reason(s) for your answer

Flytipping is broadly understood to be the illegal dumping of solid and liquid waste on land or water, persons who engage in flytipping are knowingly acting illegally. The Highland Council are happy with the definition already provided within the accompanying impact assessments.

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Flytipping - Services and Infrastructure

The questions in this section relate to the proposed actions to tackle flytipping under the theme services and infrastructure.

20. Do you support the proposed actions to:

► [More information](#)

Action 10.1: Create a data sharing agreement to support gathering of data and work with stakeholders to improve consistency of data collection?

- Yes
- No
- Do not know

Action 10.2: Explore incorporating data into a national database?

- Yes
- No
- Do not know

Action 10.3: Review the Dump Dumpers system and ensure a fit for purpose mechanism for citizen reporting of flytipping exists in Scotland?

- Yes
- No
- Do not know

Action 10.4: Explore the development of a live picture of flytipping across Scotland?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

10.1 The Highland Council agree that creating a data sharing agreement to support gathering of data would provide benefit through improved consistency

10.2 - There is value in exploring a national database to enable the analysis of the gathered data described in 10.1.

10.3 - We understand Dumb Dumpers has now been in existence for 18 years, the Highland Council now experience very limited reports through Dumb Dumpers, a review is required. A national mechanism with a clear message would be of benefit, but any single/central reporting system should directly link to the local authority.

21. Do you support mandatory reporting of flytipping incidents for statutory bodies?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

Yes, the Highland Council support mandatory reporting of flytipping linked to the data sharing agreement described in 10.1

22. Do you think we should continue to use Dump Dumpers as the national reporting tool?

► [More information](#)

- Yes
- No
- Do not know

Please give reason(s) for your answer.

We recognise limited benefit from the Dumb Dumpers, the Highland Council would support a review of the continued use as a national reporting tool.

What are the barriers to reporting flytipping incidents that occur on private land?

na

Who would you report flytipping to?

na

Action 11.1: Support and encourage information and resource sharing between stakeholders?

- Yes
- No
- Do not know

Action 11.2: Explore how to support and encourage more reuse and repair of products that are commonly flytipped?

- Yes
- No
- Do not know

Action 11.3: Explore a flexible approach to waste disposal with a view to trial interventions?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

11.1 - The Highland Council is supportive of information sharing between relevant stakeholders and recognise the benefit in sharing resource with voluntary community led initiatives.

11.2 The Highland Council agrees with the proposal to support and encourage more reuse and repair of products that are commonly flytipped, this is particularly relevant to white goods.

11.3 - The existing provision of Household Waste Recycling Centres (HWRC) provides good opportunity for the lawful disposal of household waste and recycling. Caution is required in

24. How can we support and encourage sharing of data and joining up of services between local authorities. the waste sector. SEPA and other

organisations?

The Highland Council support the proposed fly-tipping forum and sharing of best practice on local sharing of data.

25. Please provide examples of interventions (for example, amnesties or recycling groups) and indicate whether they have or have not worked well.

Housing area community clean-ups

The provision of skips within large housing areas to assist community clean-ups can have positive impact but the careful control of the skips is essential.

26. What are the barriers to disposing of asbestos?

The Highland Council provides householders a free facility for the disposal of Asbestos from small-scale DIY projects. Disposal options through contractors the larger quantities of Asbestos is available but the cost is likely to be a barrier.

27. Do you agree with the proposed actions to:

Action 12.1: Explore the role of technology in assisting private landowners and land managers to deter flytipping on their land?

- Yes
- No
- Do not know

Action 12.2: Produce updated guidance for private landowners on dealing with flytipping?

- Yes
- No
- Do not know

Action 12.3: Explore alternative financial support mechanisms available to private landowners and land managers?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

12.1 - The Highland Council agree with the proposal of exploring the role if technology such as CCTV to deter flytipping on private land.

12.2 - The Highland recognise the benefit of updated guidance for private landowners.

12.3 - The existing levels of financial support are currently unclear, we welcome a proposal to explore any potential alternative financial support to private landowners.

28. What support mechanisms need to be in place to help private landowners that are victims of flytipping?

Providing support to identify alternative financial support and advice on available waste disposal routes.

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Flytipping - Enforcement

The questions in this section relate to the proposed actions to tackle flytipping under the theme enforcement.

29. Do you support the proposed actions to:

Action 13.1: Conduct an evidence review of barriers to enforcement of flytipping offences?

- Yes
- No
- Do not know

Action 13.2: Initially raise current fixed penalties issued by local authorities, Police Scotland, Loch Lomond and Trossachs National Park for flytipping to the maximum (£500) and explore possibility of raising the maximum at a later date.

- Yes
- No
- Do not know

Action 13.3: Explore the possibility and benefits of enabling local authorities and national parks to use civil penalties to enforce flytipping offences?

- Yes
- No
- Do not know

Action 13.4: Explore raising current fixed monetary penalties that can be issued by SEPA for flytipping offences to the maximum (£1,000) and explore the possibility of raising the maximum further at a later date?

- Yes
- No
- Do not know

Action 13.6: Review existing legislative powers for enforcing flytipping offences?

- Yes
- No
- Do not know

Please give reason(s) for your answer

13.1 - The Highland Council can see benefit in exploring reasons for possible barriers to enforcement

13.2, 13.3, 13.4 - The Highland Council supports exploring raising penalty amounts to ensure they are an appropriate deterrent

13.6 - The Highland Council support the review of existing legislative powers for enforcing fly tipping offences to ensure they are appropriate and effective.

30. Do you support the proposed actions to:

Action 14.1: Come to an agreement and develop guidance on roles and responsibilities of organisations in enforcing flytipping offences?

- Yes
- No
- Do not know

Action 14.2: Develop guidance on enforcement best practices, including on private land and seek for this to be voluntarily adopted by statutory bodies?

- Yes
- No
- Do not know

Please give reason(s) for your answer.

14.1 The Highland Council support seeking agreement on guidance on roles and responsibilities of organisations in enforcing fly tipping offences to ensure clarity and provide effective enforcement. The guidance must support and encourage ongoing good communication between all organisations.

14.2 The Highland Council strongly support the development of guidance on enforcement best practices to assist effective enforcement.

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Impact Assessment and Next Steps

31. Are there any proposals you think should be considered for the National Litter and Flytipping Strategy?

Please indicate if there are any proposals that have not been outlined in this consultation document.

The Highland Council would welcome a proposal to explore the creation of national fund to assist Duty bodies implement litter and flytipping improvement initiatives.

32. Do you agree that the accompanying impact assessments (BRIA, EQIA, ICIA and FSDA) are an accurate representation of core issues and considerations?

► [More information](#)

Yes

- No
- Do not know

In not, please provide detail and evidence.

33. Do you agree with the recommendations and conclusions within the Strategic Environmental Assessment Environmental Report?

▶ [More information](#)

- Yes
- No
- Maybe

If not, please provide detail and evidence.

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