

Report

Report to:	Climate Change and Sustainability Committee
Date of Meeting:	2 February 2022
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Scottish Government Consultation on National Litter and Flytipping Strategy
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1. Purpose of Report

1.1. The purpose of the report is to: -

- ◆ advise the Committee of the current Scottish Government consultation on the National Litter and Flytipping Strategy
- ◆ set out the proposed South Lanarkshire Council response to be submitted to the Scottish Government.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s): -

- (1) that the overview of the consultation on the National Litter and Flytipping Strategy be noted.
- (2) that the proposed South Lanarkshire Council response to the consultation be approved for submission to the Scottish Government by 31 March 2022.

3. Background

- 3.1. 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.*" A review of this strategy was completed in November 2019 which highlighted that significant progress had been made and identified key successes of the strategy. However, it also recognises that litter and flytipping still pose a significant challenge that require further concerted actions and identified opportunities for potential future action
- 3.2. 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. The COVID-19 pandemic has also posed a number of new challenges in regard to litter and flytipping. The Scottish Government decided that this strategy would be updated as a National Litter and Flytipping Strategy, recognising that these are separate issues, to allow a tailored approach to be taken to each of them.
- 3.3. Further to the review that was conducted on the previous strategy, targeted stakeholder engagement has focused on the current challenges and future priorities for action. This consultation reflects these discussions and proposes actions that can be taken to prevent litter and flytipping from occurring and effectively deal with it when

it does. It also provides an opportunity to further engage with stakeholders on proposed actions which will help to shape and deliver the final strategy.

- 3.4. The Council's Policy Officer (Environmental Initiatives) represents the Council on both of the Scottish Government working groups on Litter and Fly tipping.

4. South Lanarkshire Council Response

- 4.1. The focus of the consultation is to invite views on the planned approach to tackle litter and flytipping in Scotland. Consultation responses will inform future policy on how this can best be achieved.
- 4.2. A summary of the proposed response is outlined for each section. A copy of the full proposed response is attached in Appendix 1.

Litter	The Council is supportive of the proposals within this section of the consultation.
Flytipping	The Council is supportive of the proposals within this section of the consultation.

- 4.3. The proposed response was developed incorporating views from officers within Community and Enterprise Resources, including Environmental Services.

5. Next Steps

- 5.1. Following agreement of the proposed response by the Committee and, if applicable, the inclusion of any required amendments, the final response will be submitted to the Scottish Government before the consultation closes on 31 March 2022.

6. Employee Implications

- 6.1. There are no employee implications associated with this report at this time

7. Financial Implications

- 7.1. There are no financial implications associated with this report at this time

8. Climate Change, Sustainability and Environmental Implications

- 8.1. Littering and flytipping has a detrimental impact on health and wellbeing, the economy, and the natural environment. Litter and flytipping can lead to soil, water, and air pollution and it is estimated that 80% of marine litter washing up on our beaches started out on land. It can affect our ecosystem services and bring harm to biodiversity. Prevention of litter and flytipping has a key role to play in sustainable development and promoting the circular economy. The Litter Strategy will support the outcomes of the Council's Sustainable Development and Climate Change Strategy.
- 8.2. A further positive outcome of prevention of littering and flytipping is that proper disposal will have a positive effect on the Council's recycling figures. At present, the disposal of litter and fly tipping is not separated prior to disposal and, in the main, is sent for incineration.

9. Other Implications

- 9.1. There are no additional risks associated with this report

10. Equality Impact Assessment and Consultation Arrangements

- 10.1. This report does not introduce a new policy, function or strategy nor recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required

Alistair McKinnon

Interim Executive Director (Community and Enterprise Resources)

12 January 2022

Link(s) to Council Values/Ambitions/Objectives

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities.
- ◆ Support the local economy by providing the right conditions for inclusive growth.
- ◆ Support our communities by tackling disadvantage and deprivation and supporting aspiration

Previous References

- ◆ Climate Change and Sustainability Committee 3 November 2021 – Development of a Litter Strategy Update

List of Background Papers

- ◆ Scottish Government consultation on National litter and flytipping
([National litter and flytipping: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/consultations/national-litter-and-flytipping/pages/consultation.aspx))

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact: -

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Appendix 1

South Lanarkshire Council full response to the 'Scottish Government consultation on National litter and flytipping strategy:

No.	Question	Response
	Litter	
1(a).	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	Yes
1(b).	Please give reason(s) for your answer.	Research allows us more evidence and understanding regarding what campaigns and engagement are effective and how behaviours can positively be changed within each demographic.
2(a).	Do you support the proposed action to develop and adopt a national anti-littering campaign (action 2.1)	Yes
2(b).	Please give reason(s) for your answer	<p>A national campaign is something that is greatly needed to show a united front on this damaging activity. The national campaign should be promoted through a variety of means but have a strong message which is memorable and sticks with people.</p> <p>There should also be the ability for local authorities or land owners to do regional variations of this campaign for a specific area or issue, while it still being associated and recognisable as part of the national campaign.</p>
3.	Which topics should be a priority to address by behaviour change interventions?	Roadside littering Using a bin, or taking litter home if there isn't a bin
4.	Is there a need to develop a standard definition for litter that can be used across Scotland?	Yes Won't necessarily make any difference to the people who litter. Could make a difference to enforcement.

5(a).	<p>Do you support the following proposed actions to:</p> <ul style="list-style-type: none"> - Action 3.1: Review available litter data and reach an agreement between stakeholders on a common approach to data collection? - Action 3.2: Identify commonly littered items and litter hotspots and work with local authorities to develop targeted interventions? - Action 3.3: Increase the use of citizen science to support data levels and composition of litter? 	<p>Yes</p> <p>Yes</p> <p>Yes</p>
5(b).	Please give reason(s) for your answer.	Litter data and research is only good if it is used for positive change. Common approach to data collection is required if something is going to be undertaken nationally. Litter Monitoring System is a good start for this, however there are still large dispraises in it's uses.
6.	What would encourage increased participation in citizen science data collection?	<p>Include it in the school curriculum, specifically in high schools.</p> <p>Make sure feedback is given to the groups and individuals undertaking citizen science.</p>
7(a).	<p>Do you support the proposed actions to:</p> <ul style="list-style-type: none"> - Action 4.1: Review of CoPLaR (2018) and its implementation by duty holders? - Action 4.2: Explore the use of flexible and innovative interventions to support litter prevention and removal? - Action 4.3: Establish an action focused group to encourage collaboration and share best practice between local authorities, national parks and other duty bodies? 	<p>Yes</p> <p>Yes</p> <p>Yes</p>

7(b).	Please give reason(s) for your answers	<p>COPLAR should be reviewed to understand what changes are being trialled or implemented to provide a focus on prevention.</p> <p>Flexible and innovative solutions should be explored, however there also needs to be a balance and consideration for the financial restrictions and further expectation of flexible resources.</p> <p>There is already a group established, Litter Managers Network. More could be done if there was a national campaign or funding backing.</p>
8.	Please provide examples of flexible or innovative interventions that have or have not worked well.	<p>Mapping litter bins to understand what infrastructure we have in each location, including type, capacity and condition.</p> <p>Solar compactor bin trial in a park to assess the feasibility of the smart technology.</p>
9.	How can increased collaboration and information sharing across local authorities, national parks and other duty bodies be achieved?	<p>National campaigns and development/enhancement of Networks across organisations including information sharing hubs.</p> <p>National citizen app that allows reporting of litter and fly tipping.</p>
10(a).	<p>Do you support the proposed actions to:</p> <ul style="list-style-type: none"> - Action 5.1: Create a national litter hub to provide information to community groups? - Action 5.2: Create a community-focused litter education programme? 	<p>Yes</p> <p>Yes</p>
10(b).	Please give reason(s) for your answer.	<p>Support for the national litter hub, as long as the information it is providing is consistent and appropriate to each of the local authorities who need to action.</p> <p>Support the community focused litter education programme in principal, however more information would be required as to what this</p>

		would include. We currently have very engaged groups on litter and would be interested on what more the hub and education programme could contribute.
11.	What advice, information and support should be included in a national litter hub?	<p>Risk assessment and health and safety. Information for local authority specific details including bags, equipment and how to arrange for litter picked bags or larger items to be uplifted.</p> <p>Best Practice, updates and outcomes of pilots to tackle litter.</p>
12.	What topics should be included in a community-focused litter education programme?	<p>How the topic can be included in other community groups or partnerships. Preventative initiatives or actions that can be undertaken by the community.</p> <p>Information on how and where to report litter issues and better information on how litter is enforced and the current challenges to issuing fines and prosecuting.</p>
13(a).	<p>Do you support proposed actions on enforcement of litter offences to:</p> <ul style="list-style-type: none"> - Action 6.1: Conduct an evidence review of barriers to enforcement? - Action 6.2: Explore raising current fixed penalty notice amounts? - Action 6.3: Explore potential alternative penalties to monetary fixed penalties? 	<p>Yes</p> <p>Yes</p> <p>Yes</p>
13(b).	Please give reason(s) for your answers.	<p>The two examples provided namely litter from vehicles we agree that if it can be demonstrated that the litter came from vehicle then the registered keeper is made liable. In addition, the DVLA search restrictions should also be reviewed as getting the registered keeper details from DVLA has restriction on it that may make this difficult to do in every instance.</p> <p>Secondly the suggestion that civil fines be explored is not something we have found to be effective on dog fouling fines which we understand are civil (arbitral decree). The recovery costs made attempting to recovering</p>

		<p>the fines set at £80 (Dog Fouling is the same as Littering) not worthwhile (Sheriff Officers).</p> <p>We would strongly recommend that the whole area of littering caused by under 16s (school pupils) be tackled as a major cause of littering in urban areas. Enforcement in this area is difficult and can be viewed as unacceptable.</p> <p>FPN amounts should be increased, however it is more important and vital that the model in general improves and FPN are collected or passed on to the COPFS. Without the process being followed, enforcement as a deterrent is weak and doesn't provide an effective role.</p> <p>Alternatives to monetary fixed penalties should be explored, but the significant factor is that a process is followed, and people should know what the outcome is if they do break the law in this respect.</p>
14(a).	Do you support the proposed action to review and further develop guidance on enforcement best practices (action 7.1)?	Yes
14(b).	Please give reason(s) for your answer.	In particular we have found fiscal (littering offences) does not see these as significant in terms of public benefit and it is hard to argue that this is not the case.
14(c).	What should be included in this guidance?	Evidence requirements for both physical evidence and witnesses. Evidence recording. Reporting process.
	Flytipping	
15(a).	Do you support the proposed action to conduct research to understand behaviour that leads to flytipping (action 8.1)?	Yes
15(b).	Please give reason(s) for your answer.	Support the proposed research into fly tipping behaviour, with the condition that it supports the actions that are happening throughout the country. There is currently a lack of support for local authorities and other land owners on the consistent problem that is fly tipping, apart from expecting it to be cleared up. This can be on multiple scales; however, it is all illegally disposed waste that the land owner is then responsible for.

16(a).	<p>Do you agree with the proposed actions to:</p> <ul style="list-style-type: none"> - Action 9.1: Develop a sustained, evidence based, national anti-flytipping behaviour change campaign? - Action 9.2: Create a single information point containing advice on disposal of commonly flytipped materials? 	<p>Yes</p> <p>Yes</p>
16(b).	<p>Please give reason(s) for your answer. Are there topics that should be a priority to address in this campaign?</p>	<p>A national campaign on fly tipping is definitely required as there needs to be a push to show as a country that we don't accept this behaviour. Fly tipping and illegal dumping of waste is done by a variety of different people, but with an evidence-based approach there is the ability to start to highlight the different offenders and the large-scale problem.</p> <p>Dumb Dumpers would be the current equivalent which can be improved on. Issues with a single information point for this type of information is that it is different in each local authority. Needs to be taken into consideration that only a small proportion of fly tippers would use and act from this information.</p>
17.	<p>Are there topics that should be a priority to address in behaviour change interventions?</p>	<p>Duty of care. Personal responsibility for the correct, safe and legal disposal of your property and materials.</p> <p>True cost of fly tipping. The environmental, social and economic impact.</p>
18.	<p>What information should be included in the single information point?</p>	<p>Links to local authority pages for HWRC, bulk uplifts, reuse options.</p> <p>Duty of care information. Checklist to make sure you are using a registered waste carrier for disposal.</p>
19.	<p>Is there a need to develop a definition of flytipping that can be adopted across Scotland?</p>	<p>Do not know</p> <p>Won't necessarily make any difference to the people who fly tip. Could make a difference to enforcement.</p>

20(a).	<p>Do you support the proposed actions to:</p> <ul style="list-style-type: none"> - Action 10.1: Create a data sharing agreement to support gathering of data and work with stakeholders to improve consistence of data collection? - Action 10.2: Explore incorporating data into a national database? - Action 10.3: Review the Dumb Dumpers system and ensure a fit for purpose mechanism for citizen reporting of flytipping exists in Scotland? - Action 10.4: Explore the development of a live picture of flytipping across Scotland? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
20(b).	Please give reason(s) for your answers.	<p>The idea of live data gathering and a data sharing agreement is positive, however the feasibility of this is the unknown.</p> <p>A fly tipping national database could be very powerful information as it could show patterns, assist collaborations and allow a true picture of the scale of the problem.</p>
21(a).	Do you support mandatory reporting of flytipping incidents for statutory bodies?	Yes
21(b).	Please give reason(s) for your answer	Support mandatory reporting in principal for the benefits, however don't know how feasible it will be in practice. There will be barriers and technological limitations from some statutory bodies. The ability for the mandatory reporting system to be compatible with the IT/CRM systems or call centre needs to be considered and allowances need to be made.
22(a).	Do you think we should continue to use Dumb Dumpers as the national reporting tool?	Dumb Dumpers is currently not an effective national reporting tool.

22(b).	Please give reason(s) for your answers.	Significant changes would be required if it was to be used for that, along with discussions to link in with the statutory bodies with the responsibility to remove the fly tipping.
22(c).	What are barriers to reporting flytipping incidents that occur on private land?	Limited assistance to deal with the removal of the fly tipping from local authorities. In some cases, local authorities can potentially help if there is any evidence or provided preventative advice.
22(d).	Who would you report flytipping to?	Local authority.
23(a).	<p>Do you agree with the proposed actions to:</p> <ul style="list-style-type: none"> - Action 11.1: Support and encourage information and resource sharing between stakeholders? - Action 11.2: Explore how to support and encourage more reuse and repair of products that are commonly flytipped? - Action 11.3: Explore a flexible approach to waste disposal with a view to trial interventions? 	<p>Yes</p> <p>Yes</p> <p>Yes</p>
23(b).	Please give reason(s) for your answers.	<p>Any information and resource sharing is positive as long as there is a reason for the parties to be involved in the arrangement.</p> <p>Reuse and repair options and organisations currently do not have the level of funding that they previously did. This sector would need to be reviewed before trying to encourage more materials to this route, to make it viable. Trial interventions are also something that would be good to have best practice information on regarding the successes and drawbacks.</p>
24.	How can we support and encourage sharing of data and joined up services and infrastructure?	Provide solid information on the benefits and what the information will be used for. Ask what the barriers are and the scale of overcoming them.

25.	Please provide examples of interventions (for example, amnesties or recycling groups) that have or have not work well?	People generally abuse amnesties, and then the action of them creates an expectation. We have tried to move away from the practice due to this.
26.	What are the barriers to disposing of asbestos?	Cost
27(a).	<p>Do you agree with the proposed actions to:</p> <ul style="list-style-type: none"> - Action 12.1: Explore the role of technology in assisting private landowners and land managers deter flytipping on their land? - Action 12.2: Produce updated guidance for private landowners on dealing with flytipping? - Action 12.3: Explore alternative financial support mechanisms available to private landowners and land managers? 	<p>Yes</p> <p>Yes</p> <p>Yes.</p>
27(b).	Please give reason(s) for your answer.	<p>Any additional consistent information that can be provided to land owners would be beneficial including best practice or case studies on how these have been tackled successfully in other areas.</p> <p>Given the responsibility sits with the land owner the ability of organisations to point citizens etc to this information would be beneficial.</p>
28.	What support mechanisms need to be in place to help private landowners that are victims of flytipping?	Best practice or case studies on how these have been tackled successfully in other areas, information on who they can approach for help and guidance to limit chance of it repeating.
29(a).	<p>Do you support the proposed actions to:</p> <ul style="list-style-type: none"> - Action 13.1: Conduct an evidence review of 	Yes

	<p>barriers to enforcement of flytipping offences?</p> <ul style="list-style-type: none"> - 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 further at a later date? - Action 13.3: Explore the possibility and benefits of enabling local authorities and national parks to use civil penalties to enforce flytipping offences? - Action 13.4: Explore raising current fixed monetary penalties that can be issue by SEPA for flytipping offences to the maximum (£1000) and explore possibility of raising the maximum further at a later date? - Action 13.6: Review existing legislative powers for enforcing flytipping offences? 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
29(b).	Please give reason(s) for your answers.	<p>Fly tipping legislation and enforcement powers need to be reviewed in order to make them an effective deterrent.</p> <p>The monetary penalties are currently not high enough as in the majority of cases for larger fly tipping, the penalty is actually lower than the disposal costs of the waste they are illegally disposing of.</p> <p>This is mostly on the basis that the £500 is an actual deterrent. In most instances where the costs involved are considerably more than £200 (clear up costs and staff time) we don't issue an FPN (£200) we make a direct referral to the COPFS. A £500 fine for fly tipping a fridge or minor item may be seen as excessive however due to the difficulty in proving the offence was committed by the individual, we feel that each</p>

		<p>example of a successful case merits a higher fine.</p> <p>Civil penalties fines are more significant in value and it may be financially possible to recover the larger amount.</p> <p>The powers available to SEPA should be available to local authorities.</p> <p>We would strongly recommend a national delineation between SEPA and LA's on which fly tipping incidents are investigated by which Agency. We also note that there is a not co-ordinating body for national incidents or cross district intelligence sharing. i.e. out with the boundaries of Regional or LA areas there is no sharing of intel.</p>
30(a).	<p>Do you support proposed actions to:</p> <ul style="list-style-type: none"> - Action 14.1: Come to an agreement and develop guidance on role and responsibilities in enforcing flytipping offences? - Action 14.2: Develop guidance on enforcement best practices, including on private land and seek for this to be voluntarily adopted by statutory bodies? 	<p>Yes</p> <p>Yes</p>
30(b).	<p>Please give reason(s) for your answers.</p>	<p>More guidance on enforcement and effectively progressing it to a conviction is required and will be very beneficial.</p> <p>Guidance including best practices will also help provide a consistent and coordinated approach throughout Scotland which will coincide well with a national campaign.</p> <p>Within professional working groups there is already sharing of approach and template prosecutions and approaches etc however there is no obligation for all Agencies to adopt the same approach.</p>

31.	Are there any additional proposals you think should be considered for the National Litter and Flytipping Strategy?	None
32(a).	Do you agree that the accompanying Impact Assessments (BRIA, EQIA, ICIA, FSDA) are an accurate representation of core issues and considerations?	Yes
32(b).	If not, please provide detail and evidence.	Not applicable
33(a).	Do you agree with the recommendations and conclusions within the Strategic Environmental Assessment Environmental Report?	Yes
33(b).	If not, please provide detail and evidence	Not applicable