

---

**To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD**

**On: 29 AUGUST 2018**

---

**Joint Report by: DIRECTOR OF ENVIRONMENT & INFRASTRUCTURE**

---

**Heading: CODE OF PRACTICE ON LITTER AND REFUSE (COPLAR) 2018**

---

## **1. OVERVIEW**

- 1.1 The Scottish Government has issued a revised code of practice on Litter and Refuse to fulfil duties under the Environmental Protection Act 1990, section 89. The code of practice was enacted by the Scottish Parliament in July 2018.
- 1.2 This is the 4<sup>th</sup> Code of Practice on Litter and Refuse (COPLAR) issued under section 89 (7) of the Act. The first in 1991, was replaced in 1999 and covered Scotland, England and Wales. The third, in 2006, applied exclusively to Scotland and this version replaces it. Its development was informed by a stakeholder steering group. Bodies including Local Authorities, Scottish Ministers, Crown Estate Scotland, railway operators and education institutions must all adhere to the code. Implementation of the code impacts on the StreetScene & Roads service delivery and will support the preventative work undertaken by the Council such as the Team Up to Clean Up project.
- 1.3 Under the Code of Practice Local Authorities have the following duties to act, so far as is practical, to remove litter and refuse:
- Keep land under their control clear of refuse and litter - Duty 1.  
Duty 1 applies to hard-standing surfaces – roads, walkways, concreted land, soft surfaces – grass, bushes, trees, bare-earth surfaces, verges, embankments and open space, unsurfaced roads, land covered by water – canals, streams/rivers and ponds.
  - To keep certain roads (for which the body is responsible) clean - Duty 2.

- 1.4 Action may be taken on the body's behalf, such as through road maintenance contractors/clean-up operations. However, the responsibility for meeting the duties remains with the owner of the land.
- 1.5 A formal consultation process was held in 2017 on proposed revisions to the code of practice and Renfrewshire Council was one of the 35 respondents.
- 1.6 Whilst the format of the new Code of Practice Litter and Refuse 2018 is broadly similar to its predecessor, there are some significant changes including: chewing gum and detritus being included within the code; a change to the times by which land should be restored to its appropriate cleanliness grade; and a greater focus on proactive work, including prevention, which will specifically involve a number of services across the Council with management and maintenance responsibilities for land assets.
- 1.7 The 3 main changes include:
- (i) An emphasis on the role of prevention (particularly for Duty 1)
  - (ii) Revised cleanliness grades and response times for each duty
  - (iii) Greater clarity about where litter/refuse should be removed from and what constitutes litter and detritus
- 1.8 In responding to the code, key service areas within Environment & Infrastructure will require to further develop regular sweeping and maintenance schedules to allow the duty to be met. This approach can prevent small problems from escalating and ultimately becoming more expensive to fix.
- 1.9 One of the major changes in COPLAR 2018 is the emphasis on the role of prevention. Spending more on prevention is incentivised through the Code of Practice as increased spending on prevention will increase the response time available to return the area to a Grade A, clean standard. The additional funding for Environment & Place, including Team Up to Clean Up and increased enforcement by the Renfrewshire Wardens all provide good evidence of proactive work already being undertaken across Renfrewshire.
- 

## **2. RECOMMENDATIONS**

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Notes the content of the new Code of Practice on Litter and Refuse (COPLAR) 2018 and the potential implications and challenges for Renfrewshire Council.
- 2.2 Notes the requirement for Environment & Infrastructure Services to undertake a COPLAR re-zoning exercise for Council owned land and roads and the intention to create an intern post to support this project working within the StreetScene service team.

- 2.3 Agrees to publicise the results of the COPLAR zoning exercise on the Council website.
- 

### **3. BACKGROUND**

- 3.1 The Code of Practice on Litter and Refuse (Scotland) 2018 (COPLAR 2018) was laid before the Scottish Parliament on 17 May 2018 and was subject to a 40-day Parliamentary process following which the Code of Practice was enacted, in July 2018.
- 3.2 There are 3 main changes to the code of practice 2018 compared to the previous code of practice issued in 2006. These include:
- An emphasis on the role of prevention (particularly for Duty 1 – keeping land clear of litter and refuse). Under the code responsible bodies are required to consider what more they can do to encourage people not to litter in the first place. Examples of prevention activities are: communications in the form of signs, social media and news stories; education; partnership working; engagement; provision of infrastructure such as bins and recycling containers; and enforcement.
  - Revised cleanliness grades and response times have been created for each duty:
    - 3.2.1 The basic response times for Duty 1, (keeping land free of litter and refuse) are based on a responsible body allocating between 0% and 10% of its overall litter and fly tipping spend to prevention tactics. An analysis is being undertaken but it is believed that Renfrewshire Council spends approximately 10% of the current budget on preventative measures including education and enforcement. The response times available to restore an area to its relevant cleanliness grade increase in proportion to the percentage of spend on prevention activities. Once an area is restored, the prevention tactics should be sufficient to effectively support the maintenance of the cleanliness standard.
    - 3.2.2 Duty 2 relates to keeping roads clean and for this response times relate to regular sweeping and maintenance schedules which should be prepared by the responsible body to allow the duty to be met. The approach aims to help prevent small problems from escalating and becoming more expensive to fix. Regular removal of detritus will prevent a build-up of materials and other maintenance issues such as weed growth from occurring. The code also regards cutting back or removing any surface vegetation that infringes upon the hard surface of the road as good practice.
    - 3.2.3 Greater clarity about where litter/refuse should be removed from and what constitutes litter and detritus – eg chewing gum.

#### **4. IMPLEMENTING THE CODE OF PRACTICE LITTER AND REFUSE (COPLAR) 2018 DUTIES**

- 4.1 To fulfil the duties set out in COPLAR 2018, areas should be clear of litter and refuse and be clean. This is 'the standard' and it is referred to as 'Grade A' for each duty. Duty 1 areas that relate to land, have their condition assessed against six grades from A to F. The grades provide a way for bodies to measure attainment or deterioration over time and evidence their progress.
- Litter is "waste in the wrong place". Litter can include food packaging, drink containers, chewing gum, plastic bags. Escaped materials from waste collection containers are also considered litter.
  - Refuse is larger or more significant items than litter. Refuse includes household and commercial waste, flytipped waste, dog faeces and car parts.
- 4.2 The first step to fulfilling the COPLAR 2018 duties is to categorise areas of land and roads into one of six zones, based on how busy each area is. Zone categories are then used to determine the maximum time a responsible body has before it should restore an area to the Grade A standard. The Council is required to undertake this re-zoning exercise within one year from the Code coming into effect and make the results easily accessible to members of the public. The intention is to publish the results digitally online. There will be a resource implication for this exercise – currently estimated as approximately 1 year's work. In addition, not all land is held by Environment & Infrastructure, therefore while the zoning exercise will be co-ordinated within Environment and Infrastructure Services to ensure a consistent approach and methodology is applied across all Council owned land, there might be additional support required from other services that have land management and maintenance responsibilities on an adhoc basis.
- 4.3 Two factors affect the rate at which litter and refuse standards in an area decline which are common to all land and road types:
1. Footfall/vehicle intensity (guidance is provided in the code of practice on how to determine how busy an area is)
  2. Potential litter sources (numbers of moderate and high-risk groupings e.g. primary schools as moderate and fast food outlets as high-risk).
- 4.4 The COPLAR guidance indicates that areas subject to a significantly higher volume of footfall/traffic than normal for a short period of time, such as one-off events, should be upgraded to the appropriate zone classification on a temporary basis, reverting to the original zone classification following the event.
- 4.5 In addition to litter and refuse, detritus must also be taken into account under Duty 2 of COPLAR, relating to keeping roads clean. Detritus includes dust, mud, soil, grit, gravel, stones, rotted vegetation, glass and plastic. Leaf and blossom can also be considered detritus once they have lost their structure and become mushy and fragmented. Duty 2 areas are assessed against 4 grades from A to D – with A

reflecting that surfaces are free from detritus (the standard) and D that surfaces are obscured or at high risk of hazard caused by detritus.

- 4.6 When making assessments of current condition the Council will be required to be able to justify the grades assessed and have evidence to prove that it is fulfilling its duties.

---

### **Implications of the Report**

1. **Financial** – Additional financial costs for both preparatory work and then implementation requirements will result from the required changes.
2. **HR & Organisational Development** – None
3. **Community Planning** – Renfrewshire is well – by maintaining the cleanliness of Renfrewshire's streets and roads it improves the wellbeing and belonging of a community.
4. **Legal** – To Follow
5. **Property/Assets** -To follow
6. **Information Technology** – To Follow
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website
8. **Health & Safety** – To follow
9. **Procurement** – None
10. **Risk** – None
11. **Privacy Impact** – None
12. **Cosla Policy Position** – None

---

**List of Background Papers** - Background Paper 1 – Code of Practice on Litter and Refuse 2018.

---

**Author:** Chris Dalrymple, Communities and Regulatory Manager, 0141 618 4609.