
To: Infrastructure, Land and Environment Policy Board

On: 23 March 2022

Report by: Director of Communities and Housing Services and Director of Environment and Infrastructure Services

Heading: Public consultation on national litter and fly-tipping strategy

1. Summary

- 1.1 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 progress had been made and identified key successes of the strategy.
- 1.2 The review also recognised that litter and fly-tipping still pose a significant challenge that require further concerted actions; and identified opportunities for potential future action.
- 1.3 As a result, the Scottish Government, in consultation with partners Zero Waste Scotland (ZWS), Keep Scotland Beautiful (KSB) and the Scottish Environment Protection Agency (SEPA) is seeking views on the aims, objectives and actions that sit under the draft strategy.
- 1.4 The draft consultation and response form can be found at:
<https://www.gov.scot/publications/national-litter-flytipping-consultation/>
- 1.5 The consultation was launched on 13 December 2021 and the final date for submissions is 31 March 2022. The opportunity to respond to the consultation is welcomed and a draft response from the Council is attached as Appendix 1 to this report for the approval of members. This will be submitted in line with the timescales provided.

1.6 On 28 February 2022, Murdo Fraser MSP lodged the first stage of the Fly-Tipping (Scotland) Bill and associated consultation at the Scottish Parliament. The Bill clearly notes the current consultation by the Scottish Government and the clear cross-over between the two. The proposed Bill will seek to reduce the incidence of fly-tipping in Scotland by updating the law in this area in four ways. Namely:

- by improving data collection and reporting mechanisms,
- by changing legal liability so that victims of fly-tipping are not also legally responsible for removing the waste,
- by introducing strict liability on the person who disposed of the waste, and
- by increasing the sanctions available to the public authorities responsible for dealing with instances of fly-tipping.

1.7 The deadline for responses is 23 May 2022 and a response consistent with the agreed Appendix to this report will be provided in line with timescales noted.

2. Recommendations

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

- (i) notes the national consultation on litter and fly-tipping;
 - (ii) notes the challenges currently facing Renfrewshire Council around littering and fly-tipping;
 - (iii) agrees the Council's consultation response as detailed in Appendix 1 to this report;
 - (iv) notes that £450k was allocated in the budget agreed at the Council meeting on 3 March 2022 to pilot an enforcement service to tackle fly-tipping across Renfrewshire directly addressing some of the issues highlighted within this report; and
 - (v) notes the Fly-tipping (Scotland) Bill and the associated consultation by Murdo Fraser MSP on 28 February 2022 which closely aligns with this consultation.
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3. Background

- 3.1 The Scottish Government's overarching vision, which is shared by their partners - Zero Waste Scotland, Keep Scotland Beautiful and SEPA, is one where Scotland's environment is unblighted by litter and fly-tipping. It is also to encourage and support positive behaviours, enabling individuals and businesses to choose the correct route of waste disposal and therefore improve the quality of their local environment.
- 3.2 Scotland's first National Litter Strategy "*Towards a Litter-Free Scotland: A Strategic Approach to Higher Quality Local Environments*" was published in 2014. A review of this strategy and the activity that took place as a result, was completed in 2019.
- 3.3 The review of the 2014 strategy concluded that progress has been made in a number of areas but acknowledged that litter and fly-tipping continue to pose a significant challenge. In 2019, the review included a round-table discussion with local authorities and Renfrewshire Council was represented and fed into the review.
- 3.4 Following the review, a new strategy has been drafted and circulated for consultation. This strategy will have a six-year lifespan and actions will include short (2 years), medium (4 years) and long (6+ years) term timescales for completion.
- 3.5 Objectives and Actions have been suggested and are identified under 3 key themes:
- Behaviour Change
 - Services & Infrastructure
 - Enforcement.
- 3.6 There are 14 key objectives within the consultation with 7 being allocated to littering and 7 to fly-tipping. The consultation splits both litter and fly-tipping and keeps them distinctly separated both as issues but also the associated actions.
- 3.7 Renfrewshire Council agrees that this makes sense as the drivers behind littering and fly-tipping are different as are the required actions and responses. Littering tends to be an issue of public perception and behaviour and requires the involvement of all with a focus on awareness raising, education and behaviour change in order to effect a change in public expectations about what behaviours are acceptable. Fly-tipping on the other hand is often driven by monetary gain, often by criminal groups, offering what appear to be legitimate and licensed services to the public, but then not processing and disposing of waste as expected but simply fly-tipping or dumping waste in illegal landfill sites.

- 3.8 Responding to these issues requires improved joint working across all enforcement agencies and would benefit from improvements to the oversight and audit of license holders and waste operators to identify and reduce unlicensed or unscrupulous behaviours.

Litter

- 3.9 The 7 objectives in the strategy for littering are identified as:

- Objective 1: Understand litter perceptions and behaviour to allow targeted approaches to be developed.
- Objective 2: Develop and adopt a shared approach between Scottish Government, local authorities, public agencies and the third sector, to litter prevention and behaviour change across Scotland
- Objective 3: Improve our understanding of the sources, amount and composition of litter
- Objective 4: Encourage a shared approach to services that will effectively support litter prevention
- Objective 5: Empower community groups to take action
- Objective 6: Develop a more effective enforcement model
- Objective 7: Improve the consistency of enforcement practices

- 3.10 The consultation highlights that Keep Scotland Beautiful conducted the Scottish Litter Survey in 2021, which assessed public attitude and perceptions to litter and littering behaviour. The survey highlighted that 88% of people agreed that litter is a problem across Scotland, and that 70% agree that it is a problem in their local area
(<https://www.keeptoscotlandbeautiful.org/media/1568594/littering-in-scotland-survey-2021-final-071221.pdf>).

- 3.11 Since the review of the National Litter Strategy in 2019, Zero Waste Scotland in partnership with Scottish Government and Keep Scotland Beautiful have developed a national anti-littering campaign, “*Scotland is Stunning*”. This campaign had two phases, which ran in summer 2020 and summer 2021 to address litter challenges that arose during the pandemic. “*Scotland is Stunning – let’s keep it that way*” aimed to inspire people getting out and about to enjoy the outdoors and urged them to bin their litter or take it home.

Fly Tipping

- 3.12 The 7 objectives in the strategy for fly-tipping are identified as:

- Objective 8: Understand behaviours that lead to fly-tipping to allow targeted approaches to be developed.

- Objective 9: Develop and adopt a shared approach and common language between Scottish Government, local authorities, public agencies and the third sector to fly-tipping behaviour change across Scotland.
- Objective 10: Improve our understanding of the sources, amount, spatial distribution and composition of fly-tipping
- Objective 11: Support the development of consistent, innovative and effective waste services and infrastructure
- Objective 12: Provide support to private landowners and land managers that experience fly-tipping on their land
- Objective 13: Develop a more effective enforcement model
- Objective 14: Improve consistency of enforcement practices across Scotland

- 3.13 Fly-tipping covers a range of incidents from bulky items such as mattresses and sofas left near bins to several van loads of construction waste dumped in a layby with serious and organised crime groups sometimes involved. It is a blight on local communities and environments and comes at a financial cost to the taxpayer and to businesses.
- 3.14 Tackling fly-tipping is a joint responsibility of Local Authorities and SEPA. Most reports of fly-tipping from the public are made directly to Local Authorities and it is Local Authorities that investigate the majority of incidents. It should be noted that this depends on the scale of the fly-tipping with large-scale/commercial fly tipping discussed and referred to SEPA.
- 3.15 SEPA are the enforcing authority for unlicensed deposits of waste on land e.g. unlicensed landfill sites and for the waste carriers licensing scheme. Where there are large deposits and potential links to Serious and Organised Crime, these are normally passed to SEPA and/or Police Scotland for coordination and response.
- 3.16 The proposed consultation response highlights the financial challenges for both national and local bodies when trying to tackle fly-tipping across Scotland.

4. Renfrewshire position

- 4.1 Like all local authorities in Scotland, Renfrewshire Council has certain areas/hot spots where littering and fly tipping cause issues. These areas are targeted both for reactive cleaning/clearance, but also proactive visits and enforcement to try and catch offenders.

- 4.2 Unfortunately, most offenders are aware that what they are doing is an offence, therefore will go to great lengths to avoid detection - using quiet roads and dumping locations, in the middle of the night, and taking care that no evidence is left as to where the waste originated.
- 4.3 It is challenging to put an exact cost on Council efforts to clear up litter and fly tipping, however, there are approximately 6 members of staff (full-time equivalent) that work on these jobs on a daily basis.
- 4.4 Over the past 2 years, Renfrewshire Council has received over 4000 complaints of fly-tipping. Each incident is visited and assessed. Analysis of incidents shows that there are sometimes duplicate reports and often the issue reported is not fly-tipping but is a bagged collection or a bulk uplift that has been legitimately requested and left out for collection.
- 4.5 Officers within Renfrewshire Council work extremely hard to minimise the impact of littering and fly-tipping on the communities of Renfrewshire. However, it is acknowledged that there are barriers to enforcement including the availability of resources, competing priorities, training and weighing up the cost of task with the potential benefits.
- 4.6 With regards to littering, a lot of work has been done with school children including Safe Kids events and visits to schools to discourage littering. The Clumps Big Mess was launched as part of the Team Up to Clean Up campaign and was a book, directed at young people, that hit home the message about littering. Whilst fixed penalties can be used, behavioural change is crucial in allowing people to understand the damage of litter to the environment. Additional officers have been recruited to remove litter and detritus from all communities in Renfrewshire.
- 4.7 For fly-tipping, a focus has been on hot-spot areas to not only identify areas but remove waste and prevent further fly-tipping. Three large areas in Sergeantlaw Road, Blackstoun Road and West March Road have been cleared and secured in recent years. There are still other areas and proactive work underway, including visits and mobile CCTV cameras to try and tackle incidents. Work is being undertaken in 2022 to have “days of action” with joint working between Police Scotland and Renfrewshire Council (Wardens and Environmental Health). Teams from Environment and Infrastructure Services (StreetScene) and Communities and Housing (Renfrewshire Wardens) are visiting together to try and identify offenders, issue fixed penalties, and remove waste at the same time. The additional £450k funding that was provided in the Budget agreed on 3 March 2022 will be used to enhance this joint working through the development of a pilot enforcement project that will include the use of mobile CCTV to support investigations and enforcement.

- 4.8 The proposed consultation response makes clear that there needs to be ongoing and closer working relationships developed between local authorities, Police Scotland and SEPA to target fly-tipping that is carried out by criminal groups including the disruption of people selling services collecting waste from the public or businesses that is then disposed of as fly-tipping or on illegal landfill sites. Whilst SEPA are the organisation with the relevant enforcement powers for these activities, there is a role for local authorities to pass intelligence and assist in following up and seeing through regulation with SEPA and potentially Police Scotland.
- 4.9 The process for reporting of cases to the Procurator Fiscal requires to be easier and in particular, the process following issuing of fines to anyone that is seen to be fly-tipping or refusing to pay a fixed penalty notice needs to be strengthened. This would give confidence that the hard work and resource invested in enforcement was worthwhile as it will be followed through the by Courts more consistently.

5. Environment and Place/Team Up to Clean Up

- 5.1 Since October 2017, Officers have been using an additional £2.5m investment into improving the Environment and Place of communities across Renfrewshire. Specifically in relation to littering and fly tipping this has included:
- 6 additional Street Sweepers per year
 - Hiring of additional mechanical sweepers to assist cleaning
 - Removal of large scale flytipping and measures to prevent recurrence e.g. Sergeantlaw Road, Blackstoun Road
 - Review of mobile CCTV cameras for enforcement purposes
 - Increased scraping activity across communities
 - Support for waste removal following TU2CU activities
- 5.2 One of the key activities under the Environment and Place programme was the creation of the Team Up to Clean Up campaign to tackle littering and fly tipping. It was put in place to assist communities, give them ownership and create a partnership between the Council and communities to make Renfrewshire a better place to stay, work and visit.
- 5.3 The Team Up to Clean Up campaign has been a massive success, mainly thanks to the great work done by the communities.

5.4 As part of the Team Up to Clean Up campaign – there are now:

- 3,600 Facebook group members
- Almost 1,000 litter pickers gifted to volunteers
- 10 - 40 volunteer litter picks per day
- Over 70,000 bags of rubbish removed by volunteers and disposed of By StreetScene

5.5 The campaign has received both local and national awards and continues to grow from strength to strength. Key elements have been highlighted in the consultation response as an exemplar to the Scottish Government for some of their objectives i.e. giving more ownership to communities. This has been discussed with other local authorities who are keen to try their own community campaigns and try to make in-roads into littering and fly-tipping.

6 Key points from Consultation Response

6.1 The draft response is provided in Appendix 1 and highlights some of the issues/challenges with regards to both litter and fly tipping.

6.2 The key points noted within the response include:

- Target certain audiences
 - Differentiate the responsibilities clearly between local and national bodies and make the public aware
 - Increase awareness of the issue to members of the public e.g. “White Van Man” and where is the waste going? This includes the requirement to strengthen the licensing and enforcement regime around waste carrier licences and the legitimate disposal of waste.
 - Link the damage of litter and fly tipping to Climate Change and carbon footprint
 - The strategy requires (and does) link to other agendas and work e.g. legislation on single use plastics, Deposit Return Scheme and Extended Producer Responsibility
 - Create a single source of reporting
 - Refresh and re-brand the Dumb Dumpers campaign
 - Improved data, information sharing and joint working
 - Increased resource and use of technology
 - Make it easier to refer offenders to the Procurator Fiscal
 - Improve quality of information offered on Scottish Landlord Register
 - Suggestion of tyre traceability register
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Implications of the Report

1. **Financial** – There is currently a large financial cost to all local authorities trying to tackle littering and fly-tipping across Scotland, therefore, depending on the outcomes of the strategy, this could potentially have a further financial impact on the Council.
2. **HR & Organisational Development - None**
3. **Community/Council Planning –**
 - *Our Renfrewshire is well – by preventing or removing fly-tipping and ensuring communities are kept clean, residents will find satisfaction and wellbeing in the area that they live.*
4. **Legal - None**
5. **Property/Assets - None**
6. **Information Technology - None**
7. **Equality & Human Rights**
 - (a) 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 - None**
9. **Procurement - N/A**
10. **Risk - None**
11. **Privacy Impact - N/A**
12. **COSLA Policy Position - N/A**
13. **Climate Risk** – There can be environmental damage due to effects of fly-tipping including the pollution of water courses and release of gases/leachate from unlicensed waste sites. Littering can also have a detrimental effect with waste potentially taking decades to degrade. This is particularly focused on waterways at the current time e.g. Keep Scotland Beautiful Upstream battle or challenges in the Oceans.

List of Background Papers

None

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

(b) Please give reason(s) for your answer.

It is essential that data and behaviours are used to understand how or why people litter. This will then allow landowners (normally local authorities) to target their resources. This can include both infrastructure (bins) but also cleaning schedules and proactive enforcement.

By understanding the behaviours, hopefully the Scottish Government and national agencies can direct resources to local authorities to allow improvements to current measures and mitigations.

Understanding influences and behaviours will offer a better opportunity for success in a national marketing campaign, ensuring messages are targeted and delivered in the most appropriate manner.

The strategy should also try and understand the demographics for the reasons behind littering e.g. very little litter dropped by Primary School kids but a real issue on routes to/from schools and local shops around Secondary Schools, and FE Colleges/University. There is also a real problem around slip roads, junctions and traffic lights where people feel it is OK to throw litter out of car windows as stopped – work needs to be undertaken to determine why this is deemed to be acceptable by them and what would be required to change this behaviour.

2. (a) Do you support the proposed action to develop and adopt a national antilittering campaign (action 2.1)? Yes

(b) Please give reason(s) for your answer

As described in the consultation, education and behavioural change is going to be one the main actions/themes within the consultation. In particular, it needs to resonate with the people that are “swaying” between dropping/not dropping litter. We believe there are 3 types of people:

- Someone that will never drop litter and always find a bin/take home
- Someone that will always drop litter and doesn't care
- Someone that “may” drop litter but can be persuaded not to

The people in the first two bullets will not be “swayed” by an anti-litter campaign, they will continue to do what they do. The campaign should target the third group to minimise the litter, be consciously aware that what they are doing is wrong and the effects it will have.

In addition to a campaign aimed at those who can be swayed, the campaign should target certain audiences e.g. younger people to allow them to think about their

choices not just in the short term, but in the longer term e.g. Climate Change/ how long it takes for plastics to degrade and the consequences (micro-plastics).

It should be clear of what constitutes litter. Many people do not see chewing gum or cigarette ends as litter and are happy to dispose of on the ground or in drains – the campaign needs to be clear and consistent on all forms of litter.

Finally – the national campaign also needs to have a local strand to allow Local Authorities to support local priorities and needs with their own targeted communications and links to project work e.g. Team Up to Clean Up.

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

It is important to tailor and target the message both nationally and locally. Some of the priority areas we believe are:

- The journey of litter, what happens after an individual discards it.
- Tailor for different audiences e.g. youths/different demographics
- Highlight the cost of littering and that the money could be spent elsewhere. It is also important to discuss the environmental cost e.g. use of vehicles and staff resource to link to climate
- Climate Change – link the effects for future generations to understand
- Effects on Wildlife – hard hitting can make people think twice about their actions
- Whilst this part of the consultation is about littering, the campaign can highlight that littering can attract other issues – therefore link to other environmental problems e.g. dog fouling, graffiti and fly-tipping.

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

No – Renfrewshire Council believes that the standard definition of litter is covered both by the Environmental Protection Act 1990 and LEAMS. However, it has to be consistent. The majority of the public will know litter as “items that are discarded or dropped” or “waste in the wrong place”, however, some people do not believe that certain items are litter e.g. cigarette butts. This needs to be addressed for consistency.

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 – data is extremely important to identifying issues and therefore tackling them. However, it needs to be noted that data collection (and submission) is resource intensive and therefore clarity if required on what exactly this action entails

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

Yes – Renfrewshire Council currently tries to implement this. Work is undertaken to strategically place waste receptacles e.g. food outlets, major walking routes therefore if other areas are identified then inspections are undertaken. Interventions can include increase receptacles, increased cleaning or increased enforcement.

- Action 3.3: Increase the use of citizen science to support data levels and

composition of litter?

Do Not Know - Renfrewshire Council is not sure on this. Through the Team Up to Clean Up Campaign

(<https://www.renfrewshire.gov.uk/teamuptocleanup>) we engage and work with communities to tackle issues. Therefore, we try to understand where issues are (data) but not sure about calling this citizen science.

(b) Please give reason(s) for your answer. – see above

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

As stated above, Team Up to Clean Up volunteers feed into Renfrewshire Council and would be more than willing to take part in surveys e.g. face masks/Koka noodle cups etc. The volunteers are engaged and active throughout all communities and is a way for local authorities to understand the feelings at the heart of said communities.

7. (a) Do you support the proposed actions to:

- Action 4.1: Review of CoPLaR (2018) and its implementation by duty holders?

Due to the fact that the Code of Practice on Litter and Refuse was enacted in 2018, Renfrewshire Council believes it is too soon to review the impact of CoPLaR – especially given the last 2 years have been during a global pandemic. To get the best results, a reasonable amount of time should be given to understand the outcomes.

However, one consideration for review is trunk road litter:

- Motorways - responsibility for all maintenance including litter and fly-tipping lies with the Road operator (through Transport Scotland).
 - Council Road network (adopted roads) – responsibility for all maintenance including litter and fly-tipping lies with the Council
 - Trunk Road network (Special Roads) - maintenance of the road and infrastructure including maintenance of cleaning gulley pots, grass and vegetation along these roads lies with the Road Operator (through Transport Scotland). However, the Council retains the responsibility for litter and detritus. These roads require significant Traffic Management to maintain (often done by the operator overnight – Councils are not geared up to 24/7 working). Consideration should be given to ensuring a single operator with full responsibility, like motorways, to alleviate challenges and potential problems with one issue- being tackled and not another.
- Action 4.2: Explore the use of flexible and innovative interventions to support litter prevention and removal?
- Yes – depending on what these are, Renfrewshire Council is always willing to explore flexible and innovative interventions. However, as acknowledged in the consultation paper, there are legislative changes on the horizon that will also impact on litter including the Deposit Return Scheme/Single Use Plastics ban and Extended Producer Responsibility – these measures need to

dovetail. Further challenge is that EPR comes into Scotland in 2023 but not to other areas.

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

No – Renfrewshire Council believes that there are currently existing focused groups that could be used (or re-focused) to cover this e.g. Litter Managers Network. Membership and focus could be changed to ensure this is covered and that all relevant bodies sit on and feed into group.

(b) Please give reason(s) for your answers

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

The Team Up to Clean Up campaign

(<https://www.renfrewshire.gov.uk/teamuptocleanup>) has been a massive success and an exemplar in delivering community involvement. Some of the innovative approaches include:

- The Big Spring Clean and Spotless September. Assign a dedicated period to the campaign and tie in with any national actions at that time e.g. KSB Spring Clean. This ignites communities, gives them a focus and increases numbers and participation.
- The Clumps Big Mess – a dedicated book for younger children that tackles littering in their area and what impacts it has on them and their local environment.
- Winter Warriors – working with communities and established group to assist with short term issues during winter months. Providing groups with snow shovels, grit and a gritter to assist local communities with non-priority routes that the Council cannot get to, due to resource and weather. Instead of picking litter, they assist neighbours in any way they can.

As part of the campaign:

- 3,600 Facebook group members
- Almost 1,000 litter pickers gifted to volunteers
- 10 - 40 volunteer litter picks per day
- Over 70,000 bags of rubbish removed by volunteers and disposed of By StreetScene
- 18 new community groups formed due to Team Up to Clean Up
- 36 groups have gone on to apply for funding from Greenspace, Villages, Play Parks and Play areas fund to improve their local community.
- Leams data improved from 88.2% in 2017 to 94.5% in 2020
- 14,000 copies of The Clumps Big Mess issued to school children
- 43 corner shops and 15 larger businesses part of campaign.

Team Up to Clean Up has made attempts at reducing lunchtime litter from local secondary schools. Unfortunately, this appears to have had little impact on the volume of litter noted. Presentations in schools have not been possible during the past 20 months however schools have been delivering local clean ups.

The resource and cleaning directed to areas of high footfall as per the Code of Practice on Litter and Refuse, targeting key areas has certainly appeared to have worked.

One area that hasn't materialised is the vicinity around certain types of premises with regard to cigarette ends and chewing gum e.g. pubs. Efforts have been made to get businesses to take ownership of the area around their premise to assist local authorities in minimising the time spent on single locations.

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

There is already some sharing of information and collaboration at the current time including best practice. There is also interaction between local authorities and national bodies e.g. KSB/ZWS.

It is also important that if intelligence is gathered and known that a person may be committing an offence in another local authority – this should be passed onto them immediately for information and noting.

10. (a) Do you support the proposed actions to:

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

Yes, however, it is believed that the basis may already be in place with regards to the Litter Network Hub. One of the issues is that there is nobody to oversee resources, keep up to date. This will need resource to facilitate the full use of the national litter hub. There is currently nothing straightforward and easily accessible for materials for communities. Needs to be delivered nationally but can then be tailored to a local level.

The Team Up to Clean Up Facebook page is very good to keep communities involved and engaged, however, the creation of a national litter hub would allow it to be replicated at a national level. Communities respond to interactive communication e.g. two-way street. If it is a bland interaction, it will not gain momentum or keep them interested.

- Action 5.2: Create a community-focused litter education programme? Yes
This would depend on the focus of the education programme i.e. who are we targeting? Renfrewshire Council is trying to come up with input, discuss with schools and feed into the educational curriculum.

(b) Please give reason(s) for your answer.

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

- Stats
- Research
- Best Practice
- Materials
- Examples/Case Studies
- Celebrating successes

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

This should be targeted focused and identify with what resonates with communities i.e. Climate Change/Blue Planet including removing single use plastics. It should

look to show the whole life cycle of waste to again give people a better understanding of the damage they are doing e.g. plastic bag takes 100 years to biodegrade.

It should also look at the enforcement aspects and resource challenges faced by enforcing authorities i.e. CCTV cameras, litter from vehicles, catching people littering etc.

The education programme should be driven at different age groups and therefore be age appropriate, e.g. adults are more interested in the impact of litter in their community, how it makes it look, whereas younger people are more concerned with the wider environment and wildlife. It should also offer real life comparisons e.g. this amount of waste would fill a football field, 6 swimming pools etc.

Finally, using the waste hierarchy, it should also provide the “Carrot as well as stick” – reusable cups etc. Highlighting the need to Reduce, Reuse, Recycle, Replace and remind people to minimise their waste is the best option.

13. (a) Do you support proposed actions on enforcement of litter offences to:

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

Yes – it is really important to understand the challenges and barriers to enforcement including resource/staff/catching people/cost benefit analysis. It is not a glamorous job issuing fixed penalty notices every day, however, is a key part of minimising littering.

More requires to be done to ensure that drivers/registered keepers are strictly liable in Scotland for littering from their vehicles whether it is the driver or a passenger. This is currently in place in England but not Scotland.

Greater powers and easier legislation to tackle amenity issues e.g. bins remaining on streets. If fixed penalties were able to be issued, this would ensure people would return them to the correct place. Bins being left on streets often leads to other issues e.g. fly tipping or waste escaping from the bins leading to associated litter.

Illegal traders are getting smarter and are increasingly using Facebook and getting Direct Messages to uplift waste. Therefore, sometimes local authorities and SEPA don't know who is uplifting waste and cannot issue a s.34 Duty of Care notice. A review of the powers available to officers to try and identify who is taking waste and where to is essential.

- Action 6.2: Explore raising current fixed penalty notice amounts?

Yes – this would be welcomed as the threat of getting caught is a strong deterrent especially if the fine is increased.

- Action 6.3: Explore potential alternative penalties to monetary fixed penalties?

Yes – Other alternative penalties, similar to restorative justice should be considered i.e. if found to be littering and cannot pay the fixed penalty notice, consideration should be given to that person undertaking a litter pick with the Community Justice Team.

Further consideration should be given to naming and shaming people that litter – again, this should act as a deterrent.

Finally, a mandatory course should be implemented for someone who has been reported and fined by the Procurator Fiscal.

(b) Please give reason(s) for your answers.

14. (a) Do you support the proposed action to review and further develop guidance on enforcement best practices (action 7.1)?

Yes – if there is a lot of good practice out there then don't reinvent the wheel. However, all enforcement bodies will come back to resource. It is resource intensive to have people out focusing on a certain issue. It is better to tie into general patrols to maximise workload, however, staff can then get side-tracked from the reason they are there i.e. a general community safety patrol is a lot easier than issuing fixed penalty notices.

(b) Please give reason(s) for your answer.

(c) What should be included in this guidance?

It would be good to understand the Best Practice by other local authorities i.e. where to target? It would be good to highlight the successes that have been achieved and how this was done? Again – a cost benefit analysis or return of investment on time spent issuing tickets would be beneficial.

Flytipping

15. (a) Do you support the proposed action to conduct research to understand behaviour that leads to flytipping (action 8.1)? Yes

(b) Please give reason(s) for your answer.

It is essential that data and behaviours are used to understand how or why people fly-tip. This will then allow landowners to target their resources. This may come down to money from waste and serious organised crime, however, would allow local authorities and national agencies to understand and try to stop, or make as difficult as possible to fly-tip waste.

However, over the years, lots of work has gone into trying to understand this – and there is a significant body of information already available that demonstrates that the involvement of organised groups in fly-tipping is not a new phenomenon and is increasing. It is important that further work to understand behaviours doesn't simply collect the same information again but has a focus on understanding the opportunities that these groups are exploiting and the interventions that would be most effective in detecting and disrupting these groups activities - ultimately reducing the benefit they currently get from these illegal actions.

By understand the behaviours, hopefully the Scottish Government and national agencies can strengthen the available powers and direct resources to relevant enforcement and regulatory agencies to allow improvements to current measures and mitigations.

Understanding influences and behaviours will offer a better opportunity for success in a national marketing campaign, ensuring messages are targeted and delivered in the most appropriate manner e.g. do the public realise the white van man may be

dumping in the countryside or illegal landfill site? Do they understand how to avoid this? In particular there needs to be work and resource provided to deliver greater confidence in the oversight and control of licensing arrangements for waste management to allow the key message to the public to be that they need to use licensed operators who they will then know will fulfil their obligations in relation to the duty of care they have for appropriate waste disposal.

16. (a) Do you agree with the proposed actions to:

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

Yes – similar to the littering behaviour change campaign, this is essential. However, it should once again be targeted at what we can control and change i.e. we are never going to change the minds of serious and organised criminals. However, we can educate the public to ask questions of the “white van man”. It is important for members of the public to understand that they have a “Duty of Care” to ensure they present or pass their waste on appropriately. We can also educate the public as to what fly-tipping is and the damage it can cause. Like littering, focusing on Climate Change (methane gases from landfill) and what can happen to fly-tipping.

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

Not sure – it would depend on what exactly is being planned. A lot of the commonly fly-tipped materials are well known e.g. bulk items that are more challenging to dispose of due to people not being able to put in refuse bin and potentially not having access to a vehicle to get to the Household Waste Recycling Sites. A lot of information already in place (<https://www.netregs.org.uk/households/>), however, this often refers back to local authorities. Renfrewshire Council is trying to get smarter to advise people what can and cannot go in bins and be taken to the HWRCs. It may benefit to highlight the issue with tyre fly-tipping and educate the public on where these can be responsibly disposed of.

(b) Please give reason(s) for your answer. Are there topics that should be a priority to address in this campaign?

End of life/2nd hand tyre disposal is a big issue. Consideration should be given to tyres being clearly marked/barcoded to prevent tipping. If this was brought in nationally and tyres could be traced, they wouldn't be so easily fly-tipped.

Raising awareness that a disposal receipt should be sent to a customer of a white van man and that members of the public have a legal responsibility to ensure their waste is disposed of appropriately (Duty of Care) and how to comply with that duty. To be effective the licensing of waste operators needs to be supported by effective audit and scrutiny of license holders.

17. Are there topics that should be a priority to address in behaviour change interventions?

As detailed above there should be a priority on:

- Disrupting and detecting the activities of Serious Organised Crime groups
- Greater oversight and checks on licensed waste carriers e.g. disposal receipts where they are advertising for business
- Marking tyres to ensure their responsible disposal

- Carbon Footprint
- Damage to environment and climate change
- Link to potential decrease in property values e.g. if no-one cares about fly tipping it will lead to other environmental crime e.g. dog fouling, graffiti etc.
- The cost of large-scale fly-tipping being removed – so it doesn't become a wider environmental problem and that this money could be used better elsewhere in the community.
- Landlord responsibilities to dispose of house clearances, or ensure their tenant does so responsibly

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

Once again, this would be an area to highlight best practice between agencies. However, it could also be used as a single source of truth for members of the public i.e. who deals with what?

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

Yes – whilst most people understand that fly-tipping is waste being left on land that doesn't have a waste management licence e.g. side of road – however, some enforcement bodies count fly tipping in different ways.

If someone is trying to get rid of their bags legally, however, their bins are full – they may leave the bag next to the bins for uplift i.e. they are trying to get rid of it responsibly. This is more about waste presentation than fly-tipping. However, this could be fly-tipping if done regularly or placed next to a bin in street rather than use bins to rear of property as easier.

There are also “bagged” collections in some locations that if someone was driving past they may report as fly-tipping, however, following inspection, it is clear that they are for routine collection, however, it may still be logged and counted as fly tipping.

There are numerous complaints about the same issues which could lead to duplication and additional counting of fly tipping – therefore a clear definition that would support the consistent recording of incidences of fly tipping would be useful

20. (a) Do you support the proposed actions to:

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

Yes – this has proven to be really challenging with national agencies. Local Authorities and national agencies need to work closer together.

- Action 10.2: Explore incorporating data into a national database?

Do not know – it would depend on what this would entail and tell local authorities. There is a need a national picture (especially for SEPA), however, this would be challenging as would be the resource for ensuring Officers are not duplicating data recording, and the system is maintained and updated frequently.

If it could be evidenced that a national database could be used to disrupt or detect organised criminal groups that are profiting from fly-tipping then this would be worth considering with relevant resources being identified to support this activity.

- Action 10.3: Review the Dumb Dumpers system and ensure a fit for purpose

mechanism for citizen reporting of flytipping exists in Scotland?

Yes – needs reviewed and a single source that also speaks to Local Authority systems. At the current time, Dumb Dumpers is just another avenue for complaining about fly-tipping including phoning LA directly, reporting to LA online, reporting on Team Up to Clean Up, and going through Elected Members – it needs an easy-to-use single point for people to access. Any system must be easy to operate and intuitive. Individuals will always go for the quickest, simplest way to report.

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

Yes – however, again this will depend on resource. It requires a single resource talking to each other including national bodies and local authorities. The Fly Mapper tool was a good idea and gave some intelligence but fell down due to lack of resource and definition of fly-tipping. Get 10.3 correct and this would give a good start for a live picture across Scotland.

(b) Please give reason(s) for your answers.

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

Unsure – the questions would be mandatory reporting to who and for what purpose i.e. what is the data used for. If it will improve data flow then yes, however, there needs to be improved resources behind this. There is a possibility that the same fly tipping incident is reported several times (skewing data) and there is also the problem of waste crews simply lifting the waste materials e.g. they are never reported accurately as they just get rid of waste that they see.

This is related to the issue of development of a national database, If it could be evidenced that mandatory reporting could be used to disrupt or detect organised criminal groups that are profiting from fly-tipping then this would be worth considering with relevant resources being identified to support this activity.

(b) Please give reason(s) for your answer.

22. (a) Do you think we should continue to use Dumb Dumpers as the national reporting tool?

Yes, but as detailed above, needs to be better and allow systems to talk to other systems. It is also needing a brand refresh to re-launch and make the public aware of how to make a compliant.

(b) Please give reason(s) for your answers.

(c) What are barriers to reporting flytipping incidents that occur on private land?

Renfrewshire Council will liaise with landowner to make them aware of their responsibilities with regards to fly-tipping. It can be challenging identifying who owns land, or a waterway, as there may be multiple owners. It is also challenge when the landowner will not engage. Legislation could also be strengthened to make it easier to allow a local authority to remove fly tipping in default and get money back (currently a long and protracted process) or to allow a local authority and SEPA to fine a landowner for the amount of time waste is on land. Again, this is challenging if landownership is dubious.

A local authority may also get into difficulty if the fly tipping is partly on Council land and partly on private land. If the Council clears their part, it looks like they haven't done a good job. The issue over identifying the landowner often causes members of the public frustration i.e. they don't care who owns the land, they just want the fly-tipping removed.

(d) Who would you report flytipping to?

Not applicable to Local Authority as we don't report fly-tipping – we would liaise with landowner.

23. (a) Do you agree with the proposed actions to:

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

Yes – there is no need to reinvent the wheel and quite often this is good amongst local authorities, however, there needs to be better information and resource sharing with national bodies. The one area that needs to improve is between enforcement bodies e.g. SEPA and local authorities. Whilst SEPA may be investigating major fly tipping in local authority areas (or illegal/unlicensed landfills) – it is important for the local authority to know in case of questions by Elected Members. The specifics don't need to be known, simply that work is on-going at certain locations.

This is of particular relevance in relation to fly-tipping as so many instances are now driven by organised crime groups or individuals that are profiting from criminal behaviour. All relevant agencies need to be working together to disrupt this activity and using relevant powers to disrupt and deter these groups. Effective communication and joint working between enforcement bodies is essential to achieve results.

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

Yes – Communications and information on what people can do and where to go to get advice on products that are often fly-tipped. However, the main fly-tipped items e.g. tyres, mattresses, white goods, furniture etc, it is that they cannot be re-used is the problem. Businesses will need to start thinking about the new legislation and Extended Producer Responsibility.

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

Yes – within reason, Renfrewshire Council would be open to looking at flexible approaches to waste disposal, particularly if this was around increasing the re-use of waste e.g. Swap Shop. If there is best practice out there, this would be worth looking at nationally, however, it needs to be done safely and potentially away from Household Waste Recycling Centres.

(b) Please give reason(s) for your answers.

24. How can we support and encourage sharing of data and joined up services and infrastructure?

As detailed above – highlighting best practice and preferably the use of one system.

25. Please provide examples of interventions (for example, amnesties or recycling groups) that have or have not work well?

The Team Up to Clean Up campaign has been massively successful including the reduction of fly tipping hot spots. With a group of volunteers out in their communities, they take ownership and report any unauthorised fly-tipping. The campaign will sometimes clear private land and Council will uplift and dispose to get rid of waste. It is a partnership between the Council and the community.

Renfrewshire Council has run a few amnesties in the past in Ferguslie and Shortroods communities with varying success.

The requirement for white van man services to have a waste carriers license appears not to be working. A local individual advertising on Facebook may have a licence, however, the Local Authority cannot request s34 details unless we are aware he is uplifting waste. The white van service requests interested parties to private message them leaving the local authority with no evidence they are uplifting.

In general, the licensing arrangements related to waste management do not appear to be working effectively – where legitimate waste operators are complying, they add significant cost to their businesses that is avoided by operators that are not complying with the legislation. If this goes on, then legitimate waste operators will be undermined and forced to cease operations.

There needs to be a better system of audit and oversight of all license holders to give greater confidence in the licensing system. Currently it is too easy for holders of relevant licenses to fly tip waste rather than properly process it without being noticed. This means that it is difficult for members of the public to exercise their duty of care – as they are often accessing and using contractors that can demonstrate they hold relevant licenses but that unknown to the public are not actually complying with relevant legislation in terms of waste management and disposal. A robust and effective programme of licensing supported by regular and rigorous audit and enforcement of conditions of licenses would require resources but is probably the single most effective action that could impact on current patterns of fly tipping across Scotland.

26. What are the barriers to disposing of asbestos?

There are many barriers to the disposal of asbestos:

- Cost
- Resource
- Disposal
- Health & Safety
- Education
- Road closures
- Training for uplift

27. (a) Do you agree with the proposed actions to:

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

Yes – technology should always be investigated; however, members of the public also need to be aware of the challenges around some technologies e.g. legislation (RIPSA), power sources and cost and training of technology.

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

Yes - looking to ensure physical measures e.g. fencing, bollards are the first steps to prevention

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

This would require further discussion, however, yes, it makes sense to assist them in not only removing the waste, but being able to do something to deter the fly-tipping e.g. bunding/fencing etc.

(b) Please give reason(s) for your answer.

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

Private landowners will often need assistance, information, and where required funding is available. Serious and Organised Crime groups can take over land and use tactics which private landowners will find difficult to tackle and need to know where to turn for advice and support.

29. (a) Do you support the proposed actions to:

- Action 13.1: Conduct an evidence review of barriers to enforcement of flytipping offences? **Yes – Resource, staff, no evidence, Reports to PF, technology.**
- 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?

Yes – Renfrewshire Council agrees with increasing the level of fixed penalty notices to act as a deterrent to fly-tipping. However, the largest issue for fly-tipping is for people where £500 is not enough to be a deterrent. Work requires to be done nationally to make it easier for local authorities/SEPA to report to the Procurator Fiscal and try to get maximum punishment under the Environmental Protection Act e.g. £40,000.

The importance and seriousness of flytipping should also be noted by Courts who should appreciate the scale of the issue and volume of effort and time which can go in to submitting cases.

We need all agencies from Scottish Government to SEPA/Local Authorities/Police Scotland and importantly Procurator Fiscal to look to follow through from start to finish cases of fly-tipping. Local Authorities have admitted not sending cases to the Procurator Fiscal as they know it will not be followed through. Even low-level cases i.e. evidence found in a bag and no reasonable explanation given, should result in a Fiscal Fine as the person has not been able to comply with their Duty of Care. For more serious offences e.g. Commercial/repeat offenders – fines should be high enough to act as a deterrent and make people think twice about fly-tipping.

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

Not sure – whilst this seems logical i.e. it is not a criminal offence therefore civil and can look to go down the debt recovery route, the financial penalty and debt requires to be high enough to allow the local authority to try and recover the cost (not only of the fly tipping but also, the removal and disposal of waste).

- Action 13.4: Explore raising current fixed monetary penalties that can be issued by SEPA for fly-tipping offences to the maximum (£1000) and explore possibility of raising the maximum further at a later date?

Yes – this is agreed as SEPA are national enforcement body for larger fly-tipping cases. However, if costing more to remove, a report to the Procurator Fiscal should be made asking for higher fines.

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

Yes – whilst most of the powers remain the same, the main enactment of legislation is 22 years old.

(b) Please give reason(s) for your answers.

30. (a) Do you support proposed actions to:

- Action 14.1: Come to an agreement and develop guidance on role and responsibilities in enforcing flytipping offences?

Yes – this is extremely important to differentiate when it is the responsibility of the local authority and when it is SEPA. For many years, the rule was that if it was less than a skip full it was local authority – if more than a skip load then SEPA. This way it can be differentiated with regards to the scale of the fly-tipping e.g. Serious and Organised crime, national agenda, or smaller household/business waste. This is an important part of members of public to know.

Individuals are also of the view that discharges of waste into waterways are the responsibility of SEPA however on discussing this matter with SEPA it seems to be unclear who is responsible.

Enforcing fly-tipping offences however is only dealing with the symptom rather than the cause. Many of the people fly-tipping or conducting illegal landfill operations on a regular basis are holders of licenses or operating with reference to licenses held by others. There needs to be a better system of audit and oversight of all license holders to give greater confidence in the licensing system. Currently it is too easy for holders of relevant licenses to fly tip waste rather than properly process it. This means that it is difficult for members of the public to exercise their duty of care – as they are often accessing and using contractors that can demonstrate they hold relevant licenses but that unknown to the public are not actually complying with relevant legislation in terms of waste management and disposal. A robust and effective programme of licensing supported by regular and rigorous audit and enforcement of conditions of licenses would require resources but is probably the single most effective action that could impact on current patterns of fly tipping across Scotland. It would reduce the numbers of operators that are offering services to the public that do not comply with expected waste management processes.

The reporting of cases to the Procurator Fiscal requires to be easier and in particular, the issuing of fines to anyone that is seen to be fly-tipping or refusing to pay a fixed penalty notice. This would give Officers confidence that the hard work and resource was worthwhile as it will be followed through the courts which at the current time it isn't.

- Action 14.2: Develop guidance on enforcement best practices, including on

private land and seek for this to be voluntarily adopted by statutory bodies?
Do not know – if this puts a burden on local authorities for private land then Renfrewshire Council would not support this due to finance and resource issues.

(b) Please give reason(s) for your answers.

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

One of the considerations in the strategy needs to be the trunk Road network. Where road closures are required, coordination and consideration are required to tackle all issues e.g. grass cutting, gully cleaning and in particular, litter uplift. It would be better if all was the responsibility of a single body similar to motorways.

Another consideration requires to be the littering of main waterways – who is responsible as again, the local authorities pick up a lot of the costs when they don't actually own the riverbanks or the waterway. This should be considered as is a major issue for all local authorities that has a waterway through their area.

Licensing (and licensing enforcement) needs to be made more rigorous with greater scrutiny and oversight. In general, the licensing arrangements related to waste management do not appear to be working effectively – where legitimate waste operators are complying, they add significant cost to their businesses that is avoided by operators that are not complying with the legislation. If this goes on then legitimate waste operators will be undermined and forced to cease operations.

There needs to be a better system of audit and oversight of all license holders to give greater confidence in the licensing system. Currently it is too easy for holders of relevant licenses to fly tip waste rather than properly process it without being noticed. This means that it is difficult for members of the public to exercise their duty of care – as they are often accessing and using contractors that can demonstrate they hold relevant licenses but that unknown to the public are not actually complying with relevant legislation in terms of waste management and disposal. A robust and effective programme of licensing supported by regular and rigorous audit and enforcement of conditions of licenses would require resources but is probably the single most effective action that could impact on current patterns of fly tipping across Scotland.

Improved clarity around areas of responsibility under the legislation with transparency around the roles and responsibilities of each agency would be of assistance, supported by appropriate allocation of resources to fulfil the role requirements.

Finally, a concerted effort needs to be made for all relevant enforcement agencies to share information about ongoing investigations and issues at a local level working together to ensure that all routes to enforcement and control are being actively followed in a deliberate approach to disrupt, detect and deter criminal groups that are currently profiting from fly-tipping and unregulated landfill activities.

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

Yes

(b) If not, please provide detail and evidence.

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

(b) If not, please provide detail and evidence