

Briefing 18/21

June 2018

## Code of Practice on Litter and Refuse (Scotland) 2018

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland

For information only to England, Northern Ireland and Wales

### Key Issues

The purpose of this briefing is to advise APSE members that on the 17<sup>th</sup> of May the Code of Practice on Litter and Refuse (COPLAR) 2018 was laid in Parliament.

Link to Scottish Government publications:

<http://www.gov.scot/Publications/2018/05/4827>

Link to COPLAR (Scotland) 2018: <http://www.gov.scot/Resource/0053/00535494.pdf>

### 1.0 Introduction

APSE along with a number of other bodies including COSLA, CIWM, Keep Scotland Beautiful and Zero Waste Scotland formed part of the steering group set up to oversee the review of COPLAR (2006). Following the review, it was announced on Thursday 17<sup>th</sup> May 2018 that the revised Code had been laid at Parliament. The introduction of the new version of COPLAR 2018 is subject to completion of Parliamentary process, which will take 40 days to conclude.

### 2.0 Letter to Local Authorities

Below is a copy of the letter which was sent to local authorities from Scottish Government regarding COPLAR 2018:-

#### **REVISED CODE OF PRACTICE ON LITTER & REFUSE**

I am writing to make you aware that updated advice which supports local authority duties to keep land clear of litter and refuse, and roads clean, has been laid in Parliament.

The Code of Practice on Litter and Refuse (COPLAR) is statutory guidance to help duty holders fulfil their duties set by the Environmental Protection Act 1990 Section 89. COPLAR 2018 will replace its 2006 predecessor. Reviewing COPLAR was a commitment of the National Litter Strategy. It was overseen by a steering group which included COSLA and APSE.

The COPLAR 2018 supports numerous departments within your authority including cleansing and roads. I would also encourage you to think broadly about how education, communication and other services can contribute to the behaviour change needed to prevent and address litter.

There is clear appetite to tackle litter problems. Improvement Service benchmarking reports indicate that customer satisfaction with the levels of neighbourhood cleanliness is falling. In the last local government election, many councillors' campaigns included pledges to reduce litter.

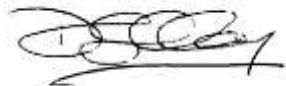
Tackling Scotland's litter/flytipping problem is estimated to cost around £1m a week. These funds could be better spent on other public services. There are further costs associated with litter, which has been shown to be a factor in crime rates and to have an impact on house prices, health and wellbeing.

The updated COPLAR therefore brings the guidance into line with the principle that prevention in public services is more efficient than treatment, as established by the Commission on the Future Delivery of Public Services (The 'Christie Commission').

Actions by local authorities and others to reduce litter are supported at a national level through Scottish Ministers' commitment to tackle Scotland's throwaway culture, by increasing reuse and recycling of commonly littered items. Action includes the 5p charge for carrier bags, introducing a deposit return scheme for drinks containers and the creation of an expert panel on single-use items. This will meet for the first time in June and will consider environmental charges and other measures, starting with disposable cups and plastic straws.

The introduction of the new version of COPLAR 2018 is subject to completion of Parliamentary process (which will take 40 days to conclude). Meantime please consider how its updated advice supports your approach to fulfilling the relevant duties under the Environmental Protection Act 1990. Further information and assistance to implement COPLAR will be available from Zero Waste Scotland.

Yours sincerely,



D McGillivray  
Deputy Director, Environmental Quality and Circular Economy

**CC:** Local Government Civic Heads, SOLACE, APSE and the Litter Managers Network, COSLA, Improvement Service,  
Link: [COPLAR 2018](#) as laid in Parliament (17 May).

## **The Code of Practice on Litter and Refuse, 2018**

COPLAR is issued under the Environmental Protection Act 1990, Section 89 (7). The Act states that duty holders shall have regard to it, Section 89 (10).

COPLAR covers a broad range of advice; such as how to prioritise land and roads, assess the scale of litter, refuse and detritus and how quickly to restore areas affected by these problems.

The duties are supported by various enforcement powers:

- local authorities have power to issue Litter Abatement Notices to require certain other duty holders to act (Section 92).
- Ministers also have power to direct others in the performance of their duties (Section 89 (6A)).
- people can take their concerns to the Sheriff Court, which may then impose a Litter Abatement Order (Section 91). One community organisation is currently taking such action.

The main changes within COPLAR 2018:

- Duty 1 now encourages duty holders to influence behaviour so that less litter is dropped in the first place
- Duty 1 response times have been extended for duty holders who successfully influence behaviour and have less litter to clear
- distinction between the two duties has been made with separate grades and response times
- clarity that the standard which reflects duty fulfilment is achieving 'Grade A'
- refreshed grades and zones include metrics that will support consistency of interpretation between duty holders.

Improved language and structure also make it clear who the duties apply to, where litter should be removed from (extending its focus to include water, bushes and trees) and what to consider as litter, refuse and detritus.

The revised version has been careful to maintain flexibility for duty holder decision making.

### **There was extensive engagement with local authorities about the revised code:**

- Zero Waste Scotland held workshops with local authorities and other duty holders – this included prevention workshops held at Association of Public Service Excellence (APSE) Aviemore conference in 2017
- COSLA and APSE representatives were part of the review steering group and Zero Waste Scotland met with COSLA/APSE and local authority representatives to discuss the code
- the majority of responses to the revised code's short consultation were from local authorities (17 out of 35 responses)
- support was provided to local authorities through Zero Waste Scotland to begin classifying land/roads using the code's updated zones
- 31 local authorities have undertaken training in new litter monitoring methodology, which supports the new code, and six local authorities are involved in the full trial of monitoring method and software taking place in 2018/19.

### 3.0 Zero Waste Scotland Support and engagement for local authorities

It is intended that a range of support and materials will be made available through Zero Waste Scotland following the parliamentary process and contact will be made with authorities to arrange meetings with all departments responsible for relevant land of the authority. Following adoption of the code, duty holders will have 12 months to zone relevant land and Zero Waste Scotland are considering options on how to support this. If you have any questions in the meantime please contact your key contact at Zero Waste Scotland.

### 4.0 APSE Comment

APSE will continue to keep members updated on COPLAR 2018 via our Parks, Grounds & Streets advisory group forum and other relevant groups as well as our briefing service. Please [click here](#) to access the APSE Scotland diary of dates page on our website for further information on future advisory group dates and [here](#) to access our briefing service.

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