



## **National litter and flytipping strategy consultation - Scottish Government**

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland. For information only to England, Northern Ireland and Wales

### **Key Issues:**

Scottish Government have released a consultation that was drafted in partnership with Zero Waste Scotland, Keep Scotland Beautiful and SEPA. Responses will be used to shape and deliver the final strategy which is set to be published in 2022.

The consultation is wide ranging with over 30 questions, many of which have multiple parts. The consultation can be completed by [clicking here](#). Responses are being accepted until 31 March 2022.

## **1.0 Background**

Scotland's first National Litter Strategy "Towards a Litter Free Scotland: A Strategic Approach to Higher Quality Local Environments" was published in June 2014 and reviewed in November 2019; this review identified that further action was required. As a result of the changing landscape and the COVID-19 pandemic, the strategy was to be updated to become a National Litter and Flytipping Strategy so that a tailored approach could be taken to each of those issues.

### **Litter**

For litter, the consultation proposes actions under the three themes of behaviour change, services and infrastructure, and enforcement. The report contains many different potential actions to be taken such as conducting research to understand littering behaviours,

developing a national anti-littering behaviour change campaign, improving consistency and quality of data collection, encouraging collaboration and sharing of best practice among duty bodies, creating a national litter hub to give advice to community groups and conducting a review of the barriers to enforcement.

## **Flytipping**

Flytipping has the same three themes: behaviour change, services and infrastructure, and enforcement. Many of the proposed actions are similar and include: exploring the possibility of establishing a national flytipping database, a flexible approach to waste disposal, supporting private landowners on the role of technology and financial support mechanisms for these, raising fixed penalties and exploring enabling local authorities to use civil penalties to enforce flytipping.

The consultation is seeking views on all of these proposed actions. Scottish Government has the intention of publishing the full strategy in early 2022. The strategy will have a six year lifespan with short, medium and long-term timescales for the completion of actions.

## **2.0 Objectives**

There are many different objectives set out under the proposals section of the report:

- 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
- Objective 8: Understand behaviours that lead to flytipping 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 flytipping behaviour change across Scotland
- Objective 10: Improve our understanding of the sources, amount, spatial distribution and composition of flytipping
- 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 flytipping on their land
- Objective 13: Develop a more effective enforcement model
- Objective 14: Improve consistency of enforcement practices across Scotland

### **3.0 Actions**

Suggested actions from the report are set out below:

- Action 1.1: Conduct research to understand the full range of influences on littering behaviours across various contexts and audience groups **(Short Term)**
- Action 2.1: Develop a sustained, evidence based, national antilittering behaviour change campaign and deliver this consistently and collaboratively with stakeholders across Scotland **(Medium Term)**
- Action 3.1: Review the available litter data and approach to data collection across Scotland and reach an agreement between stakeholders on a common approach to collecting data **(Medium Term)**
- Action 3.2: Identify commonly littered items and litter hotspots and work with local authorities and other duty bodies to develop targeted interventions to reduce litter **(Long Term)**
- Action 3.3: Increase the use of citizen science to support data on the amount and composition of litter in Scotland **(Long Term)**
- Action 4.1: Carry out a review of the development, implementation and progress of the Code of Practice for Litter and Refuse (2018) **(Short Term)**

- Action 4.2 Explore the use of flexible and innovative interventions to support litter prevention and removal **(Medium Term)**
- Action 4.3: Establish an action focused group to encourage collaboration and share best practice between local authorities, national parks and other duty bodies to optimise services **(Medium Term)**
- Action 5.1: Create a national litter hub to provide information and advice to community groups **(Short Term)**
- Action 5.2: Create a community-focused litter education programme to enable communities to develop the capacity and capability to tackle littering behaviour at a local level **(Medium Term)**
- Action 6.1: Conduct an evidence review of barriers to enforcement of litter offences **(Short Term)**
- Action 6.2: Explore raising current fixed penalty notice amounts for a litter offence **(Medium Term)**
- Action 6.3: Explore potential alternative penalties to monetary fixed penalties for a litter offence **(Medium Term)**
- Action 6.4: Create powers to issue fixed penalty notices to registered keepers of a vehicle from which littering occurs **(Medium Term)**
- Action 7.1: Review and further develop guidance on enforcement best practices and seek agreement for this to be voluntarily adopted by local authorities and national parks **(Long Term)**
- Action 8.1: Conduct research to understand the full range of influences that result in flytipping behaviour across various contexts and audience groups and use this to design effective policy interventions **(Short Term)**
- Action 9.1: Develop a sustained, evidence based, national antiflytipping behaviour change campaign and deliver this consistently and collaboratively across Scotland **(Medium Term)**
- Action 9.2: Create a single information point containing advice on disposal of commonly flytipped materials **(Medium Term)**
- Action 10.1: Create a data sharing agreement to support gathering of data and work with local authorities, other duty bodies, national parks, private landowners,

businesses and the third sector to improve consistency of data collected in Scotland **(Short Term)**

- Action 10.2: Explore incorporating data into a national database **(Short Term)**
- Action 10.3: Review the Dumb Dumpers system and ensure that a fit for purpose mechanism for citizen reporting of flytipping exists in Scotland **(Medium Term)**
- Action 10.4: Explore the development of a live picture of flytipping across Scotland **(Medium Term)**
- Action 11.1 Support and encourage information and resource sharing between local authorities, waste sector, SEPA and other organisations through the flytipping forum **(Short Term)**
- Action 11.2: Explore how to support and encourage more reuse and repair of products that are commonly flytipped **(Medium Term)**
- Action 11.3: Explore flexible approach to waste disposal (such as mobile HWRCs and targeted amnesties), and targeted interventions with a view to running trials **(Medium Term)**
- Action 12.1: Explore the role of technology in assisting private landowners and land managers deter flytipping on their land **(Short Term)**
- Action 12.2: Produce updated guidance for private landowners on dealing with flytipping **(Short Term)**
- Action 12.3: Explore alternative financial support mechanisms available to private landowners and land managers **(Short Term)**
- Action 13.1: Conduct an evidence review of barriers to enforcement of flytipping offences **(Short Term)**
- 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 **(Short Term)**
- Action 13.3: Explore the possibility and benefits of enabling local authorities and national parks to use civil penalties to enforce flytipping offences **(Short Term)**
- 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 **(Short Term)**

- Action 13.5: Explore the ability to remove or deny Waste Carrier's Registration to individuals/companies fined for flytipping **(Medium Term)**
- Action 13.6: Review existing legislative powers for enforcing flytipping offences **(Medium Term)**
- Action 13.7 Take powers to enable seizure of vehicles by SEPA used in flytipping **(Long Term)**
- Action 14.1: Come to an agreement and develop guidance on roles and responsibility of SEPA, local authorities, national parks and Police Scotland in enforcing flytipping offences **(Short Term)**
- Action 14.2: Develop guidance on enforcement best practices, including on private land and seek for this to be voluntarily adopted by statutory bodies **(Long Term)**

## 5.0 Consultation Questions

The consultation questions ask for the respondent's opinions on the range of proposed actions outlined above:

1. Do you support the proposed action to conduct research to understand the full range of influences on littering behaviours (action 1.1)?
2. Do you support the proposed action to develop and adopt a national anti-littering behaviour change campaign (action 2.1)?
3. Which topics are a priority for behaviour change interventions? Please indicate, which topics if any, you think we should prioritise for behaviour change interventions
4. Is there a need to develop a standard definition of litter that can be used across Scotland?
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?
  - 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 on the amount and composition of litter?
6. What would encourage increased participation in citizen science data collection?
7. Do you support the proposed actions to:

- Action 4.1: Review the Code of Practice for Litter and Refuse (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?

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

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

10. Do you agree with the proposed actions to:

- Action 5.1: Create a national litter hub to provide information to community groups?
- Action 5.2: Create a community focused litter education programme?

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

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

13. Do you support the proposed actions to:

- 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 (e.g. litter picks) to monetary fixed penalties?

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

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

16. Do you agree with the proposed actions to:

- Action 9.1: Develop a sustained, evidence based, national anti-flytipping behaviour change campaign?
- Action 9.2: Create a single information point containing advice on disposal of commonly flytipped materials?

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

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

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

20. 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 consistency of data collection?
- Action 10.2: Explore incorporating data into a national database?
- Action 10.3: Review the Dump 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?

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

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

- What are the barriers to reporting flytipping incidents that occur on private land?
- Who would you report flytipping to?

23. Do you agree with the proposed actions to:

- 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?

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

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

26. What are the barriers to disposing of asbestos?

27. Do you agree with the proposed actions to:

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

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

29. Do you support the proposed actions to:

- Action 13.1: Conduct an evidence review of barriers to enforcement of flytipping offences?
- Action 13.2: Initially raise current fixed penalties issued by local authorities, Police Scotland, Loch Lomond and Trossachs National Park for flytipping to the maximum (£500) and explore possibility of raising the maximum at a later date.
- 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 issued by SEPA for flytipping offences to the maximum (£1,000) and explore the possibility of raising the maximum further at a later date?
- Action 13.6: Review existing legislative powers for enforcing flytipping offences?

30. Do you support the proposed actions to:

- Action 14.1: Come to an agreement and develop guidance on roles and responsibilities of organisations in enforcing flytipping offences?
- Action 14.2: Develop guidance on enforcement best practices, including on private land and seek for this to be voluntarily adopted by statutory bodies?

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

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

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

## **6.0 APSE Comment**

APSE encourages our membership to respond to this important consultation to ensure that local authorities perspectives on litter and flytipping are fully considered and represented in the process of shaping the new National Litter and Flytipping Strategy.

Consideration should be given to funding and resource requirements as these will be intrinsic to the success of adopting any new strategy, particularly given the budget challenges already facing local authorities.

APSE's [Scottish Waste and Recycling advisory group](#) as well as the [Scottish Parks, Grounds and Streets advisory group](#), which are both free to attend for members, continue to cover these important areas extensively and have been regular avenues for local authorities sharing best practice and having discussions about how best to tackle litter and flytipping. APSE Scotland also provides the secretariat for the Scottish Local Authority Litter Managers Network. APSE's briefing 21-48 [Local authority fly-tipping enforcement powers](#) provides information on the limitations of the current enforcement powers and outlines the proposal of the Litter Managers sub-group as well as members of the wider Litter Managers Network and APSE seeking to explore whether or not Local Authority powers dealing with fly-tipping (Breaches of Section 33(1) of the Act) could and should be brought into line with those given to SEPA via the 2015 Order in order to provide a more flexible suite of options.

APSE have a wealth of knowledge and learning in this area not only from Scotland but across the UK, having worked with The Department for Communities and Local Government (DCLG) and the Department for Environment, Food and Rural Affairs (DEFRA) on developing a National Litter Strategy for England in 2017, with APSE writing the chapters on 'binrastructure' (see [briefing 17-04](#)). APSE also released a [Street Cleanliness e-publication](#), using 2017/18 survey data drawn from APSE's Performance Networks data and was also a contributor to the "Right bin in the right place" WRAP guidance for English authorities (see [briefing 20-83](#)), providing practical advice, research data and case studies for the document.

In addition we have written a variety of other briefings with best practice ideas that local authorities are utilising to remove and reduce litter, such as briefing 20-45 on [solutions for chewing gum](#) and 19-41 on [solutions for dog fouling](#).

APSE is a keen supporter of reducing litter and flytipping providing the [LAMS app](#) as part of our Performance Networks benchmarking service and is also a member of the Monitoring Adoption Group along with other organisations including Keep Scotland Beautiful, Improvement Service and Zero Waste Scotland and will continue to work with our member authorities regarding this important issue.

**Reminder: APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by clicking [here](#) and you can also join our WhatsApp Support Network by clicking [here](#).**

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