

TOWARDS A LITTER-FREE SCOTLAND

Consultation on a strategy to tackle and prevent litter and flytipping



Respondent Information Form

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

George Niblock

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Niblock

Forename

George

2. Postal Address

63 Nether Blackhall

Inverurie

Aberdeenshire

Postcode AB51 4EW

Phone 01467 621902

Email
george@niblockenvironmental.com

3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Strategic approach

Q1. Do you agree that the strategic approach proposed (Action 1) should form the basis of the National Litter Strategy's overall vision, mission, values and objectives?

Agree Partially agree Disagree

Please provide reasons for your answer.

I fully support the need for a National Litter Strategy. However, litter and littering cannot be tackled in isolation of the basics of street cleansing. A street can be free of litter but still not be '*clean*' as a result of other factors such as detritus, weeds, staining, chewing gum etc. The basic cleanliness of many of our streets in Scotland has without doubt deteriorated markedly over many years as a result of several factors but undoubtedly, in my view, the focus on litter has inadvertently contributed to it. Litter may be the very visible tip of the iceberg but it was not the visible tip that sank the Titanic. Based on my 47 years of practical street cleansing experience, the practice of littering will never successfully be addressed, if it is not tackled simultaneously with the reduction in basic street cleansing.

In contrast to the need to include street cleansing, I believe that the inclusion of the important but distinctly different problem of Fly Tipping is detrimental by diluting the focus. The consultation document makes clear reference to the completely differing attitudes and actions leading to both littering and fly tipping. Consequently, they should be tackled separately, not together for the historical / hysterical reason that someone put them together previously.

Information strategic direction

Q2. Do you agree that improved communications (Action 2), education resources (Action 3) and business engagement (Actions 4 and 5) should be the National Litter Strategy's information focus for preventing litter?

Agree Partially agree Disagree

Please provide reasons for your answer.

Improvements in information and education are always to be welcomed both within the formal education system and with the general public. We

should always be open to new ways of doing things but it does not mean that excellent work has not been done in the past. Many of the people writing / researching and attempting to deliver the National Litter Strategy are new to the topic with little or no practical experience. Part of the historical problems, especially since the last local government reorganisation have been that street cleansing was devalued to being a 'forgotten service' and resources locally and nationally never allowed education and campaigning work to be sustained in any reliable way. I have to admit that I am most cynical about the involvement of business and the benefits thereof. Yes, the high profile 'big companies' will participate for the kudos but the source of much of the litter is with SMEs who only respond when 'forced' to do so. Local Authorities could and should use current legislation in terms of Street Litter Control notices to deal with much of the litter that they have to pick up, but do not. It is my understanding that despite the EPA 90 being in place for well over 20 years, only two local authorities have used the powers... and the source SME's involved certainly do not appear to have rushed spontaneously to help local littering problems derived from their premises, either direct as a result of their operations or via customer actions.

Q3. If you are responding on behalf of a group/organisation: as a business or organisation (including litter duty bodies) would you find it valuable to have a national recognition scheme which supports you in encouraging positive behaviour (Action 5)?

Yes No Partially

Please provide reasons for your answer.

This is a personal response and the views expressed are my own based on 47 years practical experience in delivering street cleansing and litter prevention. I have also acted as an advisor to Scottish Government, COSLA, KSB and as the CIWM spokesperson on street cleansing during that time. I currently manage Aberdeenshire Litter Initiative – **ALi** a community based volunteer litter collection scheme based on 'Adopt –a – Street' with over 500 members which is believed to be the largest such scheme in the UK. In that latter capacity, I do agree that it would be valuable to have a national recognition scheme. In my view that scheme should be delivered via Keep Scotland Beautiful who have the expertise with staff who have the practical experience of delivering street cleansing services and campaigns. The recent inclusion of ZWS may have been appropriate to deliver the strategic consultation but has introduced another level of organisational complexity into the messages which is not required as we move forward to tackle the national disgrace of littering.

Infrastructure strategic direction

Q4. Do you agree that businesses and other organisations have a key role to play in the design of products and packaging to reduce litter and that those with litter control responsibilities should be encouraged to recycle more (Actions 6 and 7)?

Agree Partially agree X Disagree

Please provide reasons for your answer.

Business has a role to play but I do not accept that it is 'Key'. Much of product design and packaging is part of international commodity markets and no matter how well intentioned and ambitious Scotland may be in this regard, it has little influence over such international matters. An example comes from a country of similar size, Denmark who had to abandon their national ban on single trip beverage containers as a result of international fair trading requirements.

A similar example exists with another major cause of littering in Smoking related Litter. It is perhaps unrealistic to expect a redesign of packaging of cigarettes to meet a Scottish requirement.

However, with fast food catering being a primary source of litter it may be possible to influence those sources which tend to have localised impact. Additionally, the emphasis on 'Recycling on the Go' and resource capture while important in their own way, tend in the same way as the fly tipping message, to distract and detract from what should be a clear and discrete message of the National Litter Strategy. This is perhaps the result of the strategy development being driven by ZWS which has other responsibilities in those areas.

Q5. Are you able to provide details of good practice in reducing accidental litter arising from waste and recycling collections (Action 8)?

Yes X No

Please provide any details and/or evidence of good practice.

In my experience, kerbside sort and the use of boxes on kerbside vehicles have led to an increase in litter. Co-mingled collections, using wheeled bins, are not perfect but present fewer litter problems in my view. Again, there may be a risk of other interests of ZWS in respect of capture of quality recycle, clouding that clarity.

Q6. Do you agree the Code of Practice on Litter and Refuse (Scotland) 2006 should be revised (Action 9) to reflect the National Litter Strategy?

Agree Partially agree X Disagree

Please provide reasons for your answer and, if applicable, any details of how you believe the Code of Practice on Litter and Refuse should be improved.

COPLAR should be revised to reflect not only the National Litter Strategy but a number of other things at the same time.

COPLAR suggests that LA's should zone their areas for litter clearance work and should revise those zonings from time to time with public consultation. **Very few** authorities have done this despite the legislation being in for the past 20 years and the nature of litter and littering having changed markedly over that period.

*The statutory requirement is for streets to be **kept clean** as far as is practical.* Many authorities appear to have forgotten that imperative and resort in respect of some areas to the C and D cleanliness grades in COPLAR acting, at times, only when forced to and not always within the timeframes of the Code. COPLAR and LEAMS have combined to enable some duty bodies to justify working to a lower standard.

The basic legislation and the Code need to reinforce the primary 'duty' to **keep streets clean.**

Q6a. Are there aspects of the Code of Practice on Litter and Refuse (either those mentioned at Action 9 or additional areas) that you believe should be improved. If so how?

Yes No

Please provide any reasons for your answer and details of any suggested improvements.

COPLAR and the LEAMS system tend to 'dumb down' the standards of litter clearance and street cleanliness by reporting averages. Furthermore, the Adverse Environmental Quality Indicators - AEQI reported on by the LEAMS system are not a performance indicator and most Councils do not report such figures openly. My belief is that these indicate the high presence of detritus, weeds etc. across Scotland showing that despite the absence of litter, the streets are not 'clean'

Q7. Do you agree that robust measures are needed to monitor National Litter Strategy progress and to measure success (Action 10) including requiring additional litter duty bodies to demonstrate how they are meeting their responsibilities (Action 9)?

Agree Partially agree Disagree

Please provide reasons for your answer.

As indicated previously, I do believe that the AEQI's should be formally and openly reported given their indicator of the state of cleanliness of a street other than simply the presence of litter.

Duty bodies should also have to report on their review of Litter Zoning and this should be done every 5 years as a minimum.

Q8. Do you agree that the National Litter Strategy should support communities in developing local initiatives to prevent litter (Action 11)?

Agree Partially agree Disagree

Please provide reasons for your answer.

The valuable role that Community Groups can play would benefit from recognition within the NLS. In this day and age we cannot afford to have every street inspected for cleanliness every day but community groups are in almost every street every day, so it makes sense to enlist their help and support in addition to the specific annual campaigns on certain days /weeks / months.

Q9. Do you agree that future Zero Waste Scotland funding should focus on activity which supports the strategy's objectives, including requiring publication of approaches to litter delivery (Action 12)?

Agree Partially agree Disagree

Please provide reasons for your answer.

Clearly the intrinsic link between litter and street cleanliness has been lost over the years with many of the general public and staff of duty bodies not appreciating the differences and their critical inter-relationship. In this regard there are understood to be no basic street cleansing courses in Scotland where front-line, middle and senior management may learn about street cleansing of which Litter and littering, is but one part. ZWS funding should help with establishing such courses to get the basic knowledge back into the operational and management systems of 'duty bodies'

Q10. Do you agree that that the strategy should recognise the specific interventions that will be required for tackling flytipping (Action 13)?

Agree Partially agree Disagree

Please provide reasons for your answer.

As indicated above, I believe that fly tipping is a distinctly different issue with its own drivers and requirements for action. Accordingly, I believe that it needs to be tackled separately particularly so that the general public do not become confused about which is which. Additionally, the Strategy by necessity sets out the strategic priorities and direction. It should not attempt to detail specific actions. That is the place

for a national 'plan'- of actions designed to deliver the Strategy. There is a risk in trying to combine two distinct and discrete elements into the one document that it will try to contain everything and lose focus and deliver nothing. That error occurred in the Zero Waste Plan which is a strategic document declaring national policy, NOT delivery Plans of how those priorities would be delivered.

As an experienced waste management professional who was closely involved in developing the first National Waste Strategy for Scotland, I fully appreciate the international expediencies which required the production of such a 'Plan'. We should not however, repeat those mistakes where there is no such external requirement.

Clarity and precision are important in the language of communicating the complex messages to the public e.g the strategy refers to "waste"
Previous research has clearly indicated that the public view 'waste' as something produced by businesses and factories. The public see their involvement as being with 'rubbish'

Enforcement strategic direction

Q11. Do you agree National Parks Authorities should have the power to issue Fixed Penalties (Action 14)?

Agree Disagree

Please provide reasons for your answer.

Just because part of the country is beautiful to the extent that it is declared a National Park does not mean that littering does not take place and it should be tackled with the same strategies and range of powers.

Q11a. Are there other public bodies you believe the power to issue Fixed Penalties should be extended to, and why (Action 14)?

Yes No

Please provide reasons for your answer.

All other public bodies who have to manage land should have the power to tackle littering. However, there needs to be a clarity on the difference of a 'power to do something' and a 'duty' Powers exist within the EPA 90 and COPLAR to tackle litter and littering but they are not utilised as uniformly or as enthusiastically as they could or should be.

Q12. Do you believe it would be valuable to have the option to offer a discount to encourage prompt payment of Fixed Penalties for littering (Action 14)?

Yes No **X**

Please provide reasons for your answer. We would also welcome views on what level of discounts should be permitted.

The fixed penalty system is a short circuit system already. To offer greater discounts further devalues the offence and the consequence of committing it .

Q13. Do you agree that the level of Fixed Penalties should be increased to £80 for litter and £200 for flytipping (Action 15)?

Agree Partially agree Disagree **X**

Please provide reasons for your answer. If you do not agree, what level should the Fixed Penalties for litter and flytipping be set at, and why?

The fundamental point is in the application of the FP fine and the pursuit of collection. I sat on the last Scottish Executive review body some 14 years or so ago when almost all that happened was that the fine was increased from £25 to £50 ...and it made absolutely no difference. We need uniformity and consistency of enforcement across the whole country and throughout the year not just by a few in high profile areas or for a single day or two.

Q14. Do you agree that the effectiveness of enforcement can be improved by reviewing training and guidance (Action 16)?

Agree Partially agree **X** Disagree

Please provide reasons for your answer.

Without doubt enforcement training would help but fundamentally, the enforcement procedures need to be applied constantly and uniformly across Scotland not just in the occasional city centre during conventional office hours or during one-off 'days of action' Meaningful enforcement is the missing link..... Most litterers have a better chance of winning the Lottery than being fined for Littering and know iteven then 50% of fines are not paid. The current system is in danger of being regarded as a farce if not tightened up.

Q14a. What other training and guidance issues, if any, do you believe the review should address? Please provide details.

Q15. Do you agree there is a case for future improvements in the enforcement system to make it more effective in preventing littering and flytipping (Action 17)?

Agree x Partially agree Disagree

Please provide reasons and/or evidence for your answer.

As indicated, full, co-ordinated enforcement across the country is the missing link in modifying the behaviour of the Scottish public. It worked with smoking in public places, with seat belts and drink drivingall different in their own ways. Littering needs to be tackled head-on. It is understood that there are currently private sector companies in England who will carry out the enforcement duties and are paid out of the fines recovered. This could reduce any further financial burden of sustained enforcement.

Q15a. What priority do you attach to improving prevention through enforcement in the examples summarised below and referenced in Action 17?

1. High
2. Medium
3. Low
4. None

Potential improvements	Priority	Reason
Include litter under the anti-social behaviour Fixed Penalties regime	High	There may be occasions where this form of sanction would be more appropriate
Overcome barriers to enforcement in cases of littering from vehicles	high	Trunk and main roads where there are few if any pedestrians, are badly littered and this obviously comes from vehicles. These areas are more costly and difficult to monitor, police and clean
Improvements to the waste carrier licensing system and duty of care compliance for businesses	med	We already have the system and it does not work well as there is no single body with a 'duty' to do it, so, in the face of numerous other pressures, no one does it unless forced to do so by exception.
Extend the list of categories to which a Street Litter Control Notices applies	High	SME fast food catering is one of the main sources of littering However,

		legislation already exists and is generally not applied at the moment as it is believed that only two LA's have used it and not extensively so.
Explore whether there might be an effective mechanism for litter practitioners to intervene when printed materials create litter problems	Med	It is similar to the Duty of Care and packaging issues

Q15b. What additional areas, if any, could make the enforcement system more effective in preventing litter and flytipping?

Please provide details, reasons for these and what level of priority you would attach to these.

Greater involvement of the Police to ensure that proper evidence is obtained and outwith conventional ' office hours'
Additionally , an assurance that non-payment of fixed penalty fines will be pursued.

General comments

Q16. Do you have any further comments on or ideas for the National Litter Strategy?

Yes No

Please provide any details with reasons and evidence for these.

The following comments / observations are in no particular order of priority.

1 In many circumstances, litter on grassed areas is effectively 'shredded' by grass cutting equipment. Removal of one item becomes much more difficult in removing dozens of smaller items. This applies to paper, cans and plastic bottles. Few if any grass cutting teams have facilities to remove litter prior to cutting even where it is a requirement of their contract. There is a case to be made that such practices are 'creating more litter' and as such are committing an offence. The strategy should clarify that grass cutting programmes should not make litter worse.

2 With the development of many new roads the size of area to be litter picked has increased markedly with extensive bankings up on down. The definition of a Road in Scotland is from fence to fence and this does not exclude planted and fenced areas which trap litter and are difficult to clean. Two problems arise – for a given length of road the amount of cleansing is greater and therefore more costly - responsibility for clearing within fenced

planted areas is not clear. The new strategy should make the position much more clear.

3 Cleansing of Trunk roads currently lies with Local authorities while other maintenance is with ROC's Across the whole of Scotland difficulty has increased in arranging for routine cleansing which includes both sweeping and litter picking, Ideally ROCs should tell LA's when they are doing maintenance to facilitate cleansing but reports from colleagues across the country indicate that this does not happen. The evidence on our trunk roads confirms this. Additionally, few local authorities are making application to the ROCs for lane closures for cleansing. An FOI request made to Transport Scotland recently corroborated that it is just not happening in any meaningful and coordinated way across Scotland.

A number of LA cleansing officers who attended a recent CIWM event corroborated the above. Partially it is due to the cost of such cleansing and funding the lane closures for Health & Safety reasons. **The current system is clearly in disarray** and needs to be addressed. The national strategy is the time to do it. There is provision within the current EPA 90 to allow transfer of the cleansing of trunk roads to be placed with the ROCS this would appear to me from anecdotal evidence gathered, to be the preferred solution of all involved although it will have financial implications as the work is currently NOT being done primarily due to cost.

At the present time many roads especially at junctions and roundabouts present a danger to users especially those on two wheels as a result of the accumulations of detritus and other debris which lies for months and in some cases years to the point that kerbs and road safety markings are obscured.

4 Litter fences at laybys on trunk roads are falling into disrepair through lack of maintenance by some ROCS The A90 south of Stonehaven is a prime example with several fences in an advanced state of disrepair for almost two years despite repeated contact with BEAR Scotland. I am currently raising this matter with my MSP and First Minister Alex Salmond Photographic evidence is available.

5 Experience in Aberdeenshire is that litter bins removed from laybys and replaced with a '**take your litter home**' sign, leads to less littering and fly tipping at those locations. On trunk roads outwith towns there are few if any pedestrians. All litter arrives in vehicles and it is not unreasonable to expect it to be taken away in the same vehicle. Where large bins exist it is an 'excuse' to dump rubbish and trade waste in particular, on the basis that the Council will clean it up anyway.

6 Litter bins for Cigarettes need to be provided at main bus stops in towns Since the smoking ban, the incidence of littered cigarettes at busy bus stops has increased.

7 Litter bins require to be washed. Some bins become a leaking stinking smelly mess and the public are less likely to use them. Photographs are available of this in Princes Street, Edinburgh and Buchanan Street, Central Station, Glasgow Maintenance of bins should include washing internally

and externally.

8 Policy need to be clarified in terms of washing of street furniture and hard paved surfaces in terms of the need for discharge consents etc. The current position appears to be quite erratic across the country. Bus shelters are similar.

9 Post winter grit clearance needs to be carried out to remove the detritus that blocks drains and leads to localised flooding and potential slip hazards for pedestrians and vehicles especially two wheeled. Photographs are available of this problem in Aberdeenshire where winter grit from the two bad Winters some 4-5 years ago has still not been removed. Winter Emergency Plans should contain provision for the post winter clean up.

10 With the recent focus on litter, conventional street sweeping has been reduced across much of Scotland (there are still some examples of good practice in Perth, Moray and East Lothian to name a few) Detritus, weeds chewing gum and staining of hard surfaces are on the increase and these lead to greater littering. Choked gullies lead to localised flooding with potential for property damage and road traffic accidents. Weeds lead to a deterioration of tarred surfaces requiring earlier replacement at greater cost.

11 Consideration should be given to a simplification of the provisions within S 91 of the EPA 90 in respect of Summary Proceedings which may be taken against the failure of a Duty body. The involvement of the Sheriff Courts seems to be placing a further burden on our already over-burdened courts system and is a definite deterrent to ordinary members of the public pursuing a case. A more accessible, less formal system would be of advantage with perhaps KSB acting as the arbiter in some way.

All of the above are headline issues which require much deeper examination to bring out the full issues. They are based on my observations and experience across Scotland and can be substantiated by photographic evidence.

Strategic Environmental Assessment

Q17. Do you have feedback on the findings of the assessment?

Yes No

Please provide details of any feedback.

N/A

Partial Business and Regulatory Impact Assessment (BRIA)

Q18. Are there particular issues you want to highlight with regard to the partial BRIA and the potential impacts on the third sector, business and the economy?

Yes No Partially

Please provide details.

I do believe that the PBRIA does significantly undervalue the costs of getting the country back to a satisfactory level of cleanliness before the savings for litter prevention start to kick in. By way of example, many of our trunk roads especially at junctions are simply not swept year in year out. To require this to be returned to a decent standard and then maintained for even road safety terms, will place significant cost on to the provider whether that be the existing local authorities who are failing or the ROCs as a new responsibility which will have to be paid for.

Equalities

Q19. Are there any equalities issues that you wish to highlight so that these can be factored into the Equalities Impact Assessment for the National Litter Strategy?

Yes No Partially

Please provide reasons for your answer. We welcome views on potential impacts, either positive or negative, which you feel the actions in this consultation document may have on any particular groups of people.

N/A