

Scottish Marine Litter Strategy consultation COSLA response

1. COSLA welcomes the consultation on the Scottish Marine Litter Strategy and the linked consultation on the National Litter Strategy for Scotland. COSLA understands that terrestrial sources of litter are considered to be the main component of marine litter and that these will be addressed within the National Litter Strategy. Please therefore find attached COSLA's response to the National Litter Strategy for reference and consideration. COSLA has the following general points in response to the consultation on the Scottish Marine Litter Strategy:
2. With Sewage Related Debris (domestic waste which can include inappropriately disposed of items such as cotton buds and sanitary products), and waste from maritime activities being covered by the Marine Litter Strategy, COSLA agrees that there is a need to:
 - Better education regarding the problems and effects of marine litter.
 - More data on the extent and spread of offshore litter – both floating and on the seabed.

Proposed Vision

3. COSLA suggests that the word "act" in the vision be removed and replaced with "manage waste". This is suggested taking the definition of litter to be 'waste in the wrong place' and therefore the vision needs to make a statement to the effect that preventing litter is placing waste in the right place, be that recycling, recovery or other.

Strategic Directions 1 and 2

4. Strategic Direction 1 and 2 are linked to the National Litter Strategy. COSLA would welcome co-ordinated approaches with consistent messages to prevent litter on land and in the marine environment. COSLA has clearly stated within the response to the National Litter Strategy that there is a need for appropriate funding to achieve the national step change in behaviour towards litter.

Strategic Direction 3

5. Local authorities are committed to the Zero Waste Plan and it is essential to help meet the ambitions of this that the Scottish Marine Litter Strategy links to this. However the suggestion of recycle and reward schemes as an action, needs to be considered further with local authority engagement as the impacts of these or deposit and return schemes for example may have a negative impact on local authority waste services.

Strategic Direction 4

6. COSLA agrees with the strategic direction and corresponding actions on monitoring under strategic direction 4.
7. Local authorities will need to be fully involved in the consideration of any monitoring system. COSLA would recommend that any monitoring of the success of the strategy links to existing reporting in place and does not add a reporting burden to local authorities. We would anticipate that monitoring would use existing sources of data given the existing baseline data sources from which the national strategy is based.

Strategic Direction 5

8. COSLA agrees with the stakeholder engagement as set out in Strategic Direction 5.

Possible Action

9. COSLA agrees that the Marine Litter Strategy should complement the existing litter prevention and management activity of local authorities and Keep Scotland Beautiful.

Preferred Option

10. It is not possible to select a preferred option from the options analysis provided. This is due to lack of comparison against outcomes of the strategy and a lack of clarity on the cost of marine litter, and the cost of managing the structural options and outcomes.



Towards a Litter Free Scotland: consultation on a strategy to tackle and prevent litter and flytipping

COSLA response

1. COSLA welcomes the consultation on the Scottish Government's first national litter strategy to tackle and prevent litter and flytipping. The Scottish Government's open approach to engaging with local authorities at all stages of development of the consultation was welcomed.
2. COSLA's response to the consultation is set out within the individual questions of the consultation response form where possible and within the general comments section.
3. COSLA would welcome further engagement with the Scottish Government and appropriate partners on the development of proposed actions in the consultation to ensure there is no impact or burden to local authorities in their implementation, for example in the extension of powers to other bodies to issue Fixed Penalty Notice's. At the present time this proposal cannot be accepted by COSLA due to the burden it places on local authorities. This must not go ahead without further engagement and alleviation of that burden.
4. There needs to be an on-going discussion about the ability of local authorities to finance the change required to prevent litter with recognition that this behaviour change, if achieved through the measures as outlined in the consultation to the extent that will see the savings outlined achieved, will require resource investment in the change period. COSLA would welcome further discussions with the Scottish Government to ensure the resource is available to enable the change.

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.

COSLA is content that the strategic approach outlined is inclusive to all organisations and sets the correct framework to take action forward. The reference to Zero Waste Scotland is noted in the objectives. Given the legacy of work that Keep Scotland Beautiful (KSB) has with local authorities and their communities on litter, and the recognition of the brand in relation to litter, it would be beneficial for the role of KSB to be clearly established within the strategy and strategic approach.

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.

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.

COSLA believes it is important to have a national campaign for encouraging positive behaviour change on litter that complements and supports local campaigns. There could be merit in establishing momentum for participation in influencing behaviour change through a national recognition scheme but the actual on-going behaviour change required in the culture needs on-going action and resource through a number of means as evidenced in the supporting research to this consultation. The draft National Litter Strategy requires a huge step change in behaviour in a short period of time. COSLA

would therefore wish for Scottish Government resource to be spent on ensuring other hard and soft measures required and not in the first instance on a national recognition scheme where this is resource intensive.

For example, the role of licensing should be considered as a measure to prevent and enforce litter removal at retail and leisure premises. For example it would be beneficial for the cleanliness of the front of properties to be part of licencing agreements. This would particularly help the issues caused with litter from smoking outside of premises. This should be considered before a recognition scheme is considered to be introduced. Where the recognition scheme is voluntary, compliance with a licence is not voluntary and therefore more effective in tackling a long-standing problem.

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 Disagree

Please provide reasons for your answer.

COSLA recognises the competitive market that must exist for successful business and that Producer Responsibility needs to finely balance this with product design. Within such margins local authorities would welcome Producer Responsibility to better align with the national ambitions for zero waste and the ability for packaging, where packaging is necessary, to be recyclable. Local authorities are committed to supporting the delivery of the Scottish Government's Zero Waste Plan.

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

Yes No

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

Local authorities have examples of good practice in this area. COSLA would highlight that local authorities ability to reduce accidental litter could be better supported by the Scottish Government enabling local authorities the powers to issue fixed penalty notices under the Environmental Protection Act 1990. COSLA welcomes the suggested action under this to look at powers of local authorities under the Environmental Protection Act. At its meeting in May the Executive Group agreed that COSLA request the Scottish Government to consider revisions to the Environmental Protection Act including clarity for the placement and retrieval of waste receptacles from the kerbside through section 46 and the consideration of fixed penalty notices. There will be instances where it is not possible to eliminate all instances of accidental litter especially where it occurs due to unanticipated severe weather (i.e. gale force winds).

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 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.

A review of the Code of Practice on Litter and Refuse (Scotland) 2006 is

welcomed. COSLA would welcome full engagement with the Scottish Government on the approach to this given the key role of local authorities in delivery of the code of practice.

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.

Further dialogue is required with local authorities to reach a consensus on the changes to the Code of Practice.

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.

COSLA understands the value and necessity of measuring success however it is COSLA's view that there need not be extra measures in place for local action on litter and that these are effectively monitored and evaluated within existing local reporting mechanisms such as Single Outcome Agreements and the SOLACE benchmarking indicators. The potential indicators highlighted in Action 10 for example are already included in the SOLACE Benchmarking Project Environmental Services indicators.

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.

Local authorities operate at the heart of communities and support community action on litter and flytipping working in partnership with organisations such as Keep Scotland Beautiful.

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.

The focus of activity should be a local response to the national framework and care must be taken not to shape action from the top down. Local authorities are best placed to work with communities in shaping and implementing appropriate action to realise the strategies ambitions. The consultation recognises that funding is required to enable change but the change is outlined as small pilot projects and although there is logic in learning from best practice formed by these, the lack of nationwide funding available and the subsequent scale does not link to the overall ambition of the strategy. COSLA would ask that adequate resource to allow local authorities and their communities to engage in meaningful action enabling the desired culture change be made available directly from Scottish Government to local government.

The consultation indicates that packages of funding will be made available which appear to be in the form of bid funds. COSLA is not supportive of bid funds.

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.

Local authorities are actively involved in the work on flytipping. COSLA welcome further consideration of fly tipping and have recently engaged with the Environmental Crime Task Force. It would be beneficial for work on fly tipping to formally link to the work of the Task Force.

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.

During the consultation period of this strategy it has become clear that providing such powers to National Parks Authorities would involve placing a burden on local authorities. Due to this reason COSLA cannot agree at this time with this proposal. However COSLA would welcome further discussions with the relevant bodies on this.

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.

Due to the burden that would be placed on local authorities, COSLA cannot agree with this proposal at the current time. COSLA would welcome further discussions with the relevant bodies on this.

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

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

The cost implications of introducing discounts to early payment of fixed penalties are not clear from the consultation and it would be beneficial for evidence from areas where early payments for fixed penalties are in place, for example parking fines, to be used to provide information on cost and resources.

Under Action 14 it is essential that local authorities have the power to require alleged offenders to provide their name and address. This power currently exists for dog fouling and consistency is needed so that it also applies to litter.

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

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?

It is suggested that the flytipping fixed penalty is between £200 and £500.

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

Agree Partially agree Disagree

Please provide reasons for your answer.

This must allow flexibility for local circumstances and need.

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

Commitment from the Procurator Fiscal Office in relation to litter offences needs to be addressed. COSLA propose that the strategy should define the education of key partners on the financial implications to the wider society (as referenced in research) to secure commitment.

It will be essential that local authorities are part of the working group to consider best practice in responding to under-16s who litter to include representation from Education and Social Work services working with young people. COSLA would also emphasise that the outcome of the research was that everyone littered and there was not a particular emphasis on one group of people therefore this working group needs to be proportionate.

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 Partially agree Disagree

Please provide reasons and/or evidence for your answer.

Local authorities require the ability to issue, where required, fixed penalty notices for waste producers who fail in their duty of care requirement to recycle, as required by the Waste (Scotland) Regulations 2012. SEPA currently has these powers. To be both proportionate and efficient in enforcing the regulations, local authorities must also have these powers.

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		
Overcome barriers to enforcement in cases of littering from vehicles		
Improvements to the waste carrier licensing system and duty of care compliance for businesses	1	To ensure consistency in regulating businesses under the Waste Regulations.
Extend the list of categories to which a Street Litter Control Notices applies		
Explore whether there might be an effective mechanism for litter practitioners to intervene when printed materials create litter problems		

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.

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.

COSLA would welcome co-ordinated approaches with consistent messages to prevent litter and flytipping on land and in the marine environment. Currently COSLA is working with ZWS and the Scottish Government to try

and create consistent messages for waste communications which is challenging given the different branding existing between ZWS and the Scottish Government. It would be beneficial for local communities for branding on litter to be consistent and for any national campaign to be appropriately resourced. The best approach to this is to invest in long-term communication. COSLA would suggest that financial resourcing levels should reflect those of early intervention on recycling when a step-change in national behaviour was required. The proposed control on the funding through the National Litter Strategy allows for potential change in small targeted areas and there is a risk that implementation will not reach wider.

The extension of powers to issues Fixed Penalty Notices is welcomed but will require co-ordinated communications of approach and sharing practices in the initial stages to ensure clear messages to the public on litter management and enforcement and therefore effect behaviour.

It is essential that local authorities continue to work closely with the partners involved in developing and implementing the strategy to ensure that the strategy is a platform for sharing best practice that already exists in local authorities.

Local authorities will need to be fully involved in the consideration of any monitoring system. COSLA would recommend that any monitoring of the success of the strategy links to existing reporting in place and does not add a reporting burden to local authorities. We would anticipate that monitoring would use existing sources of data given the existing baseline data sources from which the national strategy is based.

It is local authorities who directly support community action within their communities in partnership with Keep Scotland Beautiful and, where funded, by ZWS. COSLA would like to see recognition of the importance and central community role that local authorities have in facilitating and enabling community action on litter within the final strategy. Sense of place and place-making is something that local authorities and their partners are working towards in the delivery of their single outcome agreements and environmental considerations are key to this.

Strategic Environmental Assessment

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

Yes No

Please provide details of any feedback.

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.

Keep Scotland Beautiful has a key role in litter prevention and, as a third sector organisation with a long standing role of working in partnership with local authorities on litter, it is essential that the delivery of the strategy builds on this and is not detrimental to the current and on-going work.

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.

COSLA observed from the research underpinning the strategy that a key observation was everyone litters and that littering is a societal problem which can be exacerbated by a number of social factors influencing behaviour. It is therefore with caution that young people of school age should be extracted as a social group, although they are easily accessible as a group through the school environment. It is harder to access people in group situations such as trains or concerts or in group situations within the night time economy. However it is across the whole of society that the behaviour to drop litter exists and this social norm must become unacceptable. This requires acknowledgement across society and not only with accessible groups.