



REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 30 NOVEMBER 2017

LITTER PREVENTION ACTION PLANS & COMMUNITY LITTER PREVENTION ACTION PLANS

1 Recommendations

The Committee is recommended to:

- 1.1 Approve the production of one Litter Prevention Action Plan (LPAP) for the Council which works across Council Directorates and geographical areas;**
- 1.2 Approve the production of an over-arching Community Litter Prevention Action Plan (CLPAP) for Aberdeenshire, which the Councils LPAP feeds into;**
- 1.3 Approve the Waste Service to work with individual organisations and community groups to guide/advise on the production of their own LPAPs and for all action plans in Aberdeenshire to feed into the over-arching CLPAP; and**
- 1.4 Note the draft Code of Practice on Litter and Refuse (COPLAR 2017) and how it supports prevention as a key strategy in tackling litter and fly-tipping.**

2 Background/Discussion

- 2.1 Aberdeenshire Council has a duty under the Environmental Protection Act 1990, Section 89 to keep land under its control clear of litter and refuse and to keep roads clean.
- 2.2 Street Cleanliness is monitored nationally through the Local Environment Audit Management System (LEAMS) and this involves surveying and scoring a random selection of public open spaces. The scheme is administered by Keep Scotland Beautiful (KSB) and there are 3 surveys annually, two internally and one a validation audit by KSB. LEAMS scores are reported annually as a Statutory Performance Indicator.
- 2.3 Although Aberdeenshire Council scores favourably with the national average on percentage of streets at an acceptable standard, it should be noted that these streets are not necessarily litter free, but are clean to an acceptable standard.

Percentage of Streets at an acceptable standard:-

Year	Aberdeenshire Council	Scottish National Average
2012/13	97.8	95.8
2013/14	99.6	96.1
2014/15	98.2	93.9
2015/16	94.6	93.4
2016/17	96.6	Not available yet

- 2.4 Under the proposed Code of Practice on Litter and Refuse (COPLAR 2017) prevention is seen as a key strategy in dealing with litter and fly-tipping. A report went before Infrastructure Service Committee on 24 August 2017 on the draft COPLAR 2017, and its implications - see **Appendix 1**.
- 2.5 The code also aligns with the Scottish Government's national litter strategy, Towards a Litter-Free Scotland, published in 2014. This is the national litter strategy to prevent litter and fly-tipping and to encourage personal responsibility and behaviour change.
- 2.6 The strategy promotes a new approach to litter, focusing on prevention instead of clean-up and encourages action based on specific types of interventions and collaborative efforts to drive change.
- 2.7 The strategy revolves around three primary interventions:-
- Information – improving communications, engagement and education around the issue;
 - Infrastructure – improving the facilities and services provided to reduce litter and promote recycling; and
 - Enforcement – strengthening the deterrent effect of legislation and improving the enforcement processes.
- 2.8 The strategy also identifies the benefit of Litter Prevention Action Plans (LPAP) which enable organisations and communities to take collective action in tackling the problem.
- 2.9 The Council could look at different options for its own LPAP such as a number based on Directorate structure or on a sub division of geographical area, however it recommended we produce one LPAP for the Council as a whole which will ensure we work as 'One Council' and raise awareness across all areas.
- 2.10 As the Local Authority we would also develop a Community Litter Prevention Action Plan (CLPAP) as a key way of encouraging joint working in litter and fly-tipping prevention. This will allow for a more collaborative approach across many sectors because everyone has a role to play in helping to change behaviour and so reduce the amount of waste that ends up as litter or fly-tipping. The Councils own LPAP as well those from other organisations and community groups would feed into this as a way of bringing together all actions.

- 2.11 Zero Waste Scotland (ZWS) have model documents of both the LPAP and the CLPAP and will provide guidance and support in their production for Aberdeenshire.
- 2.12 ZWS would assist the Council by providing a Sector Manager to support with creating the LPAP. In addition it has employed an external contractor which will work with the Council to liaise with Aberdeenshire's community stakeholders and help them create their LPAPS.
- 2.13 Work is already underway to identify and contact all organisations who would be considered as part of the community, including the Public Sector, the third sector, community groups, educational establishments and businesses of all sizes.
- 2.14 The timescales for production of a LPAP and the CLPAP would be 12 months and they would be reviewed annually.
- 2.15 Preventing litter and fly-tipping will require a fundamental change in behaviour, one that cannot be achieved by the Council alone. All organisations with an interest in the community will have a role to play to ensure that litter and fly-tipping are seen as socially unacceptable.
- 2.16 Implementing both a LPAP and the CLPAP could deliver both direct and indirect benefits through sharing resources, reducing cleaning costs, encouraging economic development and improving visitor experience. However it is not possible to quantify the value of such benefits currently.
- 2.17 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 This report is being submitted to the Committee to be able to consider and take a decision on this item in terms of Section F.1.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as the decision relates to waste policy across Aberdeenshire in accordance with officer recommendations.

4 Implications and Risk

- 4.1 An equalities impact assessment is not required as the content of this report has no differential impact on persons with protected characteristics.
- 4.2 There are no direct staffing implications arising from this report.
- 4.3 There are no direct financial costs in producing a LPAP or the CLPAP. Officer time will be needed, but with additional support being provided by ZWS, this should be managed with current workloads.

- 4.4 No Corporate or Directorate risks have been identified as relevant to this matter.
- 4.5 A Town Centre Impact Assessment was carried out (see **Appendix 2**) and there is a positive impact as follows – by enabling the Council, other organisations and communities to take collective action to prevent litter and fly-tipping by tackling the problem before it occurs.

Stephen Archer
Director of Infrastructure Services

Report written by Andy Sheridan, Team Manager and Lesley Forrest, Support Leader
17 November 2017



REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 24 AUGUST 2017

CODE OF PRACTICE ON LITTER & REFUSE (Scotland) 2017 CONSULTATION RESPONSE

1 Recommendations

The Committee is recommended to:

- 1.1 Consider the impact and implications of the requirements of the statutory guidance on keeping land free of litter and refuse and to keep roads clean; and
- 1.2 Approve the consultation response (see Appendix 1) to be submitted to Zero Waste Scotland by 25 August 2017.

2 Background

- 2.1 The Code of Practice on Litter and Refuse (COPLAR) provides practical guidance on fulfilling the duties under the Environmental Protection Act 1990, Section 89 (1) to keep land clear of litter and refuse and (2) to keep certain roads clean. Bodies which are subject to the duties should have regard to this code which:
 - outlines the standard required for each duty;
 - supports prioritisation of where and when to tackle problems;
 - provides maximum timescales for restoring areas to the standard.
- 2.2 There are several changes, compared with the previous code:
 - Equal emphasis on both duty 1, to keep land clear of litter and refuse and duty 2 to keep certain roads clean;
 - Emphasis on the role of prevention (for duty 1);
 - Revised grades and response times for each duty ;
 - Greater clarity about where litter/refuse should be removed from;
 - Bodies are also encouraged to undertake robust monitoring and there is now monitoring of both duty 1 and duty 2;
 - Monitoring for duty 1 is not just on hard surface areas such as pavements and roads, but on all relevant land under our control.
- 2.3 A benefit of the prevention focus is that it provides bodies with the flexibility to shift from reactionary measures to more sustainable approaches. The conclusion that prevention in public services is more efficient than treatment was identified by the Commission on the Future Delivery of Public Services (The 'Christie Commission'). However, as the duty body for the removal of litter and refuse on relevant land under our control, we still would have that responsibility even if the prevention activities are unsuccessful.

- 2.4 The code also aligns with the Scottish Government's national litter strategy, Towards a Litter-Free Scotland, which encourages personal responsibility in order to reduce the need for expensive clean-up or enforcement action.
- 2.5 The code is admissible evidence in court proceedings in regard to a complaint made by any person aggrieved the defacement by litter or refuse and any litter abatement notice served by the authority relating to the dereliction of duties under sections 91 and 92 of the Environmental Protection Act (as amended by the Antisocial Behaviour etc (Scotland) Act 2004).
- 2.6 This is the fourth COPLAR issued under Section 89 (7) of the Act. The first (in 1991) was replaced in 1999, and covered Scotland, England and Wales. The third (2006) applied exclusively to Scotland. This new version replaces it.
- 2.7 The Act places duties on local authorities and others to ensure so far as is practicable, that their land (or land which is under their control) is kept clear of litter and refuse and that public roads (for which the body is responsible) are kept clean. This means roads should be free of detritus which includes dust, mud, soil, grit, gravel, stones, rotted leaf and vegetable residues, and fragments of twigs, glass, plastic and other materials which can become finely divided. Leaf and blossom falls are to be regarded as detritus once they have substantially lost their structure and have become mushy or fragmented.
- 2.8 These duties apply seven days a week throughout the year. The code supports the duties by setting a standard for each. It also provides the maximum timescales that an area should be restored to the standard.
- 2.9 The code provides a series of grades to determine how well an area meets the standard, which is A-grade, or how significant its deterioration is. The COPLAR grades are: Duty 1: six grades, A-F, Duty 2: four grades, A-D.
- 2.10 Zero Waste Scotland has also produced Zoning Guidance as a means of allowing Duty Bodies and Statutory Undertakers to prioritise how cleansing operations are deployed based on the likelihood of litter and refuse building up in an area.
- 2.11 The speed and intensity of the generation of litter and refuse is dependent on a number of factors. These include footfall numbers, vehicular movements, location, weather, population density, physical environment, time of year, and types of property/business/commercial activity. However, there are two common factors attributing to litter generation that can be applied across Scotland which can be measured directly:
- Intensity of footfall/vehicular movement; and
 - Type of sites/premises in an area (Potential Litter Generators).
- 2.12 The first step towards fulfilling either duty is for bodies to categorise their land/roads as one of six zones - based on how busy each area is, and how many potential sources of litter it has. The code links the zone categories to the maximum time a body has before it should restore an area to the

standard. The maximum response time is determined by how far from the standard a zone has deteriorated.

- 2.13 Aberdeenshire Council will need to rezone all areas under our control to take account of differences in footfall/or activities which influence how quickly an area can become littered. For example, within a town centre, a Grade B area could rapidly become a D while a country lane could remain as a B for several days. We also require to make the information public by producing a web based map showing the following:
- Zone 1 – Extremely high footfall – average hourly footfall/vehicle movement of more than 1000 at the busiest point.
 - Zone 2 - High footfall – average hour footfall/vehicle movement of between 601 - 1000 at the busiest point.
 - Zone 3 – Moderate footfall – an average hourly footfall/vehicle movement of between 301 - 600 at the busiest point.
 - Zone 4 – Low footfall – average hourly footfall/vehicle movement between 101 - 300 at the busiest point.
 - Zone 5 - Extremely low footfall – average hourly footfall/vehicle movement of less than 100 at the busiest points.
 - Zone 6 – takes account of roads and railway land where health and safety considerations are required to be taken into account to ensure any maintenance can be scheduled in a practical way.
- 2.14 It is anticipated that Aberdeenshire Council will only have zones 3, 4, and 6.
- 2.15 An area which has no litter or refuse does not need to be cleaned. Bodies should therefore consider what they can do to encourage people not to litter in the first place.
- 2.16 Zones which do not meet the standard need to be restored. The principle behind how quickly this should happen is that significant deterioration should be restored as a priority - to prevent accumulations occurring. So the bigger or more dangerous a litter or refuse problem is, the faster it should be tackled. For minor deteriorations, longer response times are acceptable.
- 2.17 The code sets the maximum times that bodies have to restore their zones to the standard when their COPLAR grades deteriorate. Bodies are free to set themselves more challenging response time targets. They should take account of complaints about zone cleanliness.
- 2.18 In most zones, the standard can be restored within a body's normal operational hours. If the standard in zones 1 to 3 falls in the evening, this code recognises that it may not be practical to restore to an A grade within the response times identified. The time between midnight and 06:00 the following day can therefore be discounted for assessing compliance.

- 2.19 The basic response times are based on a body allocating between 0 and 10% of its overall litter and fly-tipping spend on prevention tactics. The response times can be increased in proportion to spend on litter and refuse prevention.
- 2.20 Litter and refuse clearance will not count as prevention spend. Although it supports preventing further problems, the motivation for deploying it is to restore zones to the standard. However, activities that improve local environmental quality would be considered preventative spend. Bodies must be able to clearly demonstrate how they allocate their expenditure if asked by a court to do so.

Aberdeenshire Council's response to the COPLAR consultation

- 2.21 The authority's comments on the Zero Waste Scotland COPLAR Consultation are included in **Appendix 1** to this report. In future, a major revamp and concerted consultation exercise for rezoning and deployment of resources by all services of the Council including Roads, Landscape and Waste Management, Business Services – Property, Education and Children's Service will be undertaken to ensure our statutory duties are complied with.
- 2.22 Support from Zero Waste Scotland and Keep Scotland Beautiful would be available to assist us to identify the best solution for Aberdeenshire that fits within the overall direction of the COPLAR. A further report will be presented outlining the full implications for Aberdeenshire Council once the outcome of the current Zero Waste Scotland consultation with all bodies which are subject to the duties under the Code of Practice is known.
- 2.23 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 This report is being submitted to the Committee to consider and approve a Council response to an external consultation on a policy matter falling within the delegation of the Committee in terms of Section F.3.2 of the List of Committee Powers in Part 2A of the Scheme of Governance.

4 Equalities, Staffing and Financial Implications

- 4.1 An equalities impact assessment is not required as the content of this report has no differential impact on persons with protected characteristics.
- 4.2 There are no direct staffing implications arising from this report.
- 4.3 There are no direct financial implications arising from this report. However, future additional mechanical resources, capital and revenue expenditure may be required to fulfil obligations to keep all of our land clear of litter and refuse, especially in regard to the proposed requirement to include detritus removal from all roads.

Stephen Archer
Director of Infrastructure Services

Report written by Donald Raymond and Andy Sheridan, Team Managers
14 August 2017



Appendix 1

CONSULTATION RESPONSE TO THE DRAFT CODE OF PRACTICE on LITTER and REFUSE (Scotland) 2017 (COPLAR)

Who are you responding on behalf of?

Duty body/Statutory Undertaker.

Does this draft guidance provide practicable guidance on how to fulfil the duty to keep land clear of litter and refuse?

To some extent. The guide gives clearer definitions of both litter and refuse and the areas of responsibility for duty bodies. However how to fulfil the duty is up to the duty body.

Does this draft guidance provide practicable guidance on how to fulfil the duty to keep roads clean?

To some extent. This guide gives a clear definition on detritus and the responsibility of the duty body to keep roads under their control clean. However how to fulfil the duty is up to the duty body.

Are definitions provided in the draft guidance to make it clear when and where the duties apply?

Yes. This is clear as to where the duties apply.

Does the inclusion of prevention activities increase flexibility in how organisations fulfil the duty to keep land clear of litter and refuse?

To some extent. Prevention is a key strategy for reducing littering. By preventing littering taking place then this should allow resources to be targeted where they are needed most. However the success of prevention methods can be difficult to measure especially in the short term and the duty body will still have the responsibility for removal of the litter and refuse should prevention not work.

Does the inclusion of more objective methods of measuring grades help remove ambiguity and improve consistency?

Yes. The method of measuring grades by actually having counts on the level of litter is a more objective method and will allow more consistent results.

Does the inclusion of more objective methods of allocating zoning help remove ambiguity and improve consistency?

Yes. As this includes footfall and the number of litter generators in the allocation of zones, they become more relevant and allow duty bodies to target their resources accordingly.

Please provide any other feedback on the document including additional information to support previous answers

The revised COPLAR is a much clearer document with regard to definitions of litter, refuse and detritus and where responsibilities lie for duties 1 and duty 2. There are several key changes in this code compared to the old one, particularly in regard to what the duties are, who and where they apply, zoning of all areas under Council control, more emphasise being put on prevention, response times and monitoring. In order to comply with the code, the service will need to look at how it discharges its

responsibility for cleansing to ensure that all resources are deployed where they are needed most and that all areas under Council control are included.

Appendix 2

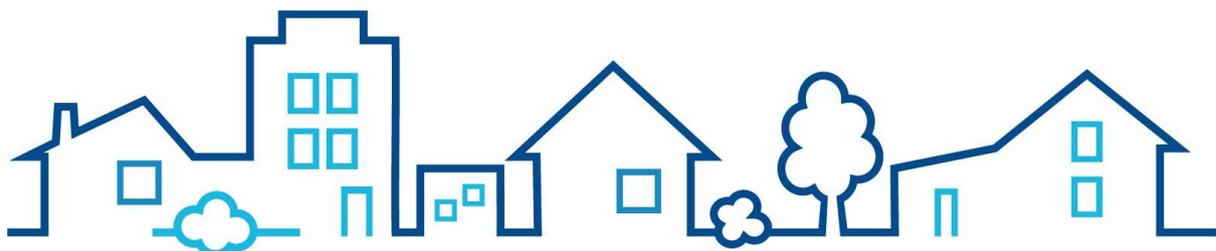
TOWN CENTRE FIRST IMPACT ASSESSMENT (TCFIA)

Project Information	
Title of Committee Paper	Litter Prevention Action Plan
Service	Infrastructure
Department	Waste Management
Author	Andy Sheridan
Have you consulted your Town Centre First Ambassador?	Yes

1) Could your Project Paper cause an impact in one (or more) of the identified town centres? – Peterhead, Fraserburgh, Inverurie, Westhill, Stonehaven, Ellon, Portlethen, Banchory, Turriff, Huntly, Banff, Macduff.	
Yes - All towns	

2) If approved would your project cause an impact (either positive or negative) with regards to the footfall of any of these town centres?	
Yes	

3)	
Please describe the aims of the committee paper?	To produce both a Litter Prevention Action Plan for the Council which works across all directorates and geographical areas and a Community Litter Prevention Action Plan which the Council one feeds into.



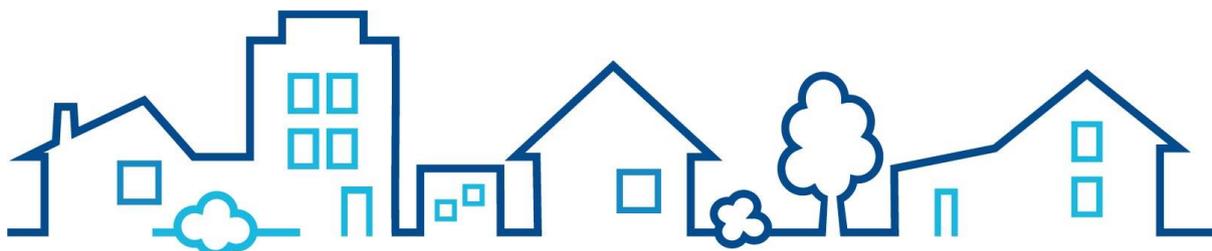


4) What are the positive and negative impacts?		
Impact	Describe the positive impact?	Describe the negative impact?
Please detail any potential positive and negative impact the project may have on Aberdeenshire's Key Town Centres.	This will have a positive impact on the town centres by enabling the Council, other organisations and communities to take collective action to prevent litter and flytipping by tackling the problem before it occurs	

5) What mitigating steps will be taken to reduce or remove negative impacts? If none see Q6	
Mitigating Steps	Timescale

6) Set out the justification that the activity can and should go ahead despite the negative impact.

Question 7: Sign off and Authorisation	
3) Author: I have completed the TCIA impact assessment for this policy/activity.	Name: Andy Sheridan Position: Team Manager, Date: 06/11/17 Signature: Andy Sheridan





4) Consultation with Service Manager	Name: Ros Baxter Position: Waste Manager Date: 16/11/17	
5) Authorisation by Director or Head of Service	Name: Philip McKay Position: Head of Roads, Landscape & Waste Services Date: 17/11/17	
6) Have you consulted with your Town Centre First Ambassador?	Yes	
7) TCFIA author sends a copy of the finalised form to: tcfia@aberdeenshire.gov.uk	Date Sent: 17/11/17	

