

Minutes of Meeting

Review of Code of Practice on Litter and Refuse Steering Group – Meeting 1

Date: Thursday 6th of August 2015

Time: 11:00-14:00

Location: Zero Waste Scotland, Moray House, Forthside Way, Stirling, FK8 1QZ

Objectives:

- To provide a forum for discussion of requirements for the review;
- Suggest and evaluate proposals for a new Code of Practice, on which the Scottish Government will consult, which reflects a shift in focus to prevention;
- Review early versions of the document, checking for both clarity and to offer an operational perspective;
- Shape a draft version of the revised Code of Practice, to be approved by the Scottish Government ahead consultation with the full range of stakeholders

Agenda points:

Item No.	Item
1.	Welcome and introductions
2.	Context and purpose of group
3.	Review of briefing document
Lunch	
4.	Key Areas for Review
5.	Summary of discussion and agreement of actions
6.	Date of Next Meeting and AOB

Attendees:

Name	Organisation	Initials
REDACTED	Scottish Canals	REDACTED
REDACTED	Keep Scotland Beautiful	REDACTED
REDACTED	Christie Commission	REDACTED
REDACTED	Zero Waste Scotland	REDACTED
REDACTED	APSE	REDACTED
REDACTED	Network Rail	REDACTED
REDACTED	Scottish Government	REDACTED
REDACTED	Chartered Institute of Wastes Management	REDACTED
REDACTED	Zero Waste Scotland (Chair)	REDACTED
REDACTED	Zero Waste Scotland (Secretariat)	REDACTED

Apologies:

REDACTED - COSLA

REDACTED - Transport Scotland

	Key actions, agreements and decisions	Who	When
2	<p>Context and Purpose of Group</p> <p>The Scottish Government published its litter strategy, "Towards a Litter-Free Scotland", in June 2014. Intervention 7 in the Strategy identified a need to review guidance, including the current Code of Practice on Litter and Refuse (CoPLAR), to ensure that this reflects the priorities of the strategy, and Zero Waste Scotland has been asked to lead this review.</p> <p>The review of CoPLAR fits within wider action to review guidance that supports the national litter strategy. The strategy seeks to significantly reduce litter through multiple interventions which encourage personal responsibility.</p> <p>The main focus of the review will be shifting the focus of the interpretation of the duty from one of cleansing to one of prevention, moving away from reactive approach to fulfilling the duties to a proactive and long term preventative approach.</p> <ol style="list-style-type: none"> 1. For certain public bodies, "the duty bodies", to ensure that their land is: "as far as practicable, kept clear of litter and refuse" 2. For any public road, to ensure that: "the highway or road is, so as far as is practicable, kept clean". <p>To facilitate this review this steering group has been formed to provide guidance, feedback and input to the shaping of the final document which will be submitted to the Scottish Government for consideration.</p> <p>The steering group is made up of relevant organisation to which the code applies or are experts in the field.</p> <p>The briefing document outlines some proposed approaches to aid discussion during the steering group meetings; it is not intended to be published.</p> <p>The approaches outlined are not final and we welcome input from the group to on alternative approaches for the review.</p> <p>For the purposes of these meetings, although monitoring is relevant we would like to stress that it sits separate from the CoPLAR. A separate sub group will be formed to look at linking any changes to the monitoring methodology to complement each other.</p> <p>Confidentiality - We ask that any conversations within this steering group and any associated documents are kept confidential for the time being and should not be shared out with your own organisation.</p>	All	Until a final consultation document is published

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3	<p>Review of briefing document</p> <p><u>General Notes:</u> <u>Case Studies</u> In order to support the Guidance Review, Zero Waste Scotland are currently compiling existing practice on litter and flytipping prevention to populate a 'knowledge hub' website of information and case studies which can be accessed by stakeholders to implement prevention activities.</p> <p>Keep Scotland Beautiful have resources on existing practice that they are happy to share with the group.</p> <p><u>Timescales</u> It is intended to meet on a monthly basis until a final draft of the revised document has been agreed by the steering group for submission to the Scottish Government</p> <p>DB: Once Scottish Government has received a final draft of the revised code it will be considered by Scottish Government and Ministers before a final document is published for full consultation.</p> <p>Ahead of the full consultation of the published document it is intended to engage directly with all duty bodies not represented on the steering group to share the revised approach and to gather feedback to inform the final draft document before it is submitted to the Scottish Government for consideration.</p> <p><u>Briefing Document sections:</u></p> <p>A set of questions were used to prompt discussion around each of the sections outlined within the briefing document.</p> <p>3.1 Defining the duties</p> <p>Q.1 Do you understand the rationale for inclusion of guidance for the 2nd duty of Section 89 of the EPA 'the highway or road is, so far as practicable, kept clean'?</p> <p>Discussion: REDACTED: Caution should be given to using the term 'Highway' as we have 'roads' in Scotland not Highways – UK legislation of the EPA. The EPA states highway or road.</p> <p>Discussion around where the boundaries of 'road' should be - Fence line to fence line. Defined in the Welsh and English code as 'Metalled surfaces' There is the opportunity to make it a wider definition – backline to backline? There is a need to redefine 'roads' and 'streets'</p> <p>2nd duty under section 89 of the EPA -For any public road,</p>	REDACTED	Ongoing

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<p>to ensure that: “the highway or road is, so as far as is practicable, kept clean” although mentioned in the current code, the revised code will include guidance on this duty as well; this includes the removal of detritus.</p> <p>The 2nd duty has major implications for Transport Scotland and REDACTED will feedback the key points from the meeting. REDACTED raised the issue of trunk roads – there is a need to work with road op companies and councils to have contractual agreements regarding cleaning to avoid shredding roadside litter.</p> <p>Q2 - What do you think of the proposal to define the 1st duty ‘as far as practicable, kept clear of litter and refuse’ as one that includes prevention to fulfil the duty to progress a shift in focus from cleansing to a range of measures to keep land clear?</p> <p>Discussion: Scottish Canals were concerned about what would be expected in terms of prevention, would they be expected to resource education and prevention activities in schools or would that be up to Local Authority? Network rail agrees – keen to get recognition for prevention and would need prioritisation for certain areas – e.g. litter hotspots. Much of the litter on their land is windblown. A partnership approach would be required to tackle litter and implement prevention activities in order for them to work on their land.</p> <p>The shift in focus as set out in the brief is strong – could rephrase to ‘additional focus’?</p> <p>However wording as ‘additional focus’ does not aid the need to implement prevention, there needs to be a ‘prize’ for duty bodies to move to prevention, should not be seen as an additional requirement. Any shift to prevention must cost the same money or less money – the group raised concerns that shuffling money from clean up to prevention could be logistically difficult. Councils won’t put additional money in to prevention.</p> <p>Careful consideration on how this is worded will be required.</p> <p>REDACTED: Discussed the strategy for litter in Copenhagen which was focussed on cleaning 23 hours per day as their solution to litter. This is obviously very resource intensive and costly. Scottish Government stands by the switch to prevention as set up in the National Litter Strategy.</p> <p>3.2 – Bodies to which the code of practice should</p>	<p>REDACTED</p>	<p>DOM</p>

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<p>apply</p> <p>There are no proposed changes to this as it would require additional primary or secondary legislation.</p> <p>However, it is proposed that the revised code will make it clearer what a duty body is required to do for their relevant land to fulfil the duty, making it more transparent. Do you agree this is required?</p> <p>Discussion:</p> <p>All duty bodies and statutory undertakers should be accounted for and should be engaged with as part of this process. Educational institutions need included in the formal consultation as they are covered in the EPA.</p> <p>It is intended that all Duty Bodies and Statutory Undertakers will be engaged with ahead of the draft revised code being submitted to the Scottish Government.</p> <p>Guidance should be included in the final draft document for each duty body and statutory undertakers to help fulfil their duty.</p> <p>There is a need to tackle shredded litter, the Scottish Government needs to better support co-ordination between Primary Litter Authorities and the road operators to avoid this problem.</p> <p>3.3 Measuring the duties have been fulfilled</p> <p>Q1. Although the proposals are centred on prevention, there will still be a need to have a measurement of how clear the land is from litter and refuse. Do you understand why this will still be needed?</p> <p>Discussion:</p> <p>It is important that any prevention measures are implemented with good reasoning and supporting communications to avoid broken window syndrome.</p> <p>REDACTED –KSB are doing pilots with ‘new LEAMs’ scoring with the councils which are currently doing more on prevention to see if it is having an impact – these are valuable learnings for the group and REDACTED will report relevant points to the group to help with the CoPLAR review.</p> <p>A direct measurement of the area being kept clear is required to ensure that standards do not slip, to avoid broken window effect however this would be partnered with a scoring for prevention to allow greater flexibility for prevention measures to be put in place.</p>		

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<p>Q2. Do you agree that providing additional flexibility in measuring the duty will allow preventative approaches to be deployed?</p> <p>Discussion: There needs to be a prize for bodies to invest in prevention activities.</p> <p>It needs to be supported with a good communications strategy to avoid public complaints.</p> <p>3.4 Response times</p> <p>Q1. Do you understand the rationale for reviewing the response times?</p> <p>Discussion:</p> <p>The group discussed response times and said that they are currently about keeping areas clean.</p> <p>REDACTED: The new approach should consult with community organisations and community councils. Ensure it does what the community requires of it. Action plans for each Duty Body or Undertaker would help to cement what approach will be taken.</p> <p>REDACTED: concern – research has found that there are certain people who think its ok to litter. This is contentious. There are certain circumstances where people feel its ok to litter but there is also the broken window argument, litter begets litter.</p> <p>Prevention would allow flexibility in response times to change perceptions and behaviour. Allowing resources to be moved to areas that are not currently receiving the same cleansing levels.</p> <p>REDACTED – response times only kick in when someone complains.</p> <p>REDACTED - It needs backed up with careful communications strategy – let public know what you are doing.</p> <p>REDACTED - suggest Community councils could be helpful in communicating prevention messaging to the community.</p> <p>There are areas where for health and safety reasons or for access/equipment requirements that it is not possible to meet some of the response times, this needs to be considered for certain types of land.</p>		

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<p>It will be helpful to look at the response times in order to come to an agreement.</p> <p>Q2 – Do you think linking longer response times for investing in prevention measures is the correct approach?</p> <p>Discussion:</p> <p>REDACTED discussed that restoration time is the issue not response time?</p> <p>Canal/railways – operation restrictions but no restrictions on prevention activities so some great opportunities for them to make a difference to rail/canal-side litter.</p> <p>The group agreed that there is a need to apply this policy in different contexts.</p> <p>However in certain areas the local Community is/feels unempowered. REDACTED proposed that the Community Empowerment bill may be able to help with this.</p> <p>There needs to be a 'prize' to shift, additional time may be that prize.</p> <p>What do longer response times look like? This will be discussed in more detail once the key areas are being reviewed.</p> <p>How do the dirtiest areas get tackled? – Need strong communications to support and manage public expectation.</p> <p>3.5 Grading levels</p> <p>Do you understand the rationale for introducing a broader range of grades/standards?</p> <p>Discussion:</p> <p>It is proposed a broader range of standards is required to show granularity between the different grades.</p> <p>ZWS has carried out research in to public perceptions around litter. The research showed that certain volumes/types of litter are 'more or less acceptable' than others. ZWS proposed to include the items of litter that the public see as priority items within the new grading.</p> <p>REDACTED said that LEAMs is moving to acceptable v unacceptable rather than grades.</p> <p>There was consensus among the group that the public</p>		

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<p>struggle to differentiate between the current grades. Research shows that the public can't tell the difference between A-D in current code</p> <p>REDACTED suggested we could keep current standards in tandem with a litter action plan for areas.</p> <p>Q2. Do you think composition of the litter stream should be considered when reviewing the grading levels?</p> <p>Discussion: A review of the grades should take into account practical and technical issues to allow them to work on the ground as well as perceptions and composition.</p> <p>REDACTED – the practicalities on changing the grades can be further discussed with the monitoring sub-group.</p> <p>Ideas put forward for further consideration included: Volume/size/accumulations Recycle/v non recycle. Impact of material on environment Practicalities of collecting/disposal</p> <p>3.6 Defining relevant land</p> <p>There are no proposed changes to the definition however it is proposed to make it more transparent to ensure that it is clear that all land – hard and soft standing areas, all items on land and land covered by water are defined.</p> <p>Q1. Do you agree that the guidance needs to make this clearer and the inclusion of examples to support it?</p> <p>Discussion:</p> <p>Agree this is a good move but need to check the legal definitions of land covered by water. REDACTED to check with Scottish Government on actual definition. Land and water – zones must reflect this discussion.</p> <p>Examples of 'land' would be useful for inclusion in the final guidance.</p> <p>3.7 Area Zoning</p> <p>What criteria do you think should be used to define zones to make them as representative as possible?</p>	<p>REDACTED</p>	

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<p>Discussion: Current zoning 11 categories</p> <p>It needs to be kept simple to allow transparency and local knowledge to be applied. Need a broader range of criteria to define zones to capture and reflect litter hotspots. Potential to simplify them rather than make them broader.</p> <p>Wording says too much about how to deploy your resources (inputs) and is focussed on outcomes. It's not about how to deploy resources.</p> <p>Plan is to improve transparency of zones and take account of litter.</p> <p>What needs changed about the current code? As many people have never zoned. Criteria is sound but don't want more zones – can we reduce the number of zones?</p> <p>Q2. What do you think the best option would be to define the boundaries of the zones?</p> <p>Discussion: The duty body has the responsibility to define the land and can do this easily by drawing lines on map. Local knowledge is key.</p> <p>Don't link spend to zoning, this will over complicate it.</p> <p>When does urban become rural?</p> <p>3.8 Defining prevention activities</p> <p>Q1. Do you agree prevention should be integrated into the code as a method to fulfil the duties?</p> <p>Overall yes prevention should be better integrated as a method to fulfil the duties.</p> <p>Q2. Which specific activity types should be included in the revised code?</p> <p>Discussion:</p> <p>REDACTED -Fast food outlets – country location – people chucking fast food containers out the window. England trialled McDonalds passed on ANPR registrations details to local enforcement. Act as a deterrent</p>		

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	<p>Enforcement Communications Community engagement Infrastructure Partnership Working Improved use of existing powers</p> <p>REDACTED – External authority acting as enforcement officers. Push back to elected members – LAs to publish their monitoring scores and Scottish Government publish Scottish wide evidence?</p> <p>3.9 Classifying Items within scope of the Code of Practice</p> <p>There are no changes to the definition of litter, however the wording will be reviewed to include chewing gum within the grading system, dog faeces will remain to be classified as refuse and guidance on how to fulfil the 2nd duty of the EPA will include detritus (although not included as litter)</p> <p>Q1. Are the proposals for this clear?</p> <p>Overall agreement on the proposal.</p>		
4	<p>Key Areas for Review</p> <p>ZONES</p> <p>See table attached with minutes (p.12-17). Example of zones provided taking into account footfall and litter generators to account for areas where there is a high potential for litter to occur through to areas less prone to litter due to the low level of footfall and low number of litter generators (p14).</p> <p>Definition of 'litter generators' – premises and sites which are likely to give rise to litter pollution, for example but not limited to:</p> <ul style="list-style-type: none"> Fast food /food on the go outlets Service/Petrol stations Education Establishments Transport hubs - trains stations/bus stations/airports Event Venues - Regular Schedules Shopping Centres/Retail Parks Newsagents/Corner Shops/Local mini markets Tourist Attractions Public Houses/Nightclubs 		

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<p>Bus stops/transport interchanges Supermarkets Open Air Markets Leisure Attractions Bank ATMS Betting Establishments</p> <p>There should be a Health & Safety/special equipment category for special circumstances. This will consider land type and hazardous working conditions.</p> <p>REDACTED - Changes have occurred to the current code to reflect school routes.</p> <p>Zoning has already been done by GIS and knows the areas. Suggested approach relies on local knowledge which is a risk.</p> <p>Difficult to measure footfall.</p> <p>English and Welsh code zones were shown to group, and will be sent out with minutes.</p> <p>The group liked the simplicity of the English and Welsh codes.</p> <p>REDACTED asked the group if software would help with zoning, there was not consensus among the group on this. GCC residents can currently report their street through an app.</p> <p>Network rail – prefer suggested approach but operationally would be a project to re-zone current land.</p> <p>DATA ZONES</p> <p>ZWS proposed use of census data zones as pre-defined zoning areas.</p> <p>The data-zone geography covers the whole of Scotland and nests within local authority boundaries.</p> <p>Data zones are groups of 2001 Census output areas and have populations of between 500 and 1,000 household residents.</p> <p>Where possible, they have been made to respect physical boundaries and natural communities.</p> <p>They have a regular shape and, as far as possible, contain households with similar social characteristics.</p>		

The group thought this was too complex. Data boundaries

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<p>might not fit with where the litter hotspots are.</p> <p>Wards – KSB previously tried to zone using wards but it was too difficult.</p> <p>Potential to use Zone 11 – special circumstances is time limited and wouldn't appear as a geographical zone.</p> <p>It was agreed that zones need further consideration and would be picked up again at the next steering group meeting.</p> <p>GRADES</p> <p>Grading table – discussion (see document attached with minutes p.18-19)</p> <p>B+ could include things like chewing gum and cleaning areas where H&S or access is an issue.</p> <p>F – Could act as a caveat to ensure an area doesn't drop below a certain level for long periods or to account for special events one off or planned.</p> <p>REDACTED: KSB can advise what size an area should be for grading through their European Network Monitoring.</p> <p>Q. How would you measure and grade on a trackside?</p> <p>Defined area and proximity to station.</p> <p>Should it be acceptable or unacceptable or add an additional 2 grades? Less makes it easier but less transparent</p> <p>Suggested approach quantifies the number of items on the ground.</p> <p>What is classed as easily visible and small items?</p> <p>Easily visible - includes but is not limited to drinks containers, food packaging, carrier bags, newspapers, polystyrene, crisp packets, food waste, dog faeces</p> <p>Small items - includes but is not limited to cigarette related litter, receipts, tickets, sweet wrappers</p> <p>Should we draw a line in suggested approach between acceptable grades and not acceptable grades?</p> <p>RESPONSE/RESTORATION TIMES</p>		

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	<p>See table attached with minutes (p21-23). Budget split is complicated – need to define current spend on clean up and prevention spend. Time at the meeting did not allow full discussion. Would need to be considered more carefully and will be picked up at next meeting after the group have time to review.</p> <p>PREVENTION Time did not allow for this to be discussed, prevention spend is included in the response/restoration time matrix, please note spend is not linked to zones, but included in the table to show that the higher the spend on prevention measures, the restoration time increases to allow for the flexibility to implement prevention measures. A table will be attached along with the minutes (p.20)</p>		
5	<p>Summary of discussion and agreement of actions</p> <p>See notes above.</p> <p>REDACTED to circulate the examples of grades, zones and response times for review ahead of next meeting.</p>	REDACTED	18/08/15
6	<p>Next meeting date: 07/09/15</p>		