

Consultation on National Litter and Flytipping Strategy

Fairer Scotland Duty Assessment

December 2021



Scottish Government
Riaghaltas na h-Alba
gov.scot

FAIRER SCOTLAND DUTY - ASSESSMENT TEMPLATE

This Fairer Scotland Assessment Template should be used in conjunction with the [interim guidance published on the Scottish Government website](#). The guidance provides a glossary of key terms, web links to useful resources, and further advice.

Title of policy/ practice/ strategy/ legislation etc.	National Litter and Flytipping Strategy
Lead Minister	Minister for Green Skills, Circular Economy and Biodiversity
Lead official	Aidan Grisewood
Directorate Division Team	Environment and Forestry Environmental Quality and Circular Economy Zero Waste

STAGE 1 – PLANNING

This first stage is an introductory one.

The initial question to ask is: **Is this a strategic programme / proposal / decision or not?**

- If it is not strategic, there is no formal requirement for a Fairer Scotland Assessment.
- If you think this decision not to conduct an assessment may be subject to challenge at some future point, you should complete the [Assessment Not Required template](#) and store it in your local eRDM folder.
- If the programme/proposal/decision is strategic, but has no implications for inequalities, you should complete the same template.
- In both cases, it will be important that the decision not to conduct an assessment is signed off by a Deputy Director or more senior colleague.
- If you're in doubt about whether an assessment should be carried out or not, we'd advise you to do so. It's good practice to think about socio-economic factors and reducing inequalities in all policy-making.

If you decide an assessment will be needed, please begin the assessment process by answering the questions below.

Please answer the questions below to help with your planning.

1. What is the aim of your policy/strategy/plan?

What main outcomes do you expect the policy/strategy/plan to deliver?

Who will it affect (particular groups/businesses/geographies etc)?

Litter and flytipping are well-documented indicators of local environmental quality and have significant social, environmental and economic impacts, and health implications.

Litter and flytipping are defined as follows;

Litter is waste in the wrong place: the wider environment. It can be all kinds of man-made materials. The Environmental Protection Act (1990) defines littering as 'throwing down or dropping an item in any public open space'.¹

Flytipping is illegal dumping of waste - from a bin bag of household waste to large quantities of domestic, commercial or construction waste.²

Research indicates that at least 15,000 tonnes of litter is disposed of into our urban and rural environment and is subsequently cleared by local authorities every year. This is composed of around 250 million easily visible items.³

A further 26,000 tonnes of waste is flytipped each year and dealt with by local authorities, with an estimated 61,000 incidents occurring per year. This estimate excludes the vast majority of cases on private land.³

For both litter and flytipping these figures are likely to represent an underestimate due to data limitations.

Litter and flytipping have both direct and indirect costs for society. Scotland spends at least £53 million of public money on litter and flytipping each year in direct costs. Indirect costs are the negative impacts or consequences of litter that impact on society more widely, for example; crime, mental health and wellbeing. Research suggests that indirect costs are likely to exceed £25 million. This cost does not include any estimate for marine litter.³

The strategy will identify a suite of measures to prevent litter and flytipping and therefore reduce impact on local environmental quality. It will build upon the previous five year strategy 'Towards A Litter-Free Scotland: A Strategic Approach to Higher Quality Local Environments'⁴ and aim to provide an agile strategic framework to accommodate the changing landscape. A review of the National Litter Strategy was completed in 2019 and provides a snapshot of the activities that took place within the

¹ <https://www.legislation.gov.uk/ukpga/1990/43/section/87>

² <https://www.legislation.gov.uk/ukpga/1990/43/section/33>

³ <https://www.zerowastescotland.org.uk/sites/default/files/Scotland%27s%20Litter%20Problem%20-%20Full%20Final%20Report.pdf>

⁴ <https://www.gov.scot/publications/towards-litter-free-scotland-strategic-approach-higher-quality-local-environments/>

first five years of the strategy.⁵ Whilst progress has been made, litter still poses a significant challenge. In March 2021, Keep Scotland Beautiful in partnership with Zero Waste Scotland and Scottish Government hosted a litter summit;⁶ this provided an opportunity to reflect on work that had been carried out under the first strategy and start to define future priorities for tackling litter.

As this is a developing strategy area, the specific actions and related policy detail have not been defined and it is therefore not possible to identify outcomes. The actions will be co-developed with a range of stakeholders through working groups and the consultation process. The following thematic areas have been identified;

- Behaviour Change

This theme recognises the need for improved communications and engagement, but also the need to take a holistic approach to behaviour change; understanding key audiences, issues and developing a framework to identify solutions that enable behaviours to be changed. It should also be noted that the key behaviours related to litter will differ from those for flytipping. Successful measures under this theme would improve the accessibility, consistency and nature of messaging that motivates people to change their behaviour.

- Services and Infrastructure

In order for prevention of litter and flytipping to be effective there needs to be adequate services and infrastructure in place to support people to behave responsibly. This includes services offered by local authorities, but also more widely looking to businesses and community groups. Successful measures under this theme would ensure Scotland's services and infrastructure are fit for purpose and prioritise action and innovation that proactively prevents litter and flytipping and supports a circular economy.

⁵ <https://www.gov.scot/publications/five-years-review-scotlands-national-litter-strategy/pages/1/>

⁶ <https://www.keepsotlandbeautiful.org/news/mar-2021/scottish-litter-summit/#:~:text=On%20Wednesday%2017%20March%202021,of%20dog%20fouling%20and%20graffiti.>

- Enforcement

Enforcement and deterrents have been identified as an important link in the chain for achieving the prevention of litter and flytipping. This has been identified from numerous stakeholder calls to review the enforcement process and procedures, and to understand if alternative solutions are available (such as education or volunteering for those who cannot afford to pay fines), with collaborative measures seen as crucial. Success in relation to this theme would ensure there is a strong and consistent enforcement model across Scotland that acts as a proportional deterrent.

- Data and research

Underpinning any next steps, improved data is crucial to successfully understanding the root causes of the issue, evaluating the success of any interventions, collaborating successful and monitoring progress. This includes reporting of issues by the public and communities, national reporting and monitoring, citizen science and measurable outcomes. Success for this theme would include an improved understanding of the behaviours, attitudes and drivers behind both littering and flytipping behaviours and develop an evidence base that can facilitate the implementation and monitoring of effective policy interventions.

Litter and flytipping have the potential to impact across society, as there are social, environmental and economic consequences. Some communities may feel the impacts more acutely due to greater exposure to litter and flytipping. The strategy will likely focus on individual behaviours.

2. What is your timeframe for completing the Fairer Scotland assessment?

A partial assessment will be completed and published to align with the consultation launch on December 13th, 2021. This should be considered a live document, subject to ongoing development as specific actions become clearer.

3. Who else in the organisation will be involved in the assessment and what roles will they be playing? We'd expect involvement from policy and analytical teams as a minimum. It is rarely appropriate for one person to conduct the assessment alone.

From Zero Waste Scotland:

- The Zero Waste Scotland Litter and Flytipping Team for technical knowledge.
- Members of the Policy team for assessment experience, awareness and development of the policy context.
- Members of the Research and Evaluation team for research overview.

From Scottish Government:

- Members of the Zero Waste Team.
- Members from the relevant research and equality teams.

STAGE 2 - EVIDENCE

The second stage involves working closely with analysts, making full use of relevant data and commissioning other evidence to inform options for improvement. This stage is likely to involve a number of discussions between teams:

- To understand fully the inequalities of outcome associated with this programme/policy/decision.
- To begin to scope out how the programme/policy/decision could be strengthened to reduce these inequalities further, based on the evidence.
- Where necessary, to commission new data collection, for example from community consultation/participation, or new secondary analysis of existing data.

The Scottish Government has access to a wide range of relevant data, both quantitative and qualitative. This includes administrative data, data about local neighbourhoods (e.g. the Scottish Index of Multiple Deprivation), new experimental statistics on combined low income and material deprivation (now available at local level for the first time), and health, education and employment data. Analytical teams will be able to advise on which evidence is most useful.

Evidence can also be sought from communities and groups directly, particularly when there are evidence gaps – for example, where a significant new policy is being developed. Engagement processes should ideally reflect the principles of the [National Standards for Community Engagement](#).

Another source of help – particularly in terms of integrating equality and socio-economic considerations – is the Scottish Government [Equality Evidence Finder](#). This is an updated web resource providing equality evidence by subject area and protected characteristic. We intend to expand this over the next year to include socio-economic disadvantage as an additional category, also including child poverty considerations.

Please answer the questions below to help meet the duty's evidence requirements.

4. What does the evidence suggest about existing inequalities of outcome, caused by socio-economic disadvantage, in this specific policy area? You might want to think about:

- People on low incomes
- People living in deprived areas (and within particular communities of place and interest)
- People with no / low wealth or in debt
- People in material deprivation
- People from different social classes

In the policy area of littering and flytipping, inequality of outcome exists in relation to levels of deprivation in geographical areas. Specifically, there is evidence to suggest that litter and flytipping are more prevalent in more deprived areas, with associated greater negative impacts on local people and businesses.

The Scottish Index of Multiple Deprivation provides an area-based measure of relative deprivation. Whilst not every person in a highly deprived area will themselves be experiencing high levels of deprivation, it provides a tool to improve understanding about the outcomes and circumstances of people living in the most deprived areas in Scotland. Over half of the zones ranked in the top 20% for multiple deprivation are located within six local authority areas, while some other local authorities have no zones at all in this category, demonstrating that poverty is concentrated in certain areas.⁷

Adults living in the 20% least deprived areas were more likely to rate their neighbourhood as a very good place to live than those in the 20% most deprived areas (77% in the least deprived areas, and 32% in the most deprived areas).⁸

⁷ <https://www.gov.scot/publications/scottish-index-multiple-deprivation-2020/>

⁸ <https://www.gov.scot/publications/scottish-household-survey-2019-annual-report/pages/5/>

This finding is assumed to partially reflect environmental quality and neighbourhood problems. 45% of all adults reported that they did not experience any neighbourhood problems in 2019. Those living in the 20% most deprived areas were more likely to experience neighbourhood problems, with top problems recorded as ‘animal nuisance’ (32%) and ‘rubbish or litter lying around’ (31%).⁸

There is evidence that there may be a relationship between areas with more litter and higher crime rates. In rural areas some evidence suggests possible links between flytipping and other rural crimes. In both rural and urban areas, litter and flytipping can impact negatively on house prices and increase disamenity.⁹

A flytipping evidence review conducted in 2017 identified that 45% of ‘those living in self-identified more deprived areas’ had seen a flytipping incident in the last year compared to only 20% of those in ‘well-off’ areas and 25% of those in ‘middling’ areas.¹⁰ Respondents living in tenements or flats were more likely than those in houses to have seen flytipping in the previous year (35% vs. 24%).

While some groups are slightly more likely to litter (and admit it) than others, there is no evidence that a particular ‘littering demographic’ exists. The link between litter and flytipping in areas of social deprivation suggests that a combination of specific behavioural and contextual factors are contributors.

Socioeconomic disadvantage related to low income, low wealth (or no wealth/debt), material deprivation or social class is less likely to be relevant for this strategy area. However, due to the limited policy detail available at this stage, they cannot be entirely excluded.

5. What does the evidence suggest about any possible impacts of the policy/programme/decision, as currently planned, on those inequalities of outcome?

The overarching aim of the strategy is to reduce litter and flytipping. This has the potential to have a greater positive impact in deprived areas where the perceived negative impact is more significant. Through litter and flytipping reduction the

⁹<https://www.zerowastescotland.org.uk/sites/default/files/Exploring%20the%20Indirect%20Costs%20of%20Litter%20in%20Scotland.pdf>

¹⁰<https://www.zerowastescotland.org.uk/sites/default/files/Evidence%20Review%20of%20Flytipping%20Behaviour.pdf>

strategy will also have potential to improve environment, health and wellbeing, crime and disamenity impacts.

However, as the details of how the strategy will be implemented through specific plans are currently limited, the possible impacts should be revisited when more detail is available. Any communications or interventions should be designed in an inclusive manner (both digital and non-digital) so that everyone has equal opportunity to engage and understand their responsibilities.

6. Is there any evidence that suggests alternative approaches to the policy/programme/decision? E.g. Evidence from around the UK? International evidence?

Evidence from around the UK suggests a similar approach to that being proposed for this strategy (at a high level). These strategies are also in development.

Internationally, there is considerable variation at both national and regional levels.

Once specific actions have been identified for the strategy, there may be value in some more detailed comparisons.

7. What key evidence gaps are there? Is it possible to collect new evidence quickly in areas where we don't currently have any? For example, through consultation meetings, focus groups or surveys?

Defining gaps at this stage is impacted by the lack of detail regarding specific measures. When suitable detail is available, we would aim to identify gaps and develop an engagement strategy in order to collect new evidence.

8. How could you involve communities of interest (including those with lived experience of poverty and disadvantage) in this process? The voices of people and communities are likely to be important in identifying any potential improvements to the programme/policy/decision.

The engagement strategy will be developed with communities of interest in mind. We recognise the challenges associated with ensuring the voices of people in relevant communities of interest are heard and would aim to develop suitable communication methods through co-design with Scottish Government specialists.

STAGE 3 – ASSESSMENT AND IMPROVEMENT

Having considered the data and evidence you have gathered, the Assessment and Improvement Stage is where you look in more detail at potential improvements to the proposal, plan or decision.

It's essential that policy team leaders are involved at this stage to ensure that opportunities for developing a better proposal are able to be taken up; analysts should again be involved. This will be key for meeting the 'due regard' test.

The outcomes of the assessment and improvement phase, with any options emerging for consideration, should be clearly set out for consideration by the appropriate officer(s) in Stage 4.

The key questions to answer at this stage are:

9. What options could strengthen this programme/policy/decision in terms of its impacts on inequalities of outcome?

This question should be answered when further detail on policy measures has been identified.

10. What are the pros and cons of these options?

This question should be answered when further detail on policy measures has been identified.

11. How could the programme/policy/decision be adjusted to address inequalities associated with particular groups? Particular communities of interest or communities of place who are more at risk of inequalities of outcome?

This question should be answered when further detail on policy measures has been identified. Evidence collected from engagement with particular groups should be used to inform any adjustments proposed.

STAGE 4 - DECISION

This decision stage allows Deputy Directors (or above) to consider the assessment process from Stages 2 and 3, agree any changes to the policy, proposal or decision and confirm that due regard to meeting the Fairer Scotland Duty has been given in this case.

Key questions to discuss at this summary stage are:

12. What changes, if any, will be made to the proposal as a result of the assessment? Why are these changes being made and what are the expected outcomes?

13. If no changes are proposed, please explain why.

It is not possible to suggest changes based on the level of detail currently available

Once these questions have been discussed and written up, save this document in the relevant project file in eRDM. Your deputy director (or above) should sign and date in the box below.

**Sign off of the Fairer
Scotland Assessment
template**



Name: Aidan Grisewood

**Job title: Deputy Director, Environment Quality and
Circular Economy**



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2021

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80201-791-5 (web only)

Published by The Scottish Government, December 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS990927 (12/21)

W W W . g o v . s c o t