

DATA LABEL: PUBLIC



ENVIRONMENT AND SUSTAINABILITY POLICY DEVELOPMENT AND SCRUTINY PANEL

UPDATE ON FLY TIPPING IN WEST LOTHIAN

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To provide the Panel with an update on fly-tipping across West Lothian including the results of the recent Scottish Government consultation on The National Litter and Fly Tipping Strategy.

B. RECOMMENDATION

It is recommended that the panel:

1. Notes the results of the Scottish Government consultation on the National Litter and Fly Tipping Strategy review.
2. Notes the current statistics and associated costs of fly tipping in West Lothian.
3. Notes the current arrangements for enforcement, partnership working and campaigns to reduce fly tipping in West Lothian.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Environmental Protection Act 1990 (Section 33) Code of Practice for Litter and Refuse 2018
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	SOA4 - We live in resilient, cohesive and safe communities. SOA8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment
VI	Resources - (Financial, Staffing and Property)	Nets, Land and Countryside has an annual budget of approximately £2.5m for Street Cleansing. The removal of fly-tipping and environmental enforcement is funded from this budget.
VII	Consideration at PDSP	WLC response to Scot Gov Litter Strategy consultation was considered at PDSP 29 th March 2022.
VIII	Other consultations	Financial Management Unit, Zero Waste Scotland, Keep Scotland Beautiful, Police Scotland, Environmental Health

D. TERMS OF REPORT

D.1 Background

Fly tipping represents waste that has been illegally and irresponsibly disposed of. It has a negative effect on how people feel about the area they live in and gives a bad impression to visitors. Every year, 26000 tonnes of waste is fly tipped in Scotland, with an average of 294 tonnes being tipped in West Lothian (averaged over three years from June 2019 – June 2022).

D.2 Consultation on the National Litter and Fly Tipping Strategy

West Lothian Council contributed to the above consultation. The response was approved by Environment PDSP on 29th March 2022 (Appendix 1). The analysis report was published by the Scottish Government on 28th July 2022. The consultation received 978 returns of these 892 were from individuals and 86 were from organisations. It is expected that the final Strategy will be published later in 2022.

The majority of respondents were generally in favour of almost all of the proposed actions set out in the consultation. This includes a national fly tipping campaign and the creation of a single information point advising on the correct disposal of commonly fly tipped materials. There is also broad support for more research into the behaviours that lead to fly tipping.

Most respondents supported a central database to record fly tipping, encouraging a joining up of services and making it easier to deal with dumpers who cross council boundaries. Four in five respondents supported mandatory reporting of fly tipping incidents by statutory bodies.

80% of respondents perceive current fines (which tend to be a Fixed Penalty Notice £200) for fly tipping to be too small. Some suggest they should be scalable depending on the profile of the offender (business, repeat fly tipper etc.) and there were some suggestions of penalty points or confiscation of vehicles used for fly tipping.

Results for the littering section of the consultation were broadly similar to fly tipping, with most respondents agreeing with the suggested actions in the consultation.

There was a minority of respondents that disagreed with the actions proposed in the consultation with many favouring more direct action with resources focused on clearing up of waste and finding perpetrators.

Once the Scottish Government strategy has been published any new or amended information will be considered and the forthcoming WLC Litter and Fly Tipping Strategy will be adjusted accordingly. NETs, Land and Countryside Service intends to support and take part in any national fly tipping campaign and contribute to any research being undertaken into fly tipping behaviours where possible. The service will also contribute when required to the setting up of a central database recording fly tipping. Any changes to enforcement will be actioned by the Enforcement Team as legislation allows.

D.3 Fly tipping in West Lothian

From 1st April 2022, 694 reports of fly tipping have been received from the public in West Lothian. This amounts to 78 tonnes of waste and has cost WLC £8339 to dispose of. This figure does not include the staff costs involved in the collection of the waste. This is a slight reduction in cost of the disposal of fly tipping when compared with the previous 2 years. In the same period last year 103 tonnes of fly tipping was collected costing £10739 to dispose of and in 2020 120 tonnes was collected costing £10687 to dispose of. Staff costs are currently estimated at £658.97 per tonne.

This does not include costs to Private Land Owners who are responsible for the removal of fly tipping from their own land.

Whilst awaiting the publication of revised National Litter and Fly Tipping strategy, WLC continues to promote the correct disposal of waste and raise awareness on the consequences of fly tipping. Webpages dedicated to litter and fly tipping information have been set up and will be promoted as part of a West Lothian wide anti fly tipping campaign later this year – ‘Don’t Waste West Lothian’. This will involve social media, printed media and partnership working to insure the campaign reaches as many people as possible.

D.4 Partnership Working and Enforcement

Cleaner Communities works with both internal and external partners to tackle fly tipping. WLC Enforcement Officers work with the Police Scotland Rural Crime Unit and SEPA when investigating incidences of suspected commercial, white van man of fly tipping. SEPA are able to issue higher fixed penalty notices and Police Scotland can assist in criminal prosecution of serious cases.

WLC Enforcement Officers will work with private land owners and can issue fines to fly tippers who dump on private land if there is sufficient evidence and agreement with the land owner.

An internal partnership with the Safer Neighbourhoods Team distributes plastic bags to the traveller communities in West Lothian to reduce the amount of loose refuse on these sites and make clean up easier and more cost effective for WLC when removing rubbish from sites on Council owned ground. However, it is difficult to quantify any reduction or otherwise in waste that this initiative has led to.

It is hoped that the revised National Litter and Fly Tipping Strategy will begin a process of expanding powers of enforcement and make it easier to issue fixed penalty notices and seek prosecution of offenders. In the meantime, Enforcement Officers are beginning the use of mobile CCTV cameras in a bid to gather better evidence against fly tippers making issuing fixed penalty notices easier and the possibility of prosecution more likely.

D.5 Commercial Fly Tipping

West Lothian has been lucky enough to avoid for the most part, incidents of large-scale commercial fly tipping, however a recent incident in Deans Industrial Estate has shown that we are not immune to such incidents. A council owned site within the Industrial Estate has been broken into and several artic lorry loads of baled waste illegally deposited. Time and care have also gone into building up earth bunds around the site to obscure it from general view suggesting that this was a long and carefully planned operation. As the dumping is on such a large scale, WLC is working with SEPA to investigate. The estimated cost to the council for the removal and disposal of the waste is £45,000.

D.6 Next Steps

Reducing and preventing fly tipping in West Lothian is an ongoing and continually developing task. The use of mobile CCTV cameras to deter and identify fly tippers is currently being piloted by the enforcement team and it is hoped that these will reduce incidents of fly tipping as well as providing robust evidence to help prosecute those caught on camera.

A forthcoming fly tipping awareness campaign will launch later this year. This wide-reaching campaign will highlight the consequences of fly tipping and the correct ways of dealing with waste, encouraging the public to report incidences of fly tipping to the council.

E. CONCLUSION

Education, engagement and enforcement are critical in the reduction and prevention of fly tipping in West Lothian. NETs, Land and Countryside Service continues to look for new and innovative ways to educate and engage the public. It is hoped that a revised national Litter and Fly Tipping Strategy will reinforce our efforts at a national level and provide further guidance on prevention and legislative powers for enforcement. Reducing fly tipping will reduce costs for the council and provide a cleaner, safer environment for the people of West Lothian.

F. BACKGROUND REFERENCES

[National litter and flytipping strategy: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-litter-fly-tipping-strategy-consultation-analysis/pages/2-1-national-litter-fly-tipping-strategy-consultation-analysis.aspx)

Appendices/Attachments:

Appendix 1 - West Lothian Council National Litter Strategy Consultation Response

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Jim Jack

Head of Operational Services

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Appendix 1

West Lothian Council response to Scottish Government Consultation on National Litter and Fly Tipping Strategy Review

1. (a) Do you support the proposed action to conduct research to understand the full range of influences on littering behaviours (action 1.1)? Yes / No / Do not know (b) Please give reason(s) for your answer.

Yes. By understanding what causes people to litter interventions can be better targeted and resources more efficiently directed. Conducting research also provides an opportunity to engage with the public.

2. (a) Do you support the proposed action to develop and adopt a national antilittering behaviour change campaign (action 2.1)? Yes / No / Do not know (b) Please give reason(s) for your answer

Yes. Campaigning on a national level often gives messages more weight and can make the public realise how serious an issue it is, not just a local problem. West Lothian Council would be happy to participate in a national campaign however messages would require to be tailored to suit each area.

3. Which topics should be a priority to address by behaviour change interventions?

The environmental impact of litter and the effects on wildlife. The work that is carried out by volunteers, not just paid workers. Economic effects of littering on investment and crime rates etc. The cost to councils of clearing and disposing of litter and what that money could have been spent on.

4. Is there a need to develop a standard definition for litter that can be used across Scotland? Yes / No / Do not know

Yes. There is a need to define the difference between litter and fly tipping.

5. Do you support the following proposed actions to:

- Action 3.1: Review available litter data and reach an agreement between stakeholders on a common approach to data collection? Yes / No / Do not know.

Yes. A common approach allows comparison and benchmarking, but some information may be difficult for us to gather, for example differentiating between litter from bins and picked litter, especially with volunteers collecting litter too. How data would be collected and recorded would need to be considered as a common approach across all bodies would be required.

- Action 3.2: Identify commonly littered items and litter hotspots and work with local authorities to develop targeted interventions? Yes / No / Do not know.

Yes. Targeted interventions are likely to be effective however consideration would need to be given to how we identify where each bag of litter is from. ZWS may be helpful in working with larger chains, for example takeaways where packing litter is a problem in the surrounding area.

- Action 3.3: Increase the use of citizen science to support data on the amount and composition of litter? Yes / No / Do not know

Yes. It would allow a large amount of information to be gathered quickly and give an increased sense of ownership for people in their local area. It would be important for the information gathered to be accessible to the public and for people to be able to clearly see how it has made a positive change.

6. What would encourage increased participation in citizen science data collection?

Easy to use resources which can be downloaded or borrowed. An easily accessible platform to share the data gathered. Evidence of the information gathered being used effectively.

7. (a) Do you support the proposed actions to:

- Action 4.1: Review CoPLaR (2018) and its implementation by duty holders? Yes / No / Do not know

Yes. It should be easier for Local Authorities to discharge their duties and ask private landowners to clear litter from their land. The resource implications of this for duty holders need to be considered.

- Action 4.2: Explore the use of flexible and innovative interventions to support litter prevention and removal? Yes / No / Do not know

Yes. Ways for sharing ideas between duty holders is required. Funding for trials and data collection and sharing would mean the interventions can be targeted to the places they will be most successful.

- Action 4.3: Establish an action focused group to encourage collaboration and share best practice between local authorities, national parks and other duty bodies? Yes / No / Do not know

Yes. Consideration to how a group would be arranged would be required as large groups are not always effective. Smaller groups of stakeholders with similar issues may be more useful.

8. Please provide examples of flexible or innovative interventions that have or have not worked well.

West Lothian is trialling mobile cameras for enforcement and smart bins. However it is too soon to comment on their effectiveness. Anti-litter messages stencilled on pavements. Ranger Service trialled an anti-dog fouling campaign called 'Dog poo Avenue'. Difficult to judge effectiveness, however it drew a lot of attention.

9. How can increased collaboration and information sharing across local authorities, national parks and other duty bodies be achieved?

An online Forum similar to the Scottish Outdoor Access Network Forum, where stakeholders can ask questions and discuss best practice. Questions and answers are archived key words can be searched by any member looking for information on a particular topic. Networking visits to different areas to see first hand how others are tackling issues.

10. (a) Do you support the proposed actions to:

- Action 5.1: Create a national litter hub to provide information to community groups? Yes / No / Do not know

Yes. As long as information specific to each local authority was provided and kept up to date.

- Action 5.2: Create a community-focused litter education programme? Yes / No / Do not know

Yes. Giving communities the knowledge and resources to take action is often more effective than local authorities dictating to them.

11. What advice, information and support should be included in a national litter hub?

Health and safety, risk assessments and PPE. Landownership and the responsibilities of private landowners to clear litter from their land. Information about local litter picking groups.

Funding opportunities. Advice on enforcement and evidence required. Best point of contact at Local Authority.

12. What topics should be included in a community-focused litter education programme?

How actions they can take can help to change behaviour in wider society. The litter journey – what happens when it is dropped vs put in a bin. How long items take to decompose.

13. (a) Do you support proposed actions on enforcement of litter offences to:

• Action 6.1: Conduct an evidence review of barriers to enforcement? Yes / No / Do not know

Yes. The enforcement process needs to be made easier for it to act as a deterrent

• Action 6.2: Explore raising current fixed penalty notice amounts? Yes / No / Do not know

Yes. For many people an £80 fine is not enough of a deterrent to stop them littering again. Could penalty be raised for 2nd and 3rd offenders?

• Action 6.3: Explore potential alternative penalties to monetary fixed penalties? Yes / No / Do not know

Yes. There is an equality issue with monetary fines and increasing the fine to the maximum may mean some could be pushed into debt. Educational courses or participating in a litter pick gives an opportunity to involve with people who would not otherwise engage with anti-littering messaging.

14. (a) Do you support the proposed action to review and further develop guidance on enforcement best practices (action 7.1)? Yes / No / Do not know
(b) Please give reason(s) for your answer.

Yes.

15. (a) Do you support the proposed action to conduct research to understand behaviour that leads to flytipping (action 8.1)? Yes / No / Do not know
(b) Please give reason(s) for your answer.

Yes. Understanding the route causes will mean resources, education and enforcement can be better targeted.

16. (a) Do you agree with the proposed actions to:

• Action 9.1: Develop a sustained, evidence based, national anti-fly tipping behaviour change campaign? Yes / No / Maybe

Yes. This would require localised messages to target the problems in different areas.

• Action 9.2: Create a single information point containing advice on disposal of commonly flytipped materials? Yes / No / Maybe

Yes. Advice would need to be localised or waste services across Scotland standardised. It would also need to be kept up to date.

17. Are there topics that should be a priority to address in behaviour change interventions?

Need to insure everyone is aware that their waste is their responsibility. Fines are not always £200 and can be increased. Environmental impact. Cost and consequences for the land owner.

18. What information should be included in the single information point?

Information on disposing of special waste and waste that Recycling Centres do not accept like tyres. Information on fines and other consequences of fly tipping. Questions to ask a contractor and how to check if they have a waste carriers' licence. Common misconceptions for example garden waste.

19. Is there a need to develop a definition of flytipping that can be adopted across Scotland? Yes / No / Do not know

Yes, so there is a clear distinction between fly tipping and littering.

20. (a) Do you support the proposed actions to:

- Action 10.1: Create a data sharing agreement to support gathering of data and work with stakeholders to improve consistence of data collection? Yes / No / Do not know.

Yes.

- Action 10.2: Explore incorporating data into a national database? Yes / No / Do not know

Yes. A national database would help with benchmarking, however it may be difficult to export data from local authorities asset management systems.

- Action 10.3: Review the Dumb Dumpers system and ensure a fit for purpose mechanism for citizen reporting of flytipping exists in Scotland? Yes / No / Do not know

Yes. Dumb Dumpers should be integrated with Local Authority asset management systems.

- Action 10.4: Explore the development of a live picture of flytipping across Scotland? Yes / No / Do not know

21. (a) Do you support mandatory reporting of flytipping incidents for statutory bodies? Yes / No / Do not know

Yes. Allows benchmarking and the full extent of the problem to be recorded.

22. (a) Do you think we should continue to use Dumb Dumpers as the national reporting tool?

No. Not in its current form. Does not integrate with Local Authority asset management systems and duplicates work.

(c) What are barriers to reporting flytipping incidents that occur on private land?

Unsure of who to report to. Landowners may not have the means to dispose of waste correct so do not want to report dumping.

(d) Who would you report flytipping to?

Local Authority.

23. (a) Do you agree with the proposed actions to:

- Action 11.1: Support and encourage information and resource sharing between stakeholders? Yes / No / Do not know

Yes. Could help with tackling organised crime groups who operate in more than one part of the country.

- Action 11.2: Explore how to support and encourage more reuse and repair of products that are commonly flytipped? Yes / No / Do not know

Form partnerships with charities who could make use of items which would be commonly fly tipped. Funding for repair café events, or training in repair of household goods.

- Action 11.3: Explore a flexible approach to waste disposal with a view to trial interventions? Yes / No / Do not know

Yes. Successful trial of mobile recycling centres for small items such as light bulbs, batteries etc. in West Lothian in 2019.

24. How can we support and encourage sharing of data and joined up services and infrastructure?

Facilitate regular forums or sharing best practice events. Provide a data sharing platform that integrates with local authority systems.

25. Please provide examples of interventions (for example, amnesties or recycling groups) that have or have not work well.

Amnesties have been held in previous years however these were not deemed to be successful as led to complaints for several days afterward claiming their waste had not been collected. There is also a danger of hazardous waste being left out, and danger of fire raising.

Mobile recycling centres were trialled successfully in 2019 for small items. This was targeted at reducing waste that can only be recycled at HWRCs being put in the general waste bin rather than tackling fly tipping.

26. What are the barriers to disposing of asbestos?

Requirement and cost of hiring specialist contractor to remove asbestos. Cannot be taken to HWRC.

27. (a) Do you agree with the proposed actions to:

- Action 12.1: Explore the role of technology in assisting private landowners and land managers deter flytipping on their land? Yes / No / Do not know

Yes.

- Action 12.2: Produce updated guidance for private landowners on dealing with flytipping? Yes / No / Do not know

Yes. Provide advice on how they can have fly tipping removed, who they should report it to and how can the offender be prosecuted.

Action 12.3: Explore alternative financial support mechanisms available to private landowners and land managers? Yes / No / Do not know.

Yes.

28. What support mechanisms need to be in place to help private landowners that are victims of flytipping?

Access to a central fund to help with removal costs, install preventative measures like barriers and fencing.

29. (a) Do you support the proposed actions to:

- Action 13.1: Conduct an evidence review of barriers to enforcement of flytipping offences? Yes / No / Do not know

Yes.

- Action 13.2: Initially raise current fixed penalties issued by local authorities, Police Scotland, Loch Lomond and Trossachs National Park for flytipping to the maximum (£500) and explore possibility of raising the maximum further at a later date? Yes / No / Do not know

Yes.

- Action 13.3: Explore the possibility and benefits of enabling local authorities and national parks to use civil penalties to enforce flytipping offences? Yes / No / Do not know

Yes.

- Action 13.4: Explore raising current fixed monetary penalties that can be issue by SEPA for flytipping offences to the maximum (£1000) and explore possibility of raising the maximum further at a later date? Yes / No / Do not know

Yes.

- Action 13.6: Review existing legislative powers for enforcing flytipping offences? Yes / No / Do not know

Yes. Explore possibility of confiscating vehicles from repeat fly tipping offenders.

30. (a) Do you support proposed actions to:

- Action 14.1: Come to an agreement and develop guidance on role and responsibilities in enforcing flytipping offences? Yes / No / Do not know

Yes.

- Action 14.2: Develop guidance on enforcement best practices, including on private land and seek for this to be voluntarily adopted by statutory bodies? Yes / No / Do not know

Yes. Guidance for working with Statutory bodies and community groups, including RAs, SSOW and insurance.

31. Are there any additional proposals you think should be considered for the National Litter and Flytipping Strategy?

No

32. (a) Do you agree that the accompanying Impact Assessments (BRIA, EQIA, ICIA, FSDA) are an accurate representation of core issues and considerations? Yes / No / Do not know

Don't know

33. (a) Do you agree with the recommendations and conclusions within the Strategic Environmental Assessment Environmental Report? Yes / No / Do not know

Don't know