



Environment Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

27 August 2019

A meeting of the **Environment Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 3 September 2019** at **11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minute of Meeting of Environment Policy Development and Scrutiny Panel held on Tuesday 04 June 2019 (herewith).
5. 2018/19 Financial Performance - Month 12 Monitoring - Report by Head of Finance and Property Services (herewith)
6. Civic Government (Scotland) Act 1982 - Sexual Entertainment Venue Licensing - Report by Head of Corporate Services (herewith).
7. Civic Government (Scotland) Act 1982 - Public Entertainment and Theatre Licensing - Report by Head of Corporate Services (herewith).
8. Low Emission Zone for the City of Edinburgh: West Lothian Council's Consultation Response - Report by Head of Operational Services & Head

DATA LABEL: Public

of Planning, Economic Development and Regeneration (herewith).

9. West Lothian Parking Strategy: Consultancy Brief - Report by Head of Operational Services (herewith)
10. Litter Bin Plan - Report by Head of Operational Services (herewith).
11. Environment PDSP Workplan (herewith).

NOTE **For further information please contact Eileen Rollo on 01506 281621 or email eileen.rollo@westlothian.gov.uk**

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621, committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 4 JUNE 2019.

Present – Councillors Tom Conn (Chair), Alison Adamson, Diane Calder, Chris Horne, Dave King, George Paul, Andrew McGuire (Substituting for Cathy Muldoon)

Apologies – Councillor Cathy Muldoon

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Panel confirmed the Minute of its meeting held on 2 April 2019 as a correct record. The Minute was thereafter signed by the Chair.

3. PERFORMANCE REPORT

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services advising of current levels of performance for all indicators which were the responsibility of the Environment Policy Development and Scrutiny Panel.

The Head of Operational Services advised that the council's performance management system, Pentana, measured the performance of service activities through the use of key performance indicators (KPI's). Pentana used a simple traffic light system to show if progress was on target (green), in danger of falling behind target (amber) or below target (red).

The report advised that there were currently 36 High Level Key Performance Indicators under the remit of the panel and were categorised as follows:-

- 24 green
- 4 amber
- 8 Red

The report provided details with regard to the 8 red indicators. Appendix 1 to the report contained full details of each indicator.

In conclusion it was advised that the report informed the panel of the performance of the wide range of activities within Operational Services. The information contained in the report and appendices would allow the panel to focus on the issues that services currently faced and included indicators where services performance was currently below target.

It was recommended that the Panel note the performance information and determine if further action or enquiry was necessary for any of the indicators mentioned within the report.

Decision

To note the contents of the report

4. OPERATIONAL SERVICES MANAGEMENT PLAN 2019/20

The panel considered a report (copies of which had been circulated) by the Head of Operational Services outlining the purpose, scope and content of the Operational Services Management Plan for 2019/2020, a copy of which was attached to the report.

The Head of Operational Services explained that the Management Plan comprised of the following sections

1. An introduction by the Head of Service
2. A service overview of the key activities for each part of the service and an explanation of how these support the delivery of the council's priorities.
3. A summary of how the service would charge as part of the council's Transforming Your Council agenda.
4. A detailed section on each aspect of the service.
5. The service action plan for 2019/20 and its scorecard for the previous year.

It was noted that the service also completed a number of significant changes during the year to conclude its part of the Transforming Your Council Agenda. It delivered a number of key capital projects in the Roads and Open Space asset management parts of the council's Capital Programme.

In conclusion the management plan provided the framework for service delivery in the coming financial year.

It was recommended that the panel note the terms of the report and the Management Plan for 2019/2020.

Decision

To note the contents of the report and the Operational Services Management Plan 2019/2020.

5. PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

MANAGEMENT PLAN 2019/2020

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the contents of the Planning, Economic Development and Regeneration Management Plan 2019/20, a copy of which was attached to the report.

The Head of Planning, Economic Development and Regeneration explained that the Management Plan comprised of the following sections:

1. An overview from the head of service outlining the key service areas, how these align to the council priorities, and how performance against them was measured.
2. An overview of activities relating to transforming your council, service structures and employee engagement.
3. A series of service specific sections incorporating activity budgets, resource allocation and performance.
4. An overview of the management processes and action plan to support delivery of services and corporate priorities.
5. A scorecard indicating performance against specific key indicators.

During 2018/19, Planning, Economic Development and Regeneration Services provided a wide range of services to all areas of the council, local communities and business. Each contributing to positive outcomes in the eight corporate priorities.

In conclusion the management plan provided the framework for service delivery in the coming financial year, including those services that report through other Policy Development and Scrutiny Panels.

It was recommended that the panel note the terms of the report and the Management Plan for 2019/2020.

Decision

To note the contents of the report and the Planning, Economic Development and Regeneration Management Plan 2019/2020.

6. FOOD SERVICE PLAN 2019/2020

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Food Service Plan 2019-20 and of the need for the council to approve an annual food service plan, a copy of which was attached to the report at Appendix 1.

Since 1 April 2015 Food Standards Scotland had been responsible for all

strategic and policy aspects of food standards and food safety in Scotland.

There were specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) required the statutory obligations covered to be brought to the attention of local authority officials and or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

Safe food and drink was something which the vast majority of the population took for granted and the safety of this fundamental human need relied on a competent, trustworthy and properly regulated and managed supply monitored mainly by Environmental Health Officers working with local authorities. The purpose of the Food Service Plan was to outline how such controls were delivered in West Lothian using existing resources.

The service plan identified the different aspects and aspects of service delivery to ensure a rounded, balanced and effective approach to public health protection. The plan also reflected the prioritisation of the service and recognised that not all aspects could be delivered in line with the requirements of the Food Law Code of practice (Scotland). The Food Service Plan also reflected a number of positive outcomes in terms of improvements to food safety standards within West Lothian food establishments including increasing levels of compliance, maintaining high levels of customer satisfaction from business operators.

The Food Service Plan detailed important elements of performance by presenting statistics and case studies to illustrate the balance between the output and outcomes of service delivery. Everyone working within the service had a responsibility for ensuring delivery of the best service possible. Performance was also monitored and assessed by various methods and reported internally and publically.

The Head of Planning, Economic Development and Regeneration concluded by providing details of the performance of the previous Food Service Plan for 2018-19 and provided a list of the challenges that remained in the new Food Service Plan for 2019-20.

It was recommended that the panel notes and considers the recommendations which were intended to be submitted to Council Executive:-

1. Note the contents of the report and accompanying Food Service Plan; and
2. Approve the Food Service Plan 2019/20.

Decision

1. To note the terms of the report; and
2. Agreed that the report be forwarded to the next appropriate

meeting of the Council Executive with the recommendation that it be approved.

7. HEALTH AND SAFETY SERVICE PLAN 2019/2020

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing the Health and Safety Service Plan 2019/20 and advising of the need for the council to approve an annual health and safety service plan, a copy of which was appended to the report.

In order to meet the requirements of the National Local Authority Enforcement Code, the council was required to develop and approve an annual health and safety service plan. The national code was given legal effect under Section 18 of the Health and Safety at Work etc. Act 1974.

The plan outlined how health and safety would be monitored and enforced within West Lothian businesses and other regulated activities. Whilst the main responsibility for ensuring health and safety remained with the businesses and individuals who create the risk, environmental health officers had a statutory duty in ensuring effective risk management, supporting businesses, protecting the West Lothian community, and contributing to a wider public health agenda.

The key role of the service was public health protection. The service shared enforcement and regulatory responsibilities for health and safety with the Health and Safety Executive (HSE). The main demands on the service were driven by routine risk rated inspections and interventions, accident reports and investigations, and concerns and requests for service regarding health and safety.

The report then moved on to provide information on how performance would be monitored and assessed. The changing nature of demands on the service required a flexible approach to balancing priorities and officers and managers continued to take a constructive and professional approach to such matters ensuring good performance in a number of areas.

The report concluded with information on the key challenges for 2019/2020 and beyond.

It was recommended that the panel note and consider the following recommendations which were intended to be submitted to Council Executive:-

1. Notes the content of the report and accompanying Health and Safety Service Plan; and
2. Approve the Health and Safety Service Plan 2019/20

Decision

1. To note the terms of the report.

2. Agreed that the report be forwarded to the next appropriate meeting of the Council Executive with the recommendation that it be approved.

8. BROXBURN FLOOD PROTECTION SCHEME

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on progress being made to deliver the final component of the Broxburn Flood Protection Scheme.

The Head of Operational Services explained that the extent of what could be delivered by the Broxburn Flood Protection Scheme was constrained by available Scottish Government funding.

Subsequent studies, based on new modelling guidelines, revised climate change projections, improved data and more sophisticated modelling capabilities had the effect of increasing the number of properties, which may be at risk in all locations and lowering the standard of protection provided by existing measures.

Based on estimated costs, there was currently sufficient funding in place to construct the final component of the original scheme but to a more contemporary standard of protection, provide protection to properties at West Main Street and provide property-level protection to properties at Parkwood Gardens and New Holygate, neither of which were part of the original scheme.

Given the number of properties which recent modelling suggested were at risk from infrequent but more severe events, it had been intended to take forward follow-up schemes but low benefit-to-cost ratios would be unlikely to attract future government funding.

The proposed package of measures when implemented would improve the protection to 40 properties at Nicol Road and Pyothall Court, Broxburn, 3 at West Main Street, Broxburn and 17 at Parkwood Gardens and New Holygate, Broxburn.

It was recommended that the Panel

1. Notes the current status of the original flood protection scheme; and
2. Considers the following recommendations which were intended to be submitted to the Council Executive :-
 - Approves the proposal to proceed with implementation of the final component of the existing flood prevention scheme protecting residential properties at Nicol Road and Pyothall Court, Broxburn; and

- Authorises officers to augment existing defences at West Main Street, Broxburn and promote a property-level protection scheme at New Holygate and Parkwood Gardens.

Decision

1. To note the contents of the report
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

9. TRANSPORT (SCOTLAND) BILL - STAGE 1 REPORT

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the Transport (Scotland) Bill Stage 1, which was published on 7 March 2019.

The report advised that the Transport (Scotland) Bill was progressing through the Scottish Parliament, and included consideration of the creation and enforcement of Low Emission Zones (LEZ), options for more flexibility in the provision of bus services, smart ticketing, a ban on pavement and double parking, changes to roadworks regulations, the financing of regional transport partnerships and the governance of Scotland's canals.

The Scottish Parliament's Rural Economy and Connectivity Committee published its Stage 1 report on 7 March, and although the Committee supported the general principles of the Bill, it stated that "greater clarity was required on a number of issues as the Bill continued its parliamentary passage".

The Bill covered five areas in addition to LEZ, including bus services and smart ticketing. With regard to bus services being in decline, the committee cited the reduction of direct bus support in rural areas and congestion and lack of appropriate infrastructure in some urban areas as contributing to the decline. However the Committee believed that the provisions proposed in the Bill were unlikely to make a marked difference in arresting the decline in bus patronage. The Committee thought the requirement that local authorities could only provide bus services if they were to fulfil an unmet public transport need created an unnecessary restriction.

The Committee recommended that the Scottish Government bring forward a stage 2 amendment to remove the restriction and allow local authorities greater flexibility in their ability to provide local bus services. Additionally, the Scottish Government should provide additional information on how it expected the provisions that would allow councils to run bus services to operate in practice and to indicate what guidance and support would be available to them to ensure they did not fall foul of competition law.

The report recommended that the Panel note the Transport (Scotland) Bill, Stage 1 report which was published on 7 March 2019 by the Scottish Parliament's Rural Economy and Connectivity Committee.

Decision

To note the contents of the report.

10. THE USE OF CHEMICAL FOR SPORTS PITCH MARKING

The Panel considered a report (copies of which had been circulated) advising of the European Union's decision to ban the chemical Finale 150 that was currently used for weed spraying sports pitch lines; and how this would change the service's approach and methodology for future pitch marking.

The report advised that NET's, Land and Countryside's methodology for line marking was to mark the location of the lines as an indicator for pitch users by weed spraying the lines into the grass surface. Thereafter pitch users had responsibility for routinely overmarking the lines prior to games.

The weed spraying chemical currently used by the council was Finale 150, which contained Glufosinate Sodium. Finale 150 was the most commonly used chemical and was the most cost effective.

Following a review of the use of Glufosinate Sodium, the Health and Safety Executive and the European Union took the decision to ban its sale from 31 December 2018.

It was noted that there was only one other weed spraying chemical available on the market that could be used for line marking purposes. However this product was considerably more expensive and less effective which would mean that the service would need to increase the number of applications of chemical to maintain lines. Therefore the service had to review the delivery for line marking sports pitches.

The Head of Operational Services explained that a desktop evaluation process was undertaken by officers following the removal of the chemical Finale 150 from the market to cost out alternative options for line marking sports pitches. Details of the following three options were outlined in the report:-

- Preline
- Fortnightly Overmarking
- Amendment to Current Processes

In conclusion the report advised that the current methodology could no longer continue due to the ban of the sale of the chemical currently used for weed spraying line markings.

It was recommended that of the other available options outlined in the report that the option that was most cost effective and could be delivered within existing resources was to amend the current process to measure and mark sports pitches twice annually and to extend the responsibilities for overmarking to pitch users.

The report recommended that the Panel note the current situation regarding the use of Finale 150 and the impact that the removal of the product would have on the council's service standards, in particular the requirement for additional resource from sports pitch users.

Decision

To note the contents of the report.

11. WORKPLAN

The Panel considered the list of items that would form the basis of the panel's work over the coming months.

Decision

To note the contents of the workplan.



ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

2018/19 FINANCIAL PERFORMANCE – MONTH 12 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Panel with an update on the financial performance of the Environment portfolio for the General Fund Revenue budget and the General Services Capital Investment Strategy.

B. RECOMMENDATION

It is recommended that the Panel:

1. Notes the financial performance of the Environment portfolio for 2018/19;
2. Notes that the Environment portfolio position for the year formed part of the overall council position reported to Council Executive on 25 June 2019;
3. Notes any actions required to be taken by Heads of Service and budget holders to manage spend within available resources.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973, Section 95; Local Government in Scotland Act 2003, section 1-14.
III Implications for Scheme of Delegations to Officers	No implications at this stage.
IV Impact on performance and performance indicators	Effective budget management is an essential element of service performance. Additional financial reporting provides elected members with information to allow for proper scrutiny of performance of services.
V Relevance to Single Outcome Agreement	The revenue and capital budgets provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.
VI Resources – (Financial, Staffing and Property)	An overspend of £810,000 is the position for the Partnership and Resources portfolio revenue budget in 2018/19. There was slippage of £1.020 million on the capital programme for the portfolio area.

VII Consideration at PDSP

A financial performance report will be presented to the Panel twice yearly on an ongoing basis.

VIII Other Consultations

Depute Chief Executives, Head of Operational Services and Head of Planning, Economic Development and Regeneration

D. TERMS OF REPORT**D.1 Introduction**

This report provides an update on the financial performance of the general fund revenue and general services capital investment strategy in respect of the Environment Policy Development and Scrutiny Panel (PDSP) portfolio of services. The council's revenue budget is operationally managed at a Head of Service level and the capital budgets are managed at an asset level. The financial position included within this report formed part of the overall council position reported to Council Executive on 25 June 2019. This report also includes the position on the delivery of approved budget reduction measures relevant to the Environment portfolio for 2018/19.

The budget monitoring process is undertaken in line with the council's budgetary control framework and procedures, which places particular focus on a risk based and pro-active approach to budget monitoring.

This report focuses on the financial performance of council services which further enhances the information presented to elected members to allow scrutiny of service and financial performance. The report contains reference to key performance measures for service areas which are contained within Service Management Plans and referenced in the 2017/18 Local Government Benchmarking Framework (LGBF) data-set. LGBF data for 2018/19 will be collated by the Improvement Service and will be made available later in the financial year.

D.2 Financial Information for 2018/19 Month 12 Position

The table below summarises the position in relation to service expenditure for the portfolio area. The revenue position is an overspend of £810,000 for the Environment portfolio and there was slippage of £1.020 million on the capital programme for the portfolio area. As part of the monitoring exercise, a number of key risks and service pressures have been identified and these are noted in the narrative for the relevant service area.

Service	2018/19 Budget £'000	Month 12 £'000	Variance £'000
GENERAL FUND REVENUE			
Operational Services			
Roads and Transportation	18,198	17,772	(426)
Recycling and Waste Management	14,848	16,073	1,225
Nets, Land and Countryside	14,463	14,422	(41)
Operational Services - Total	47,509	48,267	758
Planning, Economic Development and Regeneration			
Environmental Health and Trading Standards	1,560	1,612	52
Planning, Economic Development and Regeneration - Total	1,560	1,612	52
TOTAL EXPENDITURE GENERAL FUND REVENUE	49,069	49,878	810
GENERAL SERVICES CAPITAL			
Roads	10,400	10,290	(110)
Open Spaces	3,099	2,189	(910)
TOTAL EXPENDITURE GENERAL SERVICES CAPITAL	13,499	12,479	(1,020)

D.3 Summary of Main Issues in Service Expenditure Budgets and Impact on Performance

D.3.1 General Fund Revenue - Operational Services

Roads and Transportation

Roads and Transportation Services had an underspend of £426,000 as a result of the mild weather over the winter period. This underspend is considered one-off; severe winter weather experienced in 2017/18 would have resulted in the service utilising this expenditure in full.

Service performance remains positive in terms of asset condition with the council being ranked sixth overall in Scotland for the conditions of roads (the percentage of roads that should be considered for maintenance treatment) in 2018/19. The most recent customer satisfaction survey for 2018/19 indicated that customers are less satisfied with footway winter maintenance, rural road maintenance and pot hole maintenance, however, satisfaction with street lighting coverage is higher and winter maintenance on the general network is high. There have been a number of approved budget reductions delivered within this area and it is important that customer satisfaction is managed against a background of reduced expenditure. Expenditure is being prioritised on those areas which meet statutory requirements.

Recycling and Waste Management

Recycling and Waste Management's outturn was £1.225 million higher than budget, mainly as a result of the level of global waste gate fees, in particular blue bin material. As a result of this pressure, additional recurring budget has been provided for 2019/20 onwards. In addition there are continuing pressures on overtime to cover sickness absence and meet current service standards. It is anticipated that these will be mitigated in 2019/20 after the introduction of agreed service standard changes for the service.

Future budget reductions in this area will inevitably reduce the cost of the service, in particular, changes to the way blue bin, food and brown bins are collected and how their respective waste is treated. However, this expected reduction in cost will also increase recycling rates and the challenge will be to maintain customer satisfaction levels through the provision of clear service standards to the public. An emerging development is the Scottish Government's proposals for a deposit return scheme. Close liaison with the government is required to assess how this will impact on the council's expenditure and funding arrangements, including agreed budget savings to introduce further source segregation of blue bin material.

In terms of service performance, household recycling rates have increased considerably, from 48.5% in 2016/17 to 61.3% in 2017/18, which is the highest increase in recycling rates of any Scottish authority and the second highest household recycling rate overall. The rate for 2018/19 will be available over the coming weeks and will be reported to PDSP. The service is ranked 24th in Scotland for the cost of collection and 16th for the cost of disposal within the LGBF exercise for 2017/18, both of which are an improvement on the 2016/17 rankings. In comparison, customer satisfaction remains high with the council being ranked 8th in Scotland for customer satisfaction, the previous ranking was 4th in 2016/17.

Nets, Land and Countryside

Nets, Land and Countryside underspent by £41,000. LGBF data indicates that in comparison with other local authorities' customer satisfaction is consistently higher than the national average, although this has seen a slight dip in recent years. Feedback from the customer satisfaction survey has suggested that the drop in performance can be associated with an increase in fly-tipping across the area and not street cleaning.

Similarly for open spaces and parks, LGBF data indicates that customer satisfaction is also above the national average. Assessments of our district parks, neighbourhood parks, local parks and general open space demonstrate an improvement in quality and accessibility. The service has seen improvements in satisfaction with the overall quality of its parks and open spaces and this demonstrates that the planned improvements have delivered a positive outcome for the local communities within West Lothian.

There have been a number of approved budget reductions delivered within this area and it is important that future customer satisfaction is managed against a background of reduced expenditure.

D.3.2 General Fund Revenue – Planning, Economic Development and Regeneration

Environmental Health and Trading Standards

An overspend of £52,000 was the position for Environmental Health and Trading Standards. Pest control income under recovered against budget by £26,000 and will continue to be monitored closely, with measures taken to increase income where opportunities exist such as the introduction of new services. Unbudgeted legal costs make up the balance of the overspend.

Expenditure in this area has allowed the service to maintain performance in line with previous years and the main performance targets have remained similar or have improved. Overall, and for the most recent survey periods, 100% of customers have measured the service as either good or excellent, 99.4% of service requests to Trading Standards have been responded to within service level targets and 97.7% of the highest risk commercial premises have been inspected within the agreed programme timelines. 80.9% of service requests to Environmental Health have been responded to within service level targets. This is below anticipated target, but reflects the impact of gaps in staff resource whilst vacancies were being filled. The number of infectious diseases in West Lothian that have been reported to the council increased from the previous year but was in line with other years.

In terms of benchmarking costs with other local authorities, the council's Environmental Health service is consistently below the average of other authorities in Scotland demonstrating the delivery of efficient services by the council. LGBF comparative data for 2017/18 indicates that the council has the third lowest expenditure in Scotland for Environmental Health. Staffing resource and other anticipated external demands may impact on performance going forward and therefore targets and priorities will be reviewed to ensure continued focus on highest priority aspects of the service. Monitoring of service performance will continue in the new financial year to allow for appropriate response and adjustments, but it is anticipated that performance in high priority aspects of the service will not be adversely affected by the delivery of approved budget reduction measures.

D.3.3 General Fund Revenue – Monitoring of approved budget reductions

For the Environment portfolio, savings in 2018/19 have been delivered in full. The operational delivery of the savings for future years is progressing well with many savings requiring changes to shift working arrangements and changes to refuse collection schemes.

D.3.4 General Services Capital

The final outturn position for Roads and Open Spaces asset categories was net slippage of £1.020 million for the financial year. The Property and ICT asset categories were reported to the Partnership and Resources PDSP on 23 August 2019.

Roads

The agreed programme was largely delivered within the 2018/19 budget with slippage of

£110,000 or 1% of the budget reported. The programme delivered a variety of projects which is aimed at key infrastructure such as roads, street lighting, bridges, footways, flood prevention, traffic signals and road casualty reduction schemes.

Open Spaces

Slippage of £910,000 was reported and this was due to a number of factors, including projects that were being delivered in collaboration with external organisations and slippage of council funding to allow match funding to be secured to allow a greater programme of works to be carried out. These projects include Kettilstoun Mains, Linlithgow, Balbardie Park of Peace, Bathgate and synthetic turf pitch upgrades. Although slippage was reported, it is envisaged that expenditure will be fully incurred in 2019/20 for these projects.

E. SUMMARISED BUDGET POSITION FOR 2018/19

The month 12 position is an overspend of £810,000 within the General Fund Revenue budget for the Environment portfolio. The overall outturn was reported to Council Executive on 25 June 2019. Various factors led to the underspend on revenue which are outlined in this report. Capital projects had slippage and it is envisaged that those project will commence in 2019/20.

F. FUTURE BUDGET ISSUES AND RISKS

West Lothian Council approved a five year revenue budget strategy from 2018/19 to 2022/23 including savings measures for the three years 2018/19 to 2020/21 on 13 February 2018 with a further revision to the overall level of savings required approved by Council on 19 February 2019. The total level of savings approved for the five year period is £60.550 million with £41.991 million of those savings required in the first three years. The significant level of approved savings, in addition to savings achieved in previous years and the impact of constrained funding, is resulting in an increased risk of overspends across council services and the ability to deliver approved budget reductions. In addition, there are recurring pressures of £4.047 million, as reported to Council Executive on 26 February 2019, Mitigating actions have been agreed and are being implemented to ensure these pressures are managed on a recurring basis.

The overall position reflects the very challenging financial position the council is now facing after many years of funding constraints and requirements to make significant savings with demand for services continuing to grow. There are considerable risks and uncertainties around various aspects of council spending, including the costs of demand led services especially in social care, the level of inflationary increases in budgeted expenditure and the waste recycling market. There are also major risks connected to the future level of UK and Scottish Government funding and of policy changes that impact on local government in Scotland.

Specifically for the Environment portfolio, there are key risks around the cost of processing waste material and maintaining the recycling rates going forward. In particular, with the opening of the new transfer station at the Whitehill Service Centre and volatility in the recycling market, gate fees can have significant impacts on expenditure. As noted in this report, the impact on global markets on the recycling gate fee for blue bin material had an adverse impact on council expenditure with additional budget provided in the 2019/20 budget. There is a risk that gate fees could change further in the months and years ahead. The implementation of Scottish Government proposals for a deposit return scheme for waste materials needs to be assessed fully, in particular the impact on council expenditure and funding arrangements. In addition, severe weather events such as heavy snowfall and flooding can have a significant impact on expenditure within Roads and Transportation. Severe weather working and related expenditure is monitored closely if and when events occur and remain general risks on an ongoing basis.

The council's risk based approach to budget monitoring will ensure that effective action is

taken to manage risks during the course of the financial year. Officers will continue to provide updates on risks as part of the quarterly budget monitoring reporting to Council Executive at period 4, 6 and 9.

G. CONCLUSION

The position for the Environment portfolio was an overspend of £810,000. As noted, the position for the Environment portfolio is part of the overall outturn position for 2018/19 which was reported to Council Executive on 25 June 2019. There was slippage of £1.020 million on the capital programme for the portfolio area.

H. BACKGROUND REFERENCES

1. 2018/19 Financial Performance – Month 6 Monitoring Report – Report by Head of Finance and Property Services to Environment PDSP on 30 October 2018
2. Draft 2018/19 General Fund Revenue Budget Outturn - Report by Head of Finance and Property Services on 25 June 2019
3. Local Government Benchmarking Framework

Contact Person: Keith Johnstone, Group Accountant
keith.johnstone@westlothian.gov.uk - Tel No. 01506 281298

Donald Forrest

Head of Finance and Property Services

Date: 3 September 2019



ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SEXUAL ENTERTAINMENT VENUE LICENSING

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To inform the Panel of changes to legislation enabling the council as licensing authority to introduce a licensing scheme for sexual entertainment venues (SEVs).

B. RECOMMENDATION

It is recommended that the Panel notes the new legislative power for the council as Licensing Authority to introduce a licensing scheme for SEVs and also that the Council Executive will be asked to consider undertaking a consultation and evidence gathering process to establish views on the following:

1. Whether SEVs in West Lothian should be licensed;
2. If licensed, what the appropriate number of SEVs for West Lothian should be; and
3. If licensed, what should be included in a SEV policy statement

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none">• focusing on our customers' needs;• being honest, open and accountable;• providing equality of opportunities;• working in partnership
	II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Sections 45A – 45F of Part III and Schedule 2 of the Civic Government (Scotland) Act 1982
	III Implications for Scheme of Delegations to Officers	None
	IV Impact on performance and performance	None

Indicators

V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	N/A
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Background

The Air Weapons and Licensing (Scotland) Act 2015 ("2015 Act") provided for changes to be made to the Civic Government (Scotland) Act 1982 ("1982 Act"). Not all of the provisions detailed in the 2015 Act were brought into force immediately. Recently, the Scottish Government passed The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 which as from 26 April 2019 introduced the provisions giving local authorities a discretionary power to licence SEVs.

SEVs are defined in the legislation as any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser and where it is for the sole or principal purpose of sexual stimulation of members of the audience. It should be noted that if sexual entertainment has not been provided at a premises on no more than three occasions within a 12 month period then the premises cannot be treated as a SEV.

D2 Current Position in relation to licensing of Sexual Entertainment Venues

Prior to the above commencement order there was no legal requirement for SEVs to be licensed in Scotland. However premises not used for the sale of alcohol would have required a public entertainment licence for any adult entertainment taking place within premises. No such applications have ever been received.

Previously in relation to premises licensed for the sale of alcohol, adult entertainment could only take place if this was listed as an activity on the approved operating plan. At present there are only three premises licensed for the sale of alcohol in West Lothian which have adult entertainment included as an activity in the operating plan for their premises. Of these one would need to apply for a variation of their licence if they wanted to operate as a sexual entertainment venue as the licence does not permit the type of adult entertainment which falls within the new definition of sexual entertainment. There would not appear to be any activities falling within the definition of sexual entertainment currently taking place within licensed premises within West Lothian.

Case law under the 2005 Act has made it clear that the liquor licensing legislation is limited to the regulation of the sale of alcohol only and cannot extend to matters not linked to the sale of alcohol. In view of this the new licensing scheme has been introduced by the Scottish Government to regulate SEVs in Scotland.

D3 Guidance in relation to licensing of Sexual Entertainment Venues

In considering the new powers the council is obliged to take account of the guidance issued by the Scottish Government referred to in section in F of this report. That guidance states that the new licensing regime will allow local authorities to consider local circumstances in setting the number of venues able to operate within their areas (this could be nil) and to exercise appropriate control and regulation of these venues.

Therefore in considering whether to pass a resolution to licence SEVs in West Lothian the council should consider whether it will wish to control SEVs either now or in the future. If there is no resolution in place, then no licence is required to operate an SEV. If the council does not adopt this discretionary power then SEVs could operate without any direct control from the council.

The main purpose of regulating this type of activity is the preservation of public safety and order and the prevention of crime. The introduction of the legislation is aimed at giving local authorities powers to improve standards in the industry, ensuring the safety of performers and customers, regulating the impact on the locality, improving local accountability and control.

The guidance states that the purpose of a published sexual entertainment policy statement is to provide local communities with a clear indication of the local authority's policy and examples of licensing conditions, along with enforcement details. The policy should also demonstrate how the council intends to help protect the safety and wellbeing of performers, customers and the wider public.

Where a local authority opts to licence SEVs, the provisions at section 45A of the 1982 Act require a licence for premises operated as a SEV where the sexual entertainment is performed live, is for the direct or indirect financial benefit of the organiser and is for the sole or principal purpose of sexual stimulation of members of the audience. However, premises where sexual entertainment is provided on no more than three occasions in a twelve month period are not to be treated as SEVs. Further detail on the full statutory definition of a SEV is detailed at Appendix 1 to this report.

The Scottish Government has indicated that local authorities are best placed to reflect the views of the communities they serve and to determine whether sexual entertainment establishments should be licensed within their areas, and if so, under what conditions.

A local authority which resolves to licence SEVs will have to publish a SEV policy statement, developed in consultation with relevant interest groups (including violence against women partnerships and similar groups) which will provide local communities with a clear indication of the local authority's policy.

D3 What the council must do to introduce an SEV licensing scheme

To introduce an SEV licensing scheme the council must pass a resolution. In order to pass a resolution the council must

- consider the impact of licensing of SEVs in West Lothian having regard in particular to the licensing objectives of preventing public nuisance and crime and disorder, securing public safety, protecting children and young

- people from harm and reducing violence against women
- consult such persons or bodies as they consider appropriate
- determine the appropriate number of SEVs for West Lothian
- prepare a SEV policy statement taking into account the above licensing objectives and publish that at the same time as the resolution

The policy statement must be based on sound licensing reasons which relate to the objectives listed above. The policy statement cannot contain a restriction on the number of SEVs based on moral reasons alone.

D4 Consultation

The council is asked to consider if a public consultation and evidence gathering process should be launched to seek views on this new legislative power prior to the council making a decision as to whether it should introduce a licensing scheme for SEVs.

E. CONCLUSION

New legislation has recently been brought into effect to allow the council as licensing authority to introduce a licensing scheme for SEVs. The Panel is asked to note that legislation and also note that the Council Executive will be asked to consider whether a public consultation and evidence gathering process should be undertaken prior to making a decision as to whether it should introduce a licensing scheme for SEVs.

F. BACKGROUND REFERENCES

Guidance on the provisions for licensing of sexual entertainment venues and changes to licensing of theatres issued by the Scottish Government in March 2019

<https://www.gov.scot/publications/guidance-provisions-licensing-sexual-entertainment-venues-changes-licensing-theatres/pages/7/>

Appendices/Attachments:

Appendix 1: Definition of SEV

Contact Person: Audrey Watson, Managing Solicitor – Licensing, Legal Services (01506) 281624

Audrey.watson@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services

Date: 3 September 2019

DEFINITION OF SEXUAL ENTERTAINMENT VENUE

“Sexual entertainment venue” means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.

For the purposes of that definition —

“audience” includes an audience of one,

“financial gain” includes financial gain arising directly or indirectly from the provision of the sexual entertainment,

“organiser” , in relation to the provision of sexual entertainment in premises, means—

(a) the person (“A”) who is responsible for—

(i) the management of the premises, or

(ii) the organisation or management of the sexual entertainment, or

(b) where A exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person,

“premises” includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted

“sexual entertainment” means—

(a) any live performance, or

(b) any live display of nudity,

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

For the purposes of the definition of “sexual entertainment”, “display of nudity” means —

(a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,

(b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.



ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT AND THEATRE LICENSING

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To inform the Panel of changes to legislation regarding theatre licensing which will impact on the public entertainment licensing scheme.

B. RECOMMENDATION

It is recommended that the Panel notes:

1. The legislative changes to theatre licensing; and
2. The requirement for the council to amend the public entertainment licensing resolution due to other new legislation; and
3. That as a result of these changes the Council Executive will be asked to consider authorising the Chief Solicitor to undertake a full review of the council's public entertainment licensing scheme including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none">• focusing on our customers' needs;• being honest, open and accountable;• providing equality of opportunities;• working in partnership
	II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<ul style="list-style-type: none">• Theatres Act 1968• Section 41 of Part II and Schedule 1 of the Civic Government (Scotland) Act 1982
	III Implications for Scheme of Delegations to Officers	None
	IV Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	N/A
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Background

The Air Weapons and Licensing (Scotland) Act 2015 ("2015 Act") provided for changes to be made to the Civic Government (Scotland) Act 1982 ("1982 Act"). Not all of the provisions detailed in the 2015 Act were brought into force immediately. Recently, the Scottish Government passed The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 which as from 26 April 2019 introduced provisions which will lead to the repeal of the Theatres Act 1968 and allow theatre licensing to be included in the council's public entertainment licensing resolution. The government has published guidance in relation to these changes which is referred to at section F of the report.

D2 Current Position in relation to licensing of Theatres

Theatres are currently licensed under the Theatres Act 1968 but all licences granted under that Act will come to an end on 27 January 2021. West Lothian currently has three premises permanently licensed under the 1968 Act. In addition over the years there have been a number of applications for temporary theatre licences for particular events.

The new legislation allows councils to consider licensing theatre premises under the public entertainment licensing provisions of the 1982 Act. Due to other legislative changes the Council's public entertainment resolution which sets out the various types of activities which require to be licensed locally, requires to be amended to delete adult entertainment, as a new scheme for licensing sexual entertainment venues has been introduced. These changes would also allow the council an opportunity to fully review the terms of the current public entertainment resolution. The resolution was last amended in 2012 and it is important for public safety reasons that it is regularly reviewed. The revised resolution was approved at the Council Executive on 12 March 2012. In addition, this would be an opportunity to review conditions and fees which were not reviewed in 2012. A link to the report and minutes is contained in section F of this report.

The council is asked to consider if theatres should be included in the public entertainment licensing resolution and if so whether a full review of public entertainment licensing should be undertaken including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees. A copy of the current resolution is attached at Appendix 1 this lists the activities which require to be licensed as public entertainment.

E. CONCLUSION

New legislation has recently been brought into effect which will lead to the repeal of the Theatres Act 1968 on 27 January 2021 and allow the council as licensing authority to incorporate theatre licensing into its public entertainment licensing

scheme. The Panel is asked to note this change in legislation and that the Council Executive will be asked to consider whether theatres should be included in the public entertainment licensing resolution; that the resolution requires to be amended in light of other new legislation and also that the Council Executive will be asked to consider if a full review of public entertainment licensing should be undertaken including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees.

F. BACKGROUND REFERENCES

Report to Council Executive on 20 March 2012 regarding last review of Public Entertainment Licensing

<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dc%90k%81%8C>

Minute from Council Executive meeting on 20 March 2012 approving the revised resolution

<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dc%90m%81%8D>

Guidance on the Provisions for Licensing of Sexual Entertainment Venues and Changes to Licensing of Theatres issued by the Scottish Government in March 2019

<https://www.gov.scot/publications/guidance-provisions-licensing-sexual-entertainment-venues-changes-licensing-theatres/pages/7/>

Appendix 1: current public entertainment licensing resolution approved on 20 March 2012

Contact Person: Audrey Watson, Managing Solicitor – Licensing, Legal Services (01506) 281624

Audrey.watson@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services

Date: 3 September 2019

**CURRENT PUBLIC ENTERTAINMENT LICENSING RESOLUTION APPROVED BY THE
COUNCIL EXECUTIVE ON 20 MARCH 2012**

West Lothian Council resolved on 20 March 2012 that public entertainment licences are required for the use of premises or land within West Lothian where members of the public are admitted or may use any facilities for the purposes or entertainment or recreation of the following kinds:

- Public dance halls including disco dancing establishments
- Premises with mechanical rides or simulators intended for entertainment or amusement unless the rides are for the exclusive use of children under the age of five whilst supervised by an adult
- Circuses
- Exhibition of persons or performing animals
- Fun fairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, shooting galleries, mechanical riding, driving or boating apparatus, or anything similar to any of the foregoing
- Indoor or open air music concerts or other events involving the erection of temporary raised structures
- Open air music concerts where in excess of 250 persons are present
- Clay pigeon shooting
- Paintball
- Sports or activities involving the transportation or propulsion of persons whether by mechanical or other means including gravity
- Any exhibition to which the Hypnotism Act 1952 applies
- Any activity involving inflatable structures
- Any activity involving shooting
- Archery
- Indoor play areas for children
- Wrestling
- Cage fighting
- Mechanical bowling alleys
- Premises used for laser displays or laser games
- Firework displays or bonfires
- Adult entertainment - defined as "any form of entertainment which involves a person performing an act of an erotic or sexually explicit nature, and is provided wholly or mainly for the sexual gratification or titillation of the audience"



ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL

**LOW EMISSION ZONE FOR THE CITY OF EDINBURGH:
WEST LOTHIAN COUNCIL'S CONSULTATION RESPONSE**

**REPORT BY HEAD OF OPERATIONAL SERVICES & HEAD OF PLANNING,
ECONOMIC & REGENERATION**

A. PURPOSE OF REPORT

The purpose of this report is to outline the City of Edinburgh's Low Emission Zone (LEZ) proposals for the City and to recommend a formal response to the Council Executive.

B. RECOMMENDATION

It is recommended that the Panel notes the contents of the report and recommends to Council Executive that it supports the introduction of the City of Edinburgh's Low Emission Zone in principle but requests clarification to the questions outlined within Section D4 of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy: To be completed.
	Legal: To be completed. Integrated impact assessment: An IIA has been commissioned by City of Edinburgh Council and will continue as LEZ options are finalised. The findings of the IIA to date highlight that there will be a significant impact on the commercial vehicles sector. Similarly, residents reliant on private cars and social care providers with less financial ability to upgrade their vehicles may be impacted also.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.

V Relevance to Single Outcome Agreement

VI Resources - (Financial, Staffing and Property)

Financial: None
Staffing: None.
Property: None.

VII Consideration at PDSP

None

VIII Other consultations

The South East of Scotland Transport Partnership has submitted a response on the LEZ consultation. A copy of the SEStran is contained in Appendix 3.

D. TERMS OF REPORT
Introduction

D1

In June 2018, the Scottish Government introduced the Transport (Scotland) Bill to the Scottish Parliament and is currently at Stage 2. The Bill sets out provisions to enable the introduction of Low Emission Zones (LEZ) in Scotland's four largest cities. The Bill enables the creation and civil enforcement of LEZs by local authorities, and will allow the Scottish Government to set consistent national standards for a number of key aspects including, but not limited to, vehicle emissions, penalties, certain exemptions and parameters for grace periods for LEZs. It is anticipated that the Bill and associated regulations will be finalised early in 2020.

LEZs are not a new tool in tackling air pollution with the first recognised one being introduced in Sweden in 1996. There are now around 250 LEZs in cities across 15 European countries. The first and only one in the United Kingdom was introduced in London in 2008.

The UK Government has announced ambitions to end sales of new conventional petrol and diesel cars and vans by 2040 as part of efforts to tackle climate change and air pollution. The Scottish Government is aiming to end the sale of petrol and diesel vehicles by 2032 and has set out plans to introduce low emission zones in Scotland's four largest cities by 2020.

D2 What is an LEZ?

An LEZ is a geographical area within which polluting vehicles are not permitted. Unless otherwise exempt, polluting vehicles that enter the area are subject to a penalty. Enforcement will utilise Automatic Number Plate Recognition (ANPR) cameras, linked to a national vehicle licencing database, to detect vehicles entering an LEZ which do not comply with the minimum standards.

It is intended that local authorities will design each LEZ based on their specific, local requirements. The Transport (Scotland) Bill will give local authorities the powers to create, enforce, operate or revoke an LEZ in their area and to design the shape, size and vehicle scope of individual LEZs.

D3 Overview of the City of Edinburgh Proposal

The city council has published its draft proposals to roll-out a two-tier LEZ.

Edinburgh's proposed phasing approach is similar to that adopted in many other cities. The proposed boundaries of each zone are set out in Appendix 1 and have been informed by analysis of the baseline model produced by SEPA. Over the summer, the City has been undertaking a city wide traffic data collection survey to update the data and analysis in the baseline air quality model.

Cars, buses and lorries that fail to meet pollution standards will be banned from the city centre. But a separate zone for the wider city will see cars exempt from the rules, meaning that pollution-emitting vehicles will still be able to sit in queues at other key congestion hotspots across the wider city.

The LEZ for the city centre does not include Queen Street, Haymarket and Tollcross. Buses, coaches and commercial vehicles will have until the end of 2021 to meet the city centre standards, while cars will have until the end of 2024 – and the car grace period could be extended to 2025.

If approved, the citywide LEZ would require buses, coaches and commercial vehicles to meet the pollution standards by the end of 2023 and cars would be excluded.

For petrol engines, vehicles will have to meet Euro 4 standards – required for vehicles sold after January 2006. Diesel cars will have to meet Euro 6 standards – required for diesel cars sold after September 2015. Heavy diesel vehicles will need to meet Euro 6 standards – generally those registered with the DVLA after 2014.

No details of the fines for drivers who break the rules have been contained within the consultation but there is likely to be different levels of penalty charge depending on, for example, the class of vehicle or whether there are repeated contraventions. In order for the LEZ to meet its ultimate aims the penalties will need to be substantial enough to change behaviour.

Edinburgh's Public consultation and stakeholder engagement took place between May and July 2019 and the findings will be reported to Edinburgh's Committee in October along with proposals for agreement for an LEZ scheme for the city.

It has been acknowledged by Edinburgh Council that the timing of the consultation has not enabled neighbouring authorities to engage with elected members during the summer recess and they have advised that the views of the neighbouring authorities will still be considered after the deadline. Both Edinburgh and Scottish Government have stressed the importance of elected member involvement on such a sensitive and significant topic.

A frequently asked questions sheet has been prepared, by Edinburgh Council, as part of the consultation (Appendix 2).

D4 Implications for West Lothian / Consultation Response Points

(The questions and issues which will form the basis of the consultation response are shown in italics below.)

General

West Lothian Council recognises the environmental and associated health impacts of transport emissions in the City and the need to tackle these. Many of these impacts are similar to developing ones in West Lothian but are more chronic. West Lothian has, over recent years, seen air quality becoming an issue in some of our towns and villages.

For the reasons above, the introduction of a LEZ should be supported. However, the introduction may well impact on West Lothian residents and businesses in a number of ways. It is worth noting that 75% of Edinburgh residents who responded to consultation were supportive of LEZ.

In the absence of any formal Economic Impact Assessment (EIA), it is worth referring to the London Ultra Low Emission Zone (ULEZ) EIA 2014. This suggested that in year 1 of that scheme there would be only minor-to-moderate economic disadvantage from the introduction of the ULEZ. Interestingly, the longer-term economic impact (2025 onwards) was forecast to be positive from introducing ULEZ. However, the key point is that EIA details for this proposal will be essential.

There are a number of possible local advantages from City of Edinburgh's LEZ. Firstly, for lorries or buses covering a route involving both West Lothian and Edinburgh, then they would need to meet the LEZ standard. Thus for journeys east or west through West Lothian then the emissions would be lower.

A further advantage could be that for West Lothian residents who commute to or visit Edinburgh that they will benefit from better air quality.

It could also be speculated that the LEZ may be perceived as a barrier to doing business in Edinburgh and so drive relocation and investment to surrounding areas such as West Lothian.

Impact of the City Centre and City Wide Boundaries

The extent of the city centre boundary is tight around the recognised city area and the wider city boundary balances an extent of partial or full city coverage. The proposal appears to strike a balance between the environmental differences around the city.

The operational details of the scheme need further clarification, for example, will crossing the boundaries into the LEZ or driving within the area evoke a daily penalty charge for non-compliant vehicles?

From the consultation graphics it appears that the city wide boundary is on the Edinburgh side of the City Bypass.

Confirmation is sought on whether it is to be assumed that drivers will not be affected when travelling on the A720 City Bypass or accessing the slips off the A720 roads to head south. Will the LEZ cover the immediate South Gyle business district?

Confirmation is sought on whether once you have entered and parked you will get the penalty for that day and the day you cross the boundary again. If the vehicle is stationary for 3 days, then does that mean no charge?

Confirmation is sought on whether any residents travelling solely within the boundaries will evoke a penalty or whether it is the case that all journeys starting within a boundary but not crossing a boundary will be able to travel without penalty.

Confirmation is also sought that Edinburgh residents and businesses situated out with the city wide boundary will not be exempt from the scheme.

Confirmation of the likely penalty charge scale is sought.

Edinburgh's City Mobility Plan has 'REGIONAL' projects as part of the policy measures but these are not detailed. It is appreciated that schemes and the associated funding strategy have still to be developed. It is crucial that the process of development and implementation of these schemes runs parallel or closely follows the introduction of the LEZ.

Confirmation is sought on the likely regional projects as well as the funding and delivery strategy of those projects.

It should be recognised that neighbouring authorities are contributing significantly towards the national house building programme; which is necessary to support the growing economy and jobs market for the area. Although accommodating the employment growth, much of the workforce requires to travel into Edinburgh.

Confirmation is sought that any surplus penalty monies (after operating costs) will be used on measures that will increase modal transport shift in the neighbouring authority areas.

Vehicle Cost Implications

Vehicles which do not comply with the standards and restrictions of the LEZ as outlined above, will ultimately incur cost. Private individuals, businesses and organisations will need investment to comply with the standards, or will incur penalties. Although these costs may not be so significant as more and more vehicles become more compliant and the initial impacts will lessen.

Coach and taxi companies within West Lothian may struggle to replace vehicles to meet the standards.

The council is aware that the Bus Emission Abatement Retrofit (BEAR) scheme operated by Scottish Government that supports bus operators to reduce nitrogen dioxide and particulate matter emissions of existing fleet vehicles through the installation of accredited retrofit exhaust abatement retrofit technology has, to date, been under subscribed. In 2018/19, only 13.5% of the £7.89m bus retrofit funding was taken up by operators. The difficulties with retrofit technology and funding need to be addressed.

West Lothian businesses could suffer to meet the LEZ's standards, meaning increased costs or difficulty in bidding for work, or operating, in Edinburgh.

The Displacement Effect

Around each boundary there is likely to be a displacement effect. People and motorists in general will try and reduce the need to incur additional cost, travel time and convenience. This will likely manifest itself on localised areas of pressure. Areas and streets close to public transport hubs will burden additional traffic congestion and parking problems. In some areas this may lead to an increase in vehicle emissions and, in turn, health concerns for those who currently are unaffected. Improvements in emissions in one area of the city are likely to generate an increase in traffic and emissions in another. Mitigations will be required to offset these unintended consequences.

Confirmation and reassurance is sought that these unintended consequences will be fully considered and mitigation measures implemented as the scheme proposals develop.

E. CONCLUSION

It is recognised that environmental and health pressures associated with petrol and diesel vehicles is increasing. Scottish Government's desire to have the four major Scottish cities introducing Low Emission Zones by 2020 is a commitment to improving air quality in our most populated areas.

The City of Edinburgh's phased two tier proposal strikes an initial balance for the introduction of a LEZ. The introduction of any scheme of this type is not without its

challenges. The suggested response to the public consultation recognises this but highlights anticipated local concerns. It is hoped that the City of Edinburgh Council and Scottish Ministers recognise these concerns and work towards resolving them as they work towards finalising and approving the LEZ scheme.

F. BACKGROUND REFERENCES

Consultation Hub information and City of Edinburgh Committee Report

<https://consultationhub.edinburgh.gov.uk/sfc/edinburghlez/>,
[http://www.edinburgh.gov.uk/CET/info/8/about the low emission zone/16/about low emission zones](http://www.edinburgh.gov.uk/CET/info/8/about_the_low_emission_zone/16/about_low_emission_zones), and
[http://www.edinburgh.gov.uk/meetings/meeting/4701/transport and environment committee#minutesDateSearchWidget](http://www.edinburgh.gov.uk/meetings/meeting/4701/transport_and_environment_committee#minutesDateSearchWidget)

Appendices/Attachments:

APPENDIX 1 LEZ proposed boundaries

APPENDIX 2 LEZ frequently asked questions

APPENDIX 3 SEStran Response to Consultation

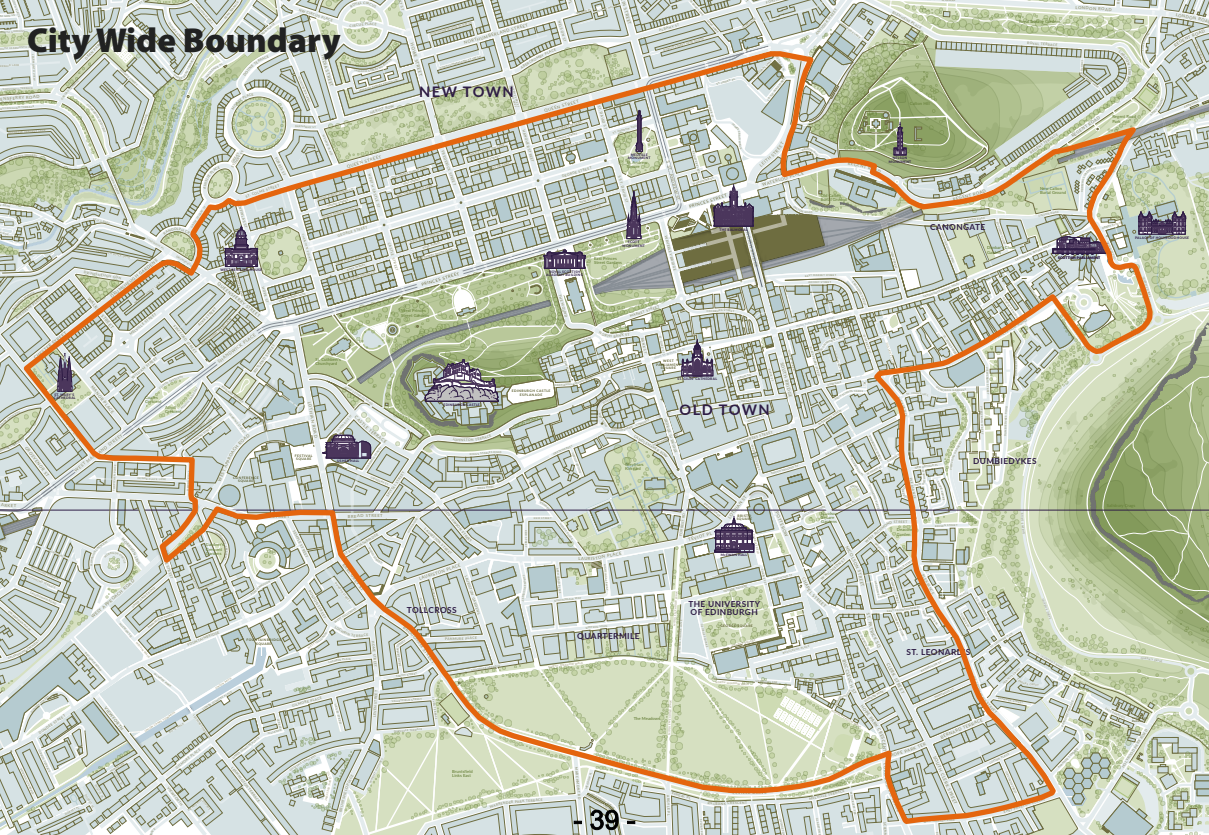
Contact Person: Graeme Malcolm, Roads & Transportation Manager, Tel. 01506 282351

E-mail: Graeme.malcolm@westlothian.gov.uk

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian
Craig McCorriston, Head of Planning, Economic & regeneration, Civic Centre, Livingston, West Lothian

Date: 3 September 2019

City Wide Boundary



TACKLING AIR POLLUTION – EDINBURGH LOW EMISSION ZONES

GENERAL Q+A

What is a Low Emission Zone?

Low emission zones (LEZ) improve local air quality and reduce the impact of air pollution on human health.

LEZs set restrictions on road spaces, where vehicles that do not meet the emission standards are not permitted to enter the zone.

Allowing access to only the cleanest vehicles can help to transform towns and cities into healthier places to live, work and visit.

What are the benefits of cleaner air?

Clean air has never been more important, and the need for action never more urgent.

There is a growing body of scientific evidence that has established linking air pollution and ill health. There is also evidence of links to a wider range of health impacts, such as poor birth outcomes (pre-term birth, low birth weight), diabetes and neurological problems (dementia).

In addition, there are a number of social benefits that can be achieved through better placemaking in the capital's centre, through a focus on the reduction of traffic pollution and improving urban environments.

What are the health impacts of poor air quality?

The purpose of a LEZ is to improve health and well-being of people who live, work or visit the city, particularly those who are particularly vulnerable, the very young, older people and those with pre-existing health conditions. These conditions include lung-related illnesses e.g. asthma or chronic obstructive pulmonary disease, or circulation problems (angina, strokes, heart attacks).

Modelling by Public Health England in 2010 made estimates of the mortality burden on the population in Scotland. This work showed around 2,000 premature deaths and a total of around 22,500 life years lost across the population can be attributed to anthropogenic (man-made) fine particle pollution. In Edinburgh, this can be related to 205 premature deaths and 2,300 life-years lost.

How do vehicles contribute to poor air quality?

Pollutants caused by vehicle emissions are largely invisible, but these gases and particulates can be hazardous to human health. Transport generates over one-third of the total emissions of nitrogen oxides, the majority of these emissions are caused by road transport.

Emissions are improving but not at the expected rate, considering the improving engine emission standards in recent years. The highest level air pollution is found in cities and towns. As most of Scotland's population lives and works in urban environments, transport emissions are the most important source of air pollution affecting human health.

What's happening across Scotland?

The Scottish Government has committed to working with local authorities to have LEZs in place in Edinburgh, Glasgow, Dundee and Aberdeen by 2020.

The Transport (Scotland) Bill was introduced to the Scottish Parliament in June 2018 and is currently progressing through the Parliamentary process. This will provide legislation that enables the creation and civil enforcement of low emission zones.

The Transport Bill will allow the Scottish Government to set nationally consistent standards to apply across Scotland. This is expected to cover issues such as the emissions standards for vehicles, penalty rates, exemptions for specific vehicles, and enforcement.

What decisions will Local Authorities make?

Local Authorities will design each low emission zone based on their specific, local requirements. The Bill will give local authorities the powers to create, enforce, operate or revoke a low emission zone in their area and to design the shape, size and vehicle scope of individual low emission zones.

Who will be affected?

Owners of vehicles which do not meet the minimum emission standards proposed in the Transport Bill.

The standards as proposed are Euro 4 for petrol engines and Euro 6/VI for diesel engines. The use of Euro standards in this manner is commonplace across European LEZs.

The current proxy for Euro standards is to use vehicle age as a guide to the corresponding Euro classification, as follows:

- Euro 4 standard for petrol engines was introduced in January 2005, with any new vehicles sold after January 2006 having to meet this standard,
- Euro 6 standard for diesel cars was introduced in September 2014, with any new vehicle sold after September 2015 having to meet this standard.
- Euro VI emission standards for heavy diesel vehicles - generally those registered with the DVLA after 2014.

How will people reliant on vehicles be affected?

LEZ's only restrict polluting vehicles that do not meet minimum emission standards. People and businesses that are reliant on driving vehicles in the zones will need to operate compliant vehicles.

The proposed grace periods allow time for vehicle owners to upgrade them. In the city centre, commercial vehicles have until the end of 2021 and cars until the end of 2024. For the citywide boundary, commercial vehicles will have until the end of 2023.

What time of day will LEZs operate?

The proposal is for low emission zones to operate 24/7, 365 days a year. The [national regulations](#) allow local authorities the flexibility to set operational hours based on the specific requirements of each zone. However, to ensure we're making the necessary reduction in pollution, Edinburgh's LEZs are proposed to operate 24/7.

Will there be any exemptions?

Exemptions are being considered at a national level. The Transport (Scotland) Bill which was introduced to the Scottish Parliament on the 8 June 2018 will allow Scottish Ministers to make regulations that lay out the details of how LEZs will operate, including on issues such as exemptions. Transport Scotland is considering what exemptions to incorporate into regulations and are currently engaging with stakeholders on a national basis.

It is anticipated that the Council may be able to make provision for time-limited exemptions for vehicles not covered by the blanket exemption but there are particular circumstances in which it ought to be exempt for a limited period.

How will LEZs be enforced?

Unless otherwise exempt, non-compliant vehicles that enter/travel within the LEZ are subject to a penalty.

Enforcement will utilise Automatic Number Plate Recognition (ANPR) cameras, linked to a national vehicle licensing database, to detect vehicles entering a LEZ which do not comply with the minimum standards. A similar system already operates for enforcing bus lanes in Edinburgh.

Can I upgrade my vehicle to be compliant?

Some vehicles (such as buses or taxis) can be retrofitted to enable compliance with emissions standards. In general, the cost of retrofitting cars tends not to be justified.

Retrofitting refers to the use of technologies that can help bring older Euro class vehicles up to the new required levels of adherence when it comes to NOx and CO2 emissions. This effectively makes the vehicle Euro 6 / VI standard.

Further detail about the bus retrofit programme can be found [here](#).

What will the penalties be?

Penalty rates will be set nationally. It is anticipated there will be different levels of penalty charge depending on, for example, the class of vehicle or whether there are repeated infringements. The charges will be defined by regulations and they are expected to be set at such a level to support a high level of compliance.

How will drivers know when they are entering a LEZ area?

Roadside signage will be installed to let drivers know when they are entering a LEZ. Positioning of signs will take account of the need to indicate alternative routes to avoid the LEZ.

Will LEZs reduce congestion?

LEZs are designed to improve air quality through limiting the use of the most polluting vehicles within the zone. The introduction of LEZs will encourage people to consider how they travel in the affected cities with the potential for more people to choose public transport or active travel.

TACKLING AIR POLLUTION – EDINBURGH LOW EMISSION ZONES

EDINBURGH SPECIFIC Q+A

Why is The City of Edinburgh Council progressing LEZs?

Like other Local Authorities in Scotland, we are taking steps towards protecting citizens from the harms of poor air quality, based on [UK legislation](#)

The Scottish Government has committed to work with local authorities in Edinburgh, Glasgow, Dundee, and Aberdeen to implement LEZs by 2020.

The City of Edinburgh Council has committed to 'improve Edinburgh's air quality and reduce carbon emissions [and] explore the implementation of low emission zones' ([Commitment 18](#)).

In [May 2018](#), the Council agreed a comprehensive approach to LEZs as a step towards protecting Edinburgh's citizens from the harms of poor air quality

Why does Edinburgh need LEZs?

Edinburgh has declared six Air Quality Management Areas ([AQMA](#)s), five are for traffic related (NO₂), and are located around the city centre, West End, Corstorphine, Inverleith Row, Great Junction Street, and Newbridge. Road transport is primarily responsible for NO₂ concentrations at the roadside. The other AQMA is for fine particulates (PM₁₀), which relate to industrial activities and other sources around Salamander Street in Leith.

The trend in these areas is positive and we are seeing reductions in pollution with time. However, some areas, particularly in the city centre, are not improving quickly enough and are expected to remain in exceedance of legal limits.

Edinburgh needs to introduce LEZs to restrict the pollution from vehicles to help improve air quality and achieve compliance with legal standards.

What evidence is there to support the introduction of LEZs?

Edinburgh's LEZs have been developed in association with the Scottish Environment Protection Agency (SEPA) to support detailed understanding of the air quality issues in Edinburgh.

Working with Council officers, SEPA has developed a baseline model to help identify the emissions levels that different types of vehicles contribute across Edinburgh. This was documented by SEPA in the November 2018: 'Air Quality Evidence Report - Edinburgh'

This work finds that the most extensive area of roadside traffic pollution is in and around the city centre, where concentrations of NO₂ are at their highest, when compared to other areas of the City.

On-going work will continue to inform the detail of low emission zone proposals including: air quality modelling, transport modelling, integrated impact assessment work, commercial fleet analysis and further engagement with key stakeholder groups. The results of this work will be made publicly available in the future.

What are Edinburgh's plans?

The proposals include a LEZ which applies both to **the city centre for all vehicles**, and **city wide for only commercial vehicles** (buses, coaches, heavy goods vehicles, light goods vehicles, vans, taxis, and private hire cars).

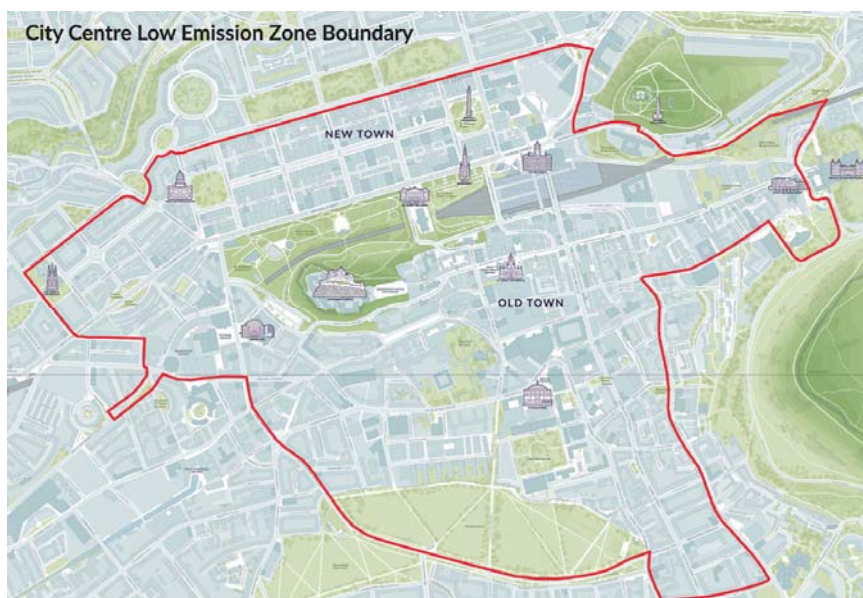
LEZ development is a key aspect linked to a number of strategies aiming to enhance placemaking and connectivity in Edinburgh, including [City Mobility Plan](#) (Edinburgh's strategic direction for transport) and [Edinburgh City Centre Transformation](#) (a strategy setting out interventions to radically reshape the city centre)

Where will the LEZ City boundary be?

We are proposing a city centre LEZ that applies to all vehicles. A city centre LEZ applying to all vehicles, introduced over a short period of time, would have the benefit of tackling the highest concentrations of air pollution in a densely populated area.

The proposed City Centre LEZ is bounded by

- North - St Colme Street and Queen Street;
- East - Leith Street, Regent Road, Abbeyhill, Horse Wynd, Holyrood Road, the Pleasance and St Leonards
- South - East and West Preston Street, Melville Drive, Earl Grey Street, Morrison Street, West Approach Road and Torphichen Street
- West Palmerston Place, Chester Street, Drumsheugh Gardens, Queensferry Street, Randolph Crescent, Great Stuart Street and Ainslie Place.



Where will the City-wide boundary be?

To address pollution in areas beyond the city centre (in particular [Air Quality Management Areas](#)) we are proposing a **city-wide LEZ** applying to **all commercial vehicles** (buses, coaches, HGVs, LGVs, vans, taxis, and private hire cars).

A City-wide LEZ would be defined by the City Bypass, Maybury Road, Cramond Brig, Old Dalkeith Road, The Wisp, the A1 and Milton Road East. It would exclude the City's rural western settlements and Edinburgh International Airport. Cars will not be affected by the City-wide boundary.



When will enforcement start?

Grace periods have been factored in to allow the owners of vehicles time to prepare, with an extended grace period for residents living in LEZ areas. For some people, moving away from vehicle ownership may be a good option meaning they walk, cycle, use public transport more, or make greater use of car clubs or taxis.

Within the city centre boundary, the grace period for buses, coaches and commercial vehicles would be until the end of 2021 and to the end of 2024 for cars. Buses, coaches and commercial vehicles will have until 2023 to comply with the city-wide boundary. Cars will not be affected by the city-wide boundary.

The table below outlines the grace periods.

Edinburgh LEZ Scheme		
City centre boundary		
Vehicle type	Grace Period	Extended Grace Period
Bus / coaches	1 year (End of 2021)	
Commercial vehicles	1 year (End of 2021)	
Cars	4 years (End of 2024)	1 year (End 2025)
City wide boundary		
Vehicle type	Grace Period	Extended Grace Period
Bus / coaches	3 years (End of 2023)	
Commercial vehicles	3 years (End of 2023)	

Why aren't the grace periods shorter?

Improving air quality and ensuring we are moving towards legal compliance in our Air Quality Management areas, is our utmost priority. In order to implement the LEZ scheme, it is important that we consult with the public and those affected to get their views and help further shape decisions including grace periods.

We welcome feedback on the proposed grace periods, and depending on the outcomes of the consultation, grace periods may be revised.

What about the impact on commercial vehicles?

Edinburgh's LEZ proposals may be a challenge for some businesses to meet. Compliance with emission standards of commercial fleet in operation in Edinburgh is relatively low and is having a significant impact on our air quality issues. However, there is a critical need to take action to address poor air quality.

Everyone has a role in helping improve air quality and the Council has its own fleet management plans in place to ensure our vehicles comply with LEZs.

We welcome feedback on the proposed grace periods, and depending on the outcomes of the consultation, grace periods may be revised.

What support is being given to different commercial vehicle sectors?

As part of the LEZ proposals, as well as through the [City Mobility Plan](#) and [Edinburgh City Centre Transformation](#), The City of Edinburgh Council is engaging with the commercial vehicle community to address their needs and gather feedback to help further shape the LEZ proposals.

The Council has a number of actions with businesses to improve air quality in place already. These include working with bus companies to improve fleets, supporting sustainable [travel planning](#), and utilising the [Edinburgh ECO Stars](#) programme to improve commercial fleets.

Work is also underway to improve the taxi fleet in Edinburgh to introduce a surcharge on parking permits for of diesel cars, and investment in [electric vehicle infrastructure](#).

The 2018/19 Programme for Government has indicated programmes of work including hardship grants. Details of these programmes will be available later in 2019.

Why aren't cars included in the City-wide boundary?

This is an aspect of the LEZ proposals that we are seeking feedback on. The most extensive area of roadside traffic pollution is in and around the city centre, where concentrations of NO₂ are at their highest, when compared to other areas of the City.

Commercial vehicles contribute more to overall emissions per vehicle, as they have large engines and repeat more trips across an area. Across the city, commercial vehicles make up one quarter of trips but are responsible for two thirds of the pollution.

Diesel cars are a significant contribution to pollution across the city. However, through the LEZ proposals, we expect that we will be able to effectively reduce emissions without affecting all cars.

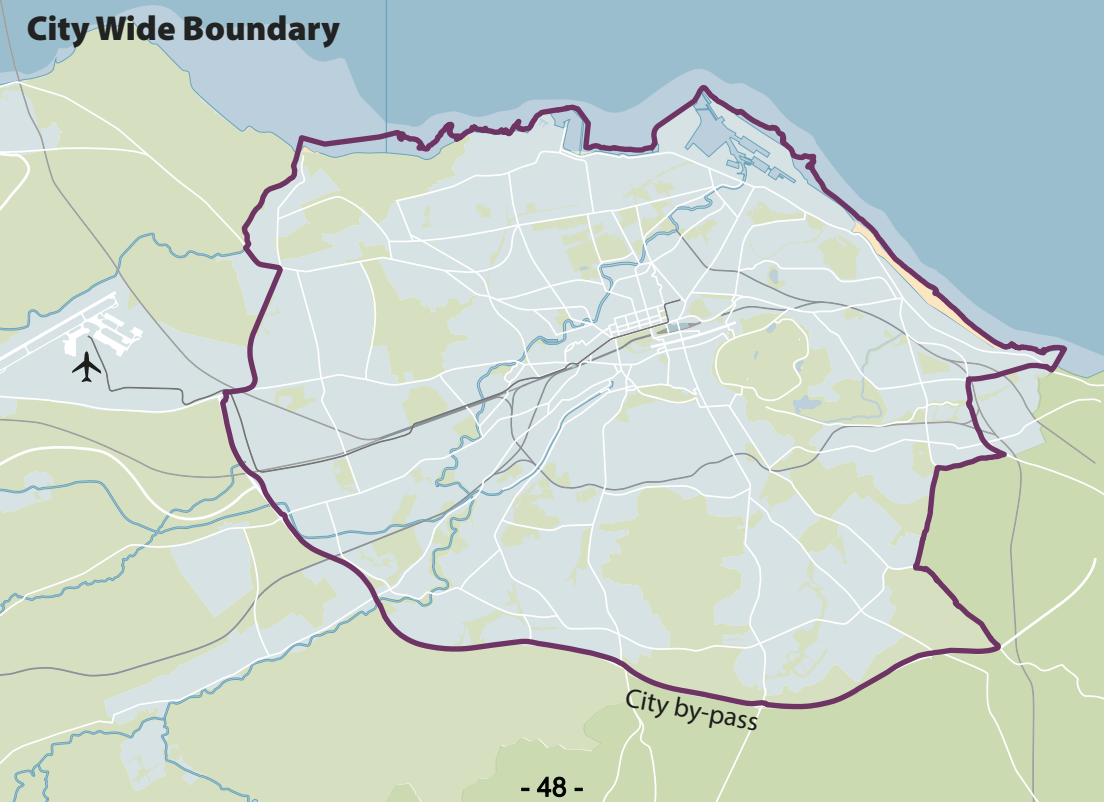
Complementary measures being progressed through the [City Mobility Plan](#) and [Edinburgh City Centre Transformation](#) will focus on reducing the need for people to rely on their cars for travel into and around Edinburgh.

What are the next steps for the LEZ plans?

A public consultation and series of stakeholder engagement workshops will be held. The findings will inform a further report which will go to the Transport and Environment Committee in October, 2019.

In line with the National commitments, Edinburgh is on track to have a LEZ in place by the end of 2020.

City Wide Boundary



City by-pass

12 July 2019

John Inman
Service Manager
The City of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Dear John,

EDINBURGH LOW EMISSION ZONE CONSULTATION – Response by SEStran

Please find attached our response to the above consultation. We felt that the format of the online facility would not allow the more comprehensive response which we feel is merited.

You'll be aware that our fundamental duty as a statutory regional partnership is to produce and implement, as funds and collaborations permit, a Regional Transport Strategy (RTS).

We have now begun the process of updating and re-writing the RTS. We are currently at the stage of identifying main issues to be addressed and it is clear the introduction of a LEZ within the City of Edinburgh will be of regional significance and will therefore be a key feature of the new RTS.

We are, of course, supportive of your proposals which will bring many welcome benefits to the residents of the city. We would, however, contend that the implementation of a LEZ and mitigation of its impacts, should also be addressed at a strategic regional level.

In order to help inform the RTS rewrite process and to facilitate further discussion with our partner authorities on the implications of the introduction of a LEZ into the city, we intend to convene a meeting with appropriate representatives in the near future and would like to invite you, and your colleagues, to be involved.

To conclude, SEStran welcomes the LEZ with proper considerations for the wider impacts in the region. The Council's proposals to improve the air quality in the city are ambitious and encouraging, and it is hoped that SEStran's comments on the LEZ proposals are informative and useful in helping the Council implement its proposals. Nevertheless, SEStran would like to emphasise that a regional approach must be taken to properly implement the LEZ and mitigate the inevitably wide-ranging implications in accessing Edinburgh as a major concentration of education, employment and leisure.

Please respond to my letter by contacting Julie Vinders (julie.vinders@sestran.gov.uk / 0131 524 5158) for further discussion.

Kind regards,



Jim Grieve
Partnership Director

12 July 2019

SEStran Comments on the Low Emission Zone for City of Edinburgh

SEStran welcomes the proposal to introduce a Low Emission Zone (LEZ) to improve the air quality in Edinburgh. While SEStran generally supports the concept of a LEZ, it must be considered that a LEZ is merely a tool to improve the air quality of a particular area and should not be considered in isolation as an end in its own right. A LEZ must be accompanied by additional measures and interventions to mitigate the potentially negative impact a LEZ can have. A lot of people travel to and from Edinburgh for work and educational purposes or for leisure. (Approximately 35% of employees working in Edinburgh live out with the city and commute in)^{1 2}.

Edinburgh is the economic centre for the South East of Scotland and contributes significantly to the Scottish economy. SEStran acknowledges the challenge that exists in tackling poor air quality while stimulating economic growth.

To ensure economic growth is disconnected from an increase in the emission of air pollutants, an appropriate strategy of mitigation measures must be in place to provide capacity in alternative travel options. SEStran recognizes that the City of Edinburgh Council is working on a number of initiatives to improve the connectivity in the City and encourage sustainable travel.

A Regional strategy is needed to mitigate impacts of LEZ and provide appropriate alternative travel solutions.

Regional Impact Issues associated with the introduction of a LEZ:

- Impact on regional trips commuting, tourism, freight etc to and from the city centre;
- Demand management:
 - While the LEZ has potential to reduce the number of cars in the city, it is not designed to do so and the people who can afford it, will simply buy a cleaner vehicle (perhaps a bit sooner than they would have done without the LEZ in place);
 - There is therefore an opportunity to use the LEZ to reduce the number of vehicles in the city centre by providing appropriate and attractive transport alternatives, such as active travel facilities and infrastructure, shared mobility, and good public transport;
- Displacement impacts out with Edinburgh resulting from the wider city zone;
- Potential of reduced access to employment for low income commuters who can't afford a more modern car;
 - Equality issue: Those who cannot afford to buy a cleaner vehicle, however, will perhaps increasingly depend on the public transport network to access employment and education. Particularly in areas of transport poverty, the LEZ might pose an equalities issue and potentially restrict access to facilities and services for people living in these areas.

Freight Impacts

- City wide strategy is needed – as movements of HGV & LGV vehicles will have cross boundary regional impact;

¹ Transport and Travel in Scotland 2017 Table 16 Travel Diary Table TATIS 2017.xlsx

² Census 2011 data Table AT_009_2011

- Combination of policy development and incentives for providers to ensure buy in and operational implementation from providers;
- Consolidation hubs (regional/micro/mobile) and First/last mile solutions;
- Explore opportunities for technological solutions that can also be integrated/combined with LEZ technology;
- Impact on small and medium sized enterprises: businesses with small profit margin might struggle to purchase cleaner vehicles and might potentially lose business in the city as a result. This is perhaps an opportunity to switch from van to cargo-bike but a LEZ on its own will not achieve this;
- Need to carry out a detailed assessment of the necessary infrastructure, operational financial and contractual requirements to ensure buy-in and commitment for future consolidation solutions. See SEStran work on SURFLOGH.³

Bus Based Public Transport

- Timescales for implementation of zone will impact on bus operators with the potential to increase short/medium term costs;
- Manufacturing capacity to retrofit vehicles given that 4 LEZs are being introduced at same time;
- Bus based commuting into city centre from outlying areas may be affected by the proposed LEZ areas. Will bus based public transport options to the city centre from outlying areas be reduced because of the need to upgrade fleet? Potential fare increases will make public transport less attractive and affordable. Discussions is needed with bus operators providing services to City Centre; and
- Air quality issues in towns out with City of Edinburgh could be affected by vehicle displacement away from routes serving the city centre.

Grace Periods

- The current city centre scheme proposes a longer grace period for residents compared to non-residents: this poses a potential equalities issue as residents of Edinburgh normally have a range of transport options (public transport network covers most part of the city);
- Non-residents, however, and particularly those who cannot afford to live in the city, often have fewer transport options and they are potentially significantly more impacted by the LEZ. Therefore, the grace period should not discriminate between residents and non-residents. In addition, and again, the introduction of a LEZ offers an opportunity to reduce the number of cars in the city, as long as its implementation is accompanied with additional strategic interventions to provide viable transport alternatives and incentives;
- Residents should be encouraged to use alternative travel modes, but this must be accompanied with additional measures, such as the provision of car-sharing, bike-sharing etc. A LEZ on its own will simply encourage people to buy a cleaner vehicle while the number of cars driving through the city could potentially remain the same (or even increase if bus fares go up, etc.).

Exemptions

- There will be several exemptions that will be developed through the emerging regulations and which will be applied at a national level. However, there is no information available on what local exemptions will apply to the Edinburgh LEZ;
- SEStran would suggest that time focused exemptions be the preferred mechanism rather than try and identify specific user groups as this would result in increased complexity.

³ <https://www.sestran.gov.uk/projects/surflogh>

Regional Mitigation Issues

It is considered that a regional approach (strategy) is needed to deliver and maximise the benefits of a LEZ for Edinburgh and the surrounding regions.

In addition to the impacts within Edinburgh City there are significant cross boundary travel and transport issues that are affected by the proposed LEZ; which must also consider the proposed development growth that will continue to increase demand for commuting trips into Edinburgh from the surrounding area following the introduction of a LEZ.

Continuing growth within Edinburgh will increase the demand for services and the associated demand for goods and associated freight transport.

Some measures to mitigate key impacts identified include:

- Measures to improve cross boundary public transport journey times;
- Increased park and ride provision;
- Coordinated delivery at a regional level of park and ride public transport infrastructure;
- Public transport costs;
- Integrated multi modal hubs to raise the profile of new and existing public transport network, the provision of shared mobility and associated active travel infrastructure;
- Improved orbital public transport routes around outer zone;
- Coordination of freight consolidation;
- Development of low carbon freight hubs;
- A720 City Bypass – development and improvement through for example orbital bus route.



ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

WEST Lothian PARKING STRATEGY: CONSULTANCY BRIEF

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek approval from the Panel for a consultancy brief for a West Lothian Parking Strategy. The consultancy brief will underpin the necessary preparation work for a West Lothian wide parking strategy; as requested by Council Executive on 5 February 2019.

B. RECOMMENDATION

It is recommended that the Panel note and consider the attached consultancy brief for a West Lothian Parking Strategy and recommend it to the Council Executive for approval.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none">• Focusing on our customers' needs; and• Being honest, open and accountable;
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Policy: The parking strategy will inform future parking policies.</p> <p>Legal: There will be various legal considerations to be considered as the strategy, policies and delivery plans are advanced.</p> <p>Equality: An integrated impact assessment will be developed as an integral component of the consultancy brief.</p>
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	Financial: Funding of £50,000 will be from the 2019/20 revenue budget.

Staffing: External consultancy.

Property: None.

VII Consideration at PDSP

None.

VIII Other consultations

None to date. Full consultation is an integral part of the consultancy brief and reports will be fed back to the Panel as the consultancy work progresses.

D. TERMS OF REPORT

D1 Background

On 5 February 2019, the Council Executive agreed that car parking charges are not to be introduced in the 5 year period ending 2022/23 and that officers should undertake a wider parking review on that basis.

This report highlights the key requirements necessary to develop a West Lothian wide parking strategy.

D2 Key Strategic Steps

A West Lothian wide parking strategy is necessary to outline strategic thinking, develop a robust sustainable parking policy for the future and will underpin a delivery action plan.

To enable these aims to be met requires the following steps have been identified:

1. Identify the strategy area;
2. Determine the main issues;
3. Establish working groups and forums;
4. Carry out research and data gathering;
5. Identify problems and opportunities;
6. Identify and agree the cause of the problems;
7. Set objectives and targets;
8. Devise potential schemes and policies;
9. Assess the impact of potential solutions;
10. Prepare the finance and business case;
11. A programme of intervention; and
12. Specify and monitor scheme.

D3 Appointment of Consultants

The development of a parking strategy is a significant undertaking and requires a wide knowledge and skill set. Within the council's Roads & Transportation service there are insufficient staff resources to undertake this strategy work in-house. It is therefore the intention of the service to appoint specialist consultants to undertake the work. Consultants will be appointed through the Scotland Excel consultancy framework and will be priced on the basis of the consultancy brief,

The proposed consultancy brief is detailed in Appendix 1 and will form the work package. It is vital that the brief reflects the needs of the council and that it is agreed by Council Executive before being issued for pricing.

D4 Outline Timescales

Based on information received from other Local Authorities, the indicative timescales for the development and delivery of this parking strategy are:

- Present report to Council Executive, 8 October;
- Commence procurement process, 15 October;
- Complete procurement process, 5 November;
- Appoint successful consultant, 8 November;
- Update Environment PDSP on the detailed delivery programme, 11 February.

E. CONCLUSION

The development of a West Lothian parking strategy is a challenging piece of work. The appointment of specialist consultants will assist the council in undertaking the task. Officers will work alongside the appointed consultant, stakeholders and the PDSP to ensure that the final strategy is fit for West Lothian.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments:

Appendix 1 - Proposed Consultancy Brief for a Parking Strategy for West Lothian.

Contact Person: Gordon Brown, Roads Network Manager, tel: 01506 282340, e-mail: gordon.brown@westlothian.gov.uk

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 3 September 2019

Appendix 1 - Proposed Consultancy Brief for a West Lothian Parking Strategy

Introduction

West Lothian Council intends to engage a firm of consultants to undertake a comprehensive review of existing parking available throughout West Lothian and develop a parking management strategy for the future.

The Commission will require specialist transportation and traffic management knowledge and experience including the following: -

- Information gathering – polling, questionnaires;
- Traffic counts, surveys, parking surveys;
- Correspondence – interfacing with the public;
- Workshops – public consultation;
- Option appraisal;
- Traffic Regulation Orders;
- Road Traffic Legislation;
- Road safety; and
- In-depth analysis.

This list is not exhaustive. Further details are provided within the Service and Scope sections of the brief.

The terms and conditions of engagement for this Commission are based on the New Engineering Contract (4th Edition) – Professional Services Contract, using the priced contract with activity schedule option (Option A).

Background

There are many factors that influence traffic and the demand on parking in West Lothian such as the close proximity of Edinburgh, greater car ownership (2-3 car families are not uncommon), new housing, and tourism / visitor attractions increasing demand on limited parking space.

Currently, congestion is evident in the town centres of Bathgate and Linlithgow particularly during the peak periods. There have been on-street parking issues also identified causing potential parking related problems in Armadale, Broxburn/Uphall, Livingston and Whitburn.

Parking is being addressed through kerbside traffic management but it is becoming more and more apparent that a holistic approach is necessary.

A strategic parking management policy for West Lothian should be a principal tool in meeting the council's aspiration of providing a vibrant sustainable future that considers environmental goals and economic wellbeing in balancing the needs of stakeholders. It must give guidance and make recommendations on parking needs, parking management, address competing

issues and give clear advice on best practice solutions. It must relate parking to the council's Corporate Plan and relevant policies.

West Lothian is approximately 425 square kilometres (165 square miles) in area.

The total population of West Lothian is currently 175,423. This total population is predicted to increase to 183,000 by 2020, a rise of nearly 4%. 31% of the current population resides in the main town of Livingston (population 54,516). The other main populated towns are Bathgate (23,559), Linlithgow (13,862), Armadale (12,021), Whitburn (11,805), and Broxburn/Uphall (10,970 and 4,687 respectively). There are sixteen other main settlements with populations ranging from 5,775 to 1,066 and other small satellite villages and towns which have populations of less than 1,000.

The council is responsible for the management and maintenance of 1050km of public road network of which 269km are principle "A" and "B" class roads. "C" and "U" classified roads equate to approximately 74% of the total road length.

The following table gives a breakdown of road lengths.

Classification	Built Up - Urban (km)	Non built-up - Rural (km)	TOTAL (km)
A	42.1	109.9	152.0
B	44.7	72.4	117.1
C	14.4	101.9	116.3
Unclassified	572.5	92.4	664.9
TOTAL (km)	673.7	376.6	1050.3

West Lothian is predominately rural in nature consisting of large areas of agricultural land. The M8, M9 and A71 trunk roads cut through the area, east to west, and are the main strategic routes. West Lothian communities are well served by three railway lines which run east to west with stations on each line at main towns. These stations are very well used by commuters however they do cause parking congestion on the surrounding road network.

West Lothian attracts a considerable number of visitors to the main town centres which is an important factor in the local economy. Events such as the 'Linlithgow Marches' and 'Party in the Palace' attract significant numbers. There are also gala events in all main towns which attract visitors. Parking in the other main towns can be problematic in localised areas associated with shopping centres, schools, St Johns' Hospital and Livingston Football Stadium.

The main focus of the study should concentrate on Armadale, Bathgate, Broxburn/Uphall, East/Mid & West Calder/, Linlithgow, Livingston, and Whitburn.

The council is supportive of economic growth and regeneration. The rate of new house building in West Lothian has been increasing in recent years following a period of decline as a result of the economic recession and the complexity of infrastructure costs, in particular additional school capacity involved in bringing forward large housing sites in the Core Development Areas at Armadale, Broxburn, Winchburgh, Livingston and the Almond Valley.

The West Lothian Local Development Plan 2018 (LDP) identifies the introduction of almost 20,000 new houses between 2009 and 2024.

Traffic modelling has been carried out in 2014 as part of the LDP “Transport appraisal and modelling” document. The forecasted increase in terms of traffic and congestion on the road network was also analysed. The resulting impact of the additional traffic associated with these new housing developments is small at around 0.5%. However there are more significant impacts locally where these developments feed onto the strategic network. Also, in a heavily congested network, as is the case with the 2024 which was the modelled test year, small increases in traffic can lead to disproportionate increases in congestion.

This traffic modelling information can be found at: https://www.westlothian.gov.uk/media/4778/Transport-appraisal-and-modelling-background-paper/pdf/TransportAppraisalandModelling-August_2014.pdf.

Parking Provision/Control

Parking regulations operate in West Lothian's main towns and also in certain smaller settlements. Government policy emphasises the need for effective enforcement of parking restrictions.

Enforcement of existing kerbside parking restrictions is currently the responsibility of Police Scotland and is not a legal function of the council. Between November 2013 and June 2014, Police Scotland withdrew traffic warden provision within West Lothian and stated that they would only enforce parking restrictions where parking is considered to be ‘dangerous or causing a significant obstruction’. Enforcement of these existing restrictions is low priority; however this can cause significant road safety and parking congestion problems particularly around schools in peak periods.

Since the withdrawal of traffic wardens a number of Scottish councils have introduced Decriminalised Parking Enforcement (DPE). West Lothian is now only one of eleven local authorities in Scotland that does not operate DPE and is the only authority in the Lothians not to have a scheme. No decision has been taken on the most appropriate future model for enforcement of parking restrictions in West Lothian. Any surplus revenue received from the introduction of a proposed DPE scheme for must be used to fund future parking projects.

As part of the Transport (Scotland) Bill, currently at Stage 2 of the parliamentary process, the Scottish Government is proposing to introduce measures to encourage ‘responsible parking’. The expectation is that local authorities will enforce a proposed pavement parking ban but without a DPE scheme in place, it is unlikely that this will be achievable in West Lothian.

It is important to consider the wide ranging benefits that effective parking management can bring to communities and it is expected that the parking strategy will provide more insight on this.

Parking policies have an important role to play in reducing reliance on the car. While short-term parking in town centres, preferably off-street, plays an important role in maintaining accessibility and vitality, parking policies should seek to discourage car commuting journeys by reducing and restricting the opportunities for long stay car parking. In particular, the setting of maximum parking standards will support policies for improved accessibility by public transport, foot and cycle and ensure that targets set within the context of the Road Traffic Reduction Act and Local Air Quality Strategy can be met.

What will be done?

The council will consider new initiatives to allow greater control over parking (on and off street) and discourage car commuting. This could include the introduction of charging for parking where space is in strong demand and introduction of more limited waiting times in town centre areas to ensure that shoppers and businesses can park conveniently while commuter parking is discouraged. However, the Council Executive decision on the 5 February 2019 effectively rules out introducing car parking charges in West Lothian until 2022/23.

With the exception of The Vennel car park, Linlithgow, the council does not currently charge for the provision of any of its on or off street parking. The strategy should give consideration to options for managing parking both via charging and non-charging solutions.

Service

The council requires the services of an experienced Consultant to examine the long-term requirement for and management of parking within West Lothian, taking into account current parking practices, development pressures, economic growth, increasing tourism, improvement in transport corridors, public expectations and residential demand. The successful Consultants will give clear and concise recommendations and develop a strategic document advising on various traffic management models, a risk assessment of outcomes and provide evidence to support the findings and potential solutions.

Consultants will be required to demonstrate a high degree of specialist knowledge associated with parking and traffic management, be able to communicate effectively with the general public and comprehensively advise the council.

In providing the service, Consultants must take into account other council policies and programmes. Consultants are required to provide the service in accordance with the scope. The scope is defined as a roadmap with an emphasis to force discussion. This is paramount in reaching a successful conclusion. The roadmap is in a 12 steps format.

1. Identify the strategy area;
2. Determine the main issues;
3. Establish working groups and forums;
4. Carry out research and data gathering;
5. Identify problems and opportunities;
6. Identify and agree the cause of the problems;
7. Set objectives and targets;
8. Devise potential schemes and policies;
9. Assess the impact of potential solutions;
10. Prepare the finance and business case;
11. Prepare a programme of interventions; and

12. Specify and monitor scheme.

The strategy development will follow the roadmap, fully engaging stakeholders. Alternative proposals with respect to the roadmap proposed can be made to the Employer for consideration.

Scope

The scope of Services to be provided by the Consultant.

The main services will include all of the disciplines and functions listed as follows: -

Step 1 – Identify the strategic area

Consideration should be given to the council area and focus given to areas where parking plans may be required. These plans should include both on and off street parking.

Step 2 – Determine the Main Issues

Both top-down and bottom-up approaches are required.

Top-Down approach

Consider over-arching National, Regional and local Planning policy objectives, the West Lothian Council Local Development Plan 2018, Transport Appraisal and Modelling 2014 and other local policy and guidance documents. Take into account road hierarchy, transport corridors and vehicle/parking count data. Consider transport links, sustainable development patterns and land use planning, all of which influence parking behaviour.

Bottom-up approach

Undertake a desktop study of local concerns, opportunities and threats regarding parking. Review histories, complaints and solutions offered. Interview Local Elected Members, Police Scotland, and Transportation & Planning staff. Consult with taxi operators, local hauliers, public transport operators, emergency services, residents and commuters. Identify problem areas.

Step 3 – Establish Working Groups and Forum

Liaise with council officials and elected members and establish working groups.

Determine stakeholder interest groups “stakeholder mapping”, set-up and facilitate working groups and forum. Working groups are to include Disability West Lothian, emergency services, community representation, traders and council officials.

Step 4 – Research and Data gathering

- Identify existing parking patterns, problems and their causes;
- Propose and assess the impact of potential solutions;
- Provide baseline data;
- Undertake Parking Surveys (use, accumulation, duration and habit surveys);

- Provide vehicle count data for main roads in Armadale, Bathgate, Broxburn/Uphall, East/Mid & West Calder/, Linlithgow, Livingston, and Whitburn. Screen lines on entrances to towns.
- Interview surveys of stakeholders;
- Community consultation – community councils, housing associations, sports clubs etc.;
- Provide baseline data from TRICS (where available); and
- Audit of existing on street and off street parking capacity.

Step 5 – Identify Problems and Opportunities

The general strategy will identify problems and concerns from baseline data collection but also identify future issues that may require attention. The process must also consider opportunities where benefits could be made to other services such as public transport, freight and commerce. This exercise will identify areas of congestion, illegal parking problems, parking related accidents, access issues and environmental intrusion.

Step 6 – Identify and Agree the Causes of Problems

Identify the cause of the problem. The strategy must consider treatment of the cause and not just the symptom. It should cover the relationships that cause the problem. The strategy should measure the impact of current enforcement and the general attitude towards parking.

Step 7 – Set Objectives and Targets

The process of defining objectives should take cognisance of:

- National and Regional Transport and land use planning policies;
- Local Development Plan and Transport Modelling;
- Strategic Development Plan;
- Environmental and related policies; and
- Corporate policies including those relating to equalities.

Stakeholder involvement is requisite through workshops, working groups or any other method but must be provided for.

All objectives defined should tie into the over-arching top-down requirements and include a statement categorising the goal and benefits and possible intervention criterion.

Step 8 – Devise Potential Schemes and Policies

The strategy will report on and make recommendation on schemes, policies and protocols (collectively defined as interventions).

Each proposal will quantify different parking space, the quality, parking control and pricing, and management of parking.

Step 9 – Assess the Impact of Potential Solutions

This will test the extent to which the proposed interventions achieve the objectives and targets set within the strategy. A risk assessment of the outcomes should be prepared. Consequences are to be highlighted and any proposed mitigation measures identified.

Step 10 – Prepare the Financial and Business Plan

If an intervention stipulates the need for income generation, the parking strategy must project revenue earned and spend profiles. This will be reflected in terms of the parking business generated, clarifying capital expenditure, turn-over, maintenance, staff costs etc.

Step 11 – Prepare a Programme of Interventions

The strategy will contain sufficient detail of recommended interventions and a programme with distinct SMART milestones such that the council, upon accepting the strategy as policy, will be able to act.

Step 12 – Specify a monitoring Regime

Two monitoring mechanisms are required:-

- Outputs - Monitoring of the programme of intervention; and
- Outcomes – Monitoring effectiveness of proposed interventions.

END



ENVIRONMENT POLICY AND SCRUTINY PANEL

LITTER BIN PLAN

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to inform members of the panel of the details of the proposed Litter Bin Plan for West Lothian Council that will provide criteria for the type, size and location of litter bins across the area and to seek support for its inclusion in the council's Litter Policy.

B. RECOMMENDATION

It is recommended that the panel note and consider the contents of the proposed Litter Bin Plan (Appendix 1) and support its inclusion in the council's Litter Policy that will be submitted to a future meeting of the Council Executive for approval.

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 89) Code of Practice for Litter and Refuse 2018
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	The Litter Bin Plan will ensure that the service is delivered in a consistent and efficient manner which will support the service in achieving statutory performance targets and service standards
V	Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial,	Cleaner communities have an annual budget

Staffing and Property)

of £2.4m to carry out their statutory duties as defined in the Environment Protection Act 1990.

VII Consideration at PDSP None

VIII Other consultations None

D. TERMS OF REPORT**D1 Background**

Presently the installation and provision of public litter bins throughout West Lothian is provided based on a demand driven service. This has led to an over provision of bins in inappropriate areas that is both inefficient and ineffective in dealing with the issue of littering. The proposed Litter Bin Plan (Appendix 1) aims to provide guidance which will enable the movement away from the current demand driven process for the installation of new litter bins; to provide more suitably designed general litter bins in targeted locations and to increase the availability of litter bins in areas that currently have an under provision of litter bins by re-siting existing litter bins that are not used or have low usage.

D2 Review of Litter Bins

A review of all existing litter bins will be undertaken to ensure that the type, size and location of our existing litter bins are correct to meet community needs and bins meet the criteria set out in the proposed Litter Bin Plan. It is proposed to use new technology when undertaking the review by placing electronic sensors in bins that wirelessly communicates with the services asset management software. This will enable the service to accurately monitor and evidence the usage of litter bins and will also provide trend analysis including evidence of low usage, identifying when bins need to be removed or relocated.

The sensors will also inform the service when bins need to be emptied improving service efficiency.

The aim of the review is to provide a more coordinated approach to the placement of litter bins to suit demand across the authority ensuring bins are provided in more suitable locations. The review and planned approach may lead to the reduction of bin availability in some areas whilst the type and size of bins may change in other areas to increase capacity.

All key stakeholders including community councils, elected members etc. will be consulted as part of the review.

D3 Litter Policy

The Environmental Protection Act 1990 imposes a statutory duty on local authorities and certain other landowners and occupiers to keep specified land clear of litter and refuse so far is practicable. The Act also places a duty on local authorities or Scottish Ministers to keep public roads clean so far is practicable. The Act is supported by The Code of Practice on Litter and Refuse (Scotland) 2018 issued under section 89 of The Act.

The Code of Practice also recommends that Local Authorities develop a Litter Policy to show how they will deliver the requirements of the Act and that this should be reviewed and approved annually.

In order to ensure compliance with the principles of the Act and the Code of Practice, the council has an approved Litter Policy. However, the current Litter Policy does not include for the management and provision of litter bins

It is proposed that the Litter Bin Plan (Appendix 1) is incorporated into the Litter Policy for 2019/20.

E. CONCLUSION

The adoption of a Litter Bin Plan as an appendix to the councils Litter Policy will provide a more focused and efficient provision of litter bins in the area that will be designed to augment and support the prevention of littering across West Lothian.

It is recommended that the panel supports the inclusion of the proposed Litter Bin Plan in the councils Litter Policy.

F. BACKGROUND REFERENCES

Environment Protection Act 1990

Code of Practice for Litter and Refuse 2018

Appendices/Attachments: Appendix 1 – Litter Bin Plan

Contact Person: David Lees, Cleaner Communities Manager, 01506 284612

Jim Jack

Head of Operational Services

Date of Meeting: 3 September 2019

Litter Bin Plan

Nets, Land and Countryside Services

RECORD OF AMENDMENTS

Date	Version	Author	Changes
30/07/2019	1.1	DL	Updated

Contents

Executive summary

- 1.0 Introduction
- 2.0 Current litter bin provision (numbers, capacity, style and distribution)
- 3.0 Litter bin problems
- 4.0 Criteria for new litter bins
- 5.0 Litter bin styles
- 6.0 Location of litter bins
- 7.0 Provision of new litter bins
- 8.0 Litter bin rationalisation (replacement of existing bins)
- 9.0 Process to decide on the siting of a new or replacement bin
- 10.0 Dealing with smoking related litter and chewing gum
- 11.0 Servicing and inspection of litter bins
- 12.0 Recycling picked litter
- 13.0 Potential savings from recycling litter
- 14.0 Exploring potential sponsorship opportunities
- 15.0 Smart bins
- 16.0 Monitoring impact
- 17.0 Partnership working
- 18.0 Implementation

References

Appendix 1 – Bin location check list

Appendix 2 Prioritisation of Requests

Executive Summary

West Lothian Council's Litter Bin plan aims to provide guidance which will enable the movement away from the current demand driven bin installation process, to provide more suitably designed general waste bins in targeted locations and recycling of litter and litter bin waste within West Lothian. It aims to address in part the national litter strategy for Scotland called “***towards a litter-free Scotland: a strategic approach to higher quality local environments***”.^[19]

Research including findings from the UK and other countries along with our own audits highlight there are problems with small bin capacities, small aperture openings, lack of facilities to dispose of cigarette ends and gum, pole-mounted bins and corrosion.

It is proposed that the use of pole-mounted litter bins, open top litter bins and dedicated dog waste bins be discontinued. Furthermore, that all bins purchased should meet a set of criteria to ensure they are fit for purpose and cost effective and so help reduce littering. Litter bins should ideally:

- have minimum capacity of 120 litres
- be of closed top design
- be free-standing
- be dual purpose to collect litter and dog fouling unless recycling or smoking specific
- be provided in a standard colour scheme
- have West Lothian Council iconography and clear signage
- be of durable construction and design

It is proposed that all existing bins are assessed to determine their suitability and location. Bins should only be provided in areas which meet the siting criteria, advised in this document, and where they will have a positive impact on littering levels and street cleanliness. Litter bins should be located in the following areas

- Outside main transport interchanges (train stations, bus shelters, car parks and taxi ranks)
- Outside schools and colleges
- Near fast food and convenience stores
- Entrances and exits to parks and open spaces
- Within West Lothian's three Country Parks
- Outside public and government buildings (health centres, dentists, libraries, churches etc)
- At public seating areas
- Open spaces/grassed areas where dog walking is likely to occur
- Areas where people are likely to queue, for example, public toilets, ATMs
- Cemeteries and memorial gardens

Since it is not possible to provide litter bins in all residential estates, as a general policy litter bins will not be provided. There is demand for litter bins to accommodate dog waste and it is recognised that open space grassed areas where dog walking is likely to occur can be considered for bin placement.

Although the purpose of this plan is to provide a more efficient and better coordinated approach to the placement of litter bins to suit demand across the authority, a consequence of both this planned approach and the harmonisation of bin capacity may lead to a reduction in bin availability which is, as yet, unquantifiable. It is also important to note that bins will be provided in more suitable locations and have increased durability. This should, therefore, be viewed as a service improvement.

It is proposed that the policy of procuring bins with cigarette disposal points be extended to include all new bins placed. These are particularly important in high footfall locations including pubs and bars, betting shops, at main transport interchanges (bus shelters, train stations, car parks and taxi ranks) and at public seating areas, but would not be placed at children's play areas.

Recycling of litter dropped on the ground or contained within bins must be increased for the environmental benefit and to assist in meeting waste targets.

Litter that is dropped on the ground and collected by front line staff can be segregated and it is proposed that methods of achieving operational change be progressed.

The sponsoring of bins by businesses should be explored as part of a wider approach in tackling littering across the authority.

New technology offers innovations to the method of managing bins by placing sensors within the bin that wirelessly communicate with software accessed via a web page. Such systems alert the service when bins need to be emptied but also develop emptying frequencies by continually undertaking trend analysis. Such systems would require investment but would deliver savings due to reduced visits to bins. It is suggested that such systems be studied more closely and a pilot scheme initiated to determine a way forward for West Lothian. This approach should be considered along with the installation of a large capacity bin at those locations identified as suitable.

It is necessary that we monitor the impact of this plan. It is recommended that the existing statutory indicator of street cleanliness be used to compare pre and post implementation along with the tonnage collected from bins, the level of complaints and enquiries, customer satisfaction surveys, measurements of the lifetime of bins and individual bin audits.

While the focus of the plan is on the litter bin population now and in the future it is clear that there are many aspects to reducing littering levels in West Lothian. It is recognised that partnership working with front line staff and service managers, various staff and services internal to the council and others external to the council is essential. Furthermore engagement with the public is crucial.

1.0 Introduction

Scotland's litter problem is well documented. In recent years research projects have been undertaken by various organisations including the Scottish Government to try to better understand this problem with the aim of tackling it more effectively. This resulted in the National Litter Strategy for Scotland called ***towards a litter-free Scotland: a strategic approach to higher quality local environments***^[19] which was launched in June 2014 and highlights the benefits of a clean, safe environment. It is designed to encourage

people to take greater responsibility, and for organisations to be more accountable, as part of the overall focus on preventing litter and fly tipping.

Zero Waste Scotland provided much of the research for this strategy document. Key points of the research are

- 50% of the population admit to having littered at some point
- More than 250 million individual litter items – and more than 60,000 fly tipping incidents are dealt with by public bodies each year
- Around 25% of Scots see litter as a problem in our local communities
- Littering by individuals is often habitual or caused through thoughtless actions ^[1]

These findings are of particular concern since litter and fly-tipping contribute to crime, ill health, accidents and lower property values as well as the obvious environmental impacts. Furthermore, as a society, we pay to deal with these effects, more than £25 million per year. Added to this, an estimated further £50 million is spent on direct clean-up costs, education and enforcement. Over and above these costs, a further value is being lost to Scotland because around 80% of litter could potentially be recycled. Recycling can turn the problem of litter into a resource generating £1.2 million for our low-carbon economy ^[1, 2, 3]. Research conducted by Keep Scotland Beautiful found that *over 92% of Scots thought it important that we were litter-free for the international events hosted in Scotland in 2014. The real gains for the Country and for those charged with keeping it clean are evident when we stop dropping litter in the first place. It is recognised that behavioural change is required and strong and consistent campaign messaging aimed at making the dropping of litter as socially unacceptable in the future as drink driving is today is required* ^[4].

The most obvious anti-litter infrastructure is public litter bins. The Brook Lyndhurst **review of littering behaviour and anti littering policies** commissioned by Zero Waste Scotland ^[20, 21] is clear that the provision of litter bins can reduce littering levels within an area. However, more bins is not necessarily the solution to the litter problem, and even when it is, it is not a service that is free and it is worth noting that a poorly serviced overflowing bin is as likely to generate a litter problem as to reduce it, if people are deterred from using the bin, or waste is simply added only to spill out onto the ground ^[1, 5]. Scottish local authorities currently provide tens of thousands of public litter bins with the aim of encouraging

members of the public to dispose of their waste responsibly and reduce littering levels. Zero Waste Scotland are clear that litter bins need to be of an appropriate size, provided in appropriate locations, be serviced regularly and be clean and smartly presented to be an effective tool in litter prevention ^[1, 5]. Taking into account the various research studies which have been conducted on overall bin numbers and resultant littering levels, it is clear that simply increasing bin numbers is unlikely to be effective in tackling the litter problem in West Lothian. Furthermore, increasing bin numbers generates unnecessary costs in terms of bin purchase, bin replacement and associated operational costs.

This litter bin plan aims to address the current litter bin infrastructure in West Lothian and help reduce littering levels and increase levels of recycling. It is proposed that this aim can be best expressed as:

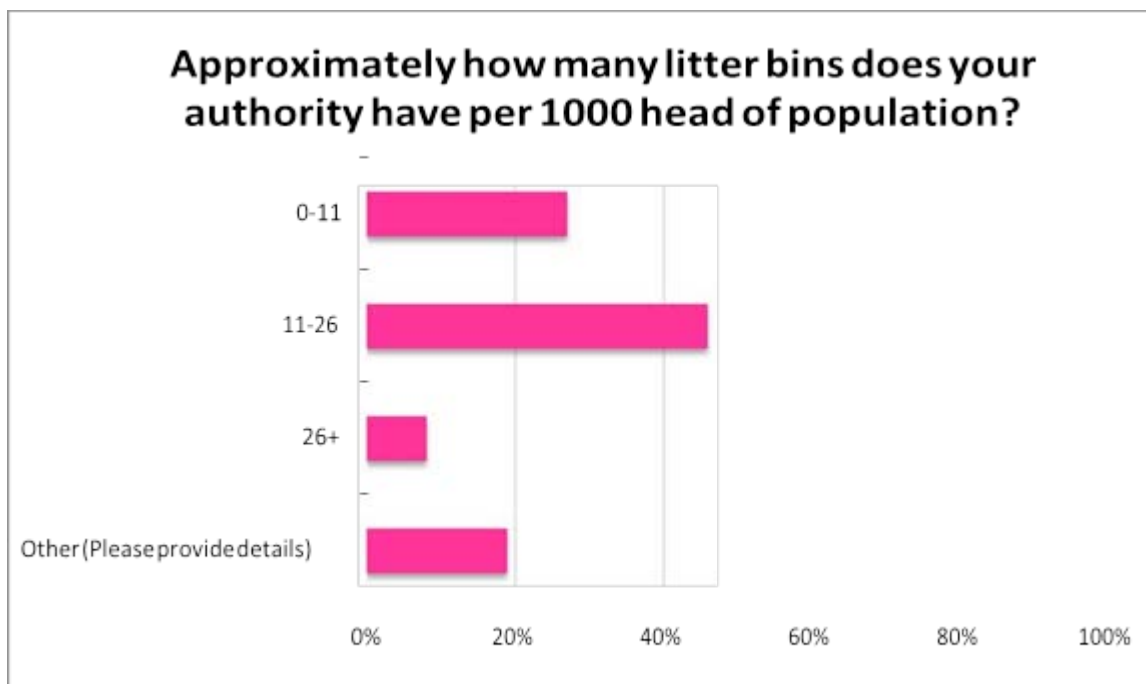
West Lothian's Litter Bin Plan aims to provide guidance which will enable the movement away from the current demand driven bin installation process, to provide more suitably designed general waste bins in targeted locations and to increase the availability of recycle on the go infrastructure and recycling of litter and litter bin waste within West Lothian.

2.0 Current litter bin provision (numbers, capacity, style and distribution)

West Lothian Council by population and serves circa 182,140 residents ^[6]. In order to reduce the incidences of littering the authority currently provides circa 1997 litter bins of which 553 are designated dog waste bins, the remainder are dual purpose bins which are designed to be used for dog waste and general waste. There are currently circa 20 Recycle on the Go (RotG) bins located in a variety of locations but with a focus on Country Parks. (figure accurate November 2018).

Individual bins range in capacity with 50 litre, 70 litre, 90 litre and 120 litre bins throughout the authority area. There are several different bin styles, many of which detract from their purpose due to their design, location or condition.

In general, bins are relatively equally distributed throughout the authority but some residential areas have a greater number due in the main to dog walking activity. The graph below shows local authority litter bin provision per 1,000 population using data from APSE benchmarking database.^[18] West Lothians current level of provision is 11 bins per 1000 head of population.



The graph shows at 45.95% the provision of 11- 26 litter bins per 1000 head of population seems to be the most common level of provision.

3.0 Litter bin problems

While there are a significant number of litter bins there are a range of problems which reduce their effectiveness. The following problems are evident within the existing bin population:

- small capacities
- small aperture openings
- litter being spread by the wind and birds as a result of open-top design
- lack of facilities to dispose of cigarette ends
- broken mounts on pole-mounted bins

- rust and corrosion damage
- broken doors which enclose the inner liner of the bin
- vandalism damage including burning

It is important that these issues are addressed as Zero Waste Scotland research suggests that not only the availability of bins but also the bins condition can impact on their usage and thus on the levels of litter present in the surrounding areas^[2]. Although bin aesthetics are important, especially in high footfall areas such as town centres, practicality is the most important factor in bin design, especially the ease of emptying the bins. In the past the practicality of the bins purchased has been given a lower priority than the look of the bins.

4.0 Criteria for new litter bins

In order to address these problems it is essential that a specification be created from a set of criteria established for the purchase of new bins to be sited on Council ground and/or serviced by Cleaner Communities staff. It is not proposed that a standard bin be used rather that a set of criteria be established within which a range of bins can be specified. It is proposed that all bins purchased by West Lothian Council should meet the following criteria.

The minimum capacity should be 120 litres. This size has been chosen as a result of the trade off between the physical size of the bin and the total bin capacity which will impact on the emptying frequency required. Bins of smaller capacity require to be emptied more frequently when compared to larger capacity bins in the same location. The use of smaller capacity bins would result in the requirement for greater numbers of bins to be purchased to provide the same capacity and service provision as the larger capacity bins, in the same area. Smaller bin size would require increased frequency of collections and associated maintenance, which all results in increased costs to the authority. The Department for Environment Food and Rural Affairs (DEFRA) state that *generally, the larger the bin, the lower the servicing cost per litre of litter emptied* ^[7]. Bins smaller than 120 litres are not suitable due to the reasons listed above, however, bins of much larger capacity may also be unsuitable due to the increased physical size of the bin, which could cause access issues depending on the location. Both total capacity and physical size must be taken into account when selecting suitably designed bins.

All bins provided by the authority should be of closed top design. This will help to reduce waste spillage, which currently occurs from open top bins, which then creates a further burden on the street cleaning service. It is also aimed at reducing the incidence of illegal dumping of waste in on-street litter bins, which is a problem mainly associated with bins of open top design. Spillage of waste from these bins is a problem. Their open top design increases their susceptibility to wind and can result in litter being blown from the bins to surrounding areas. This design also enables, and arguably encourages, waste to be thrown towards the bin rather than being placed in the bin and that open top bins are more susceptible to the illegal dumping of waste in public litter bins compared to bins with closed tops. Their open top design makes it easy to dump bags of household waste or commercial waste in the bins.

New litter bins should all be free-standing. No pole mounted litter bins should be purchased. These bins contribute to the negative aesthetic impact of on-street waste collection and research has suggested they are also not as cost effective as free-standing litter bins. Middlesbrough Council highlight that they are of limited value in terms of their capacity, durability and generally low impact on reducing levels of litter^[8]. Research shows that the capacity of a litter bin directly impacts on maintenance costs as smaller bins require to be emptied more frequently in direct comparison to larger capacity bins provided in the same area. The cost of a 50 litre pole mounted bin as opposed to a 120 litre free-standing bin has been estimated by Rossendale Borough Council, to be approximately 60% more over the bins life cycle^[9]. It is important to note that this figure will show some variation in each local authority and is dependent on footfall numbers and resultant litter bin usage. However, taking this into account there is clear indication that it would be more cost effective to provide larger free-standing litter bins as opposed to smaller pole-mounted litter bins. Throughout West Lothian, pole-mounted litter bins suffer from broken mounts which results in the bins falling down to the ground level. Their small physical size means the bin aperture opening is then very low to the ground. This is problematic for a number of reasons. Firstly, it makes the area look untidy and neglected and secondly, it requires users to bend down close to ground level to be able to dispose of waste. It should be noted that some people will be unable to do this, in particular elderly and disabled people. It is likely to result in some members of the public choosing to litter rather than dispose of their waste in these bins due to the extra perceived effort involved.

Furthermore, as a result of the broken mounts, these pole-mounted bins no longer comply with the Department for Transport's Inclusive Mobility Guidelines. The guidelines state that the bin opening should be 1000mm above ground level to ensure ease of use by the vast majority of the general public.

New litter bins should all be dual purpose for general waste and dog fouling or recycling bins or smoking specific bins. There are currently 553 dedicated dog waste bins provided in various locations throughout the authority. This plan supports the continued removal of dedicated dog waste bins and that no new dog waste bins are provided. Where areas have multiple dog waste bins and there is a known problem with dog fouling in the area, free-standing dual litter bins should be provided as a replacement. These bins are of a much larger capacity than the current dedicated dog waste bins used and can collect litter alongside dog waste. Research suggests it is far more efficient to collect dog waste in dual litter bins when compared to dedicated dog waste bins. There is a perception held by members of the public that in order to tackle the problem with dog fouling the Council should invest in large numbers of dog bins and provide them throughout the authority. However, this would not be cost effective as simply providing more bins is unlikely to have an effect on people who currently choose not to pick up after their dogs. The problem may be better tackled by aiming to reduce fouling instances rather than simply increasing bin numbers, which as a consequence results in increased costs. The Keep Britain Tidy national dog fouling campaign states *the absence of bins does not provide an excuse for dog owners failing to pick up after their dogs* ^[10]. While many dog owners do pick up fouling there remains a tendency to want to bin these as soon as possible and where this is not possible to attach the waste bag to a fence, tree or such like. The message that such bags should be placed in the residents' domestic residual bin needs to be publicised. Bins associated with recycling and smoking related waste are discussed elsewhere in this plan.

Bins should be provided in a standard colour scheme to enable the easy identification of a litter bin. The current colour scheme which is used by West Lothian Council is varied however; the majority of litter bins are black. It is proposed that all dual purpose litter bins purchased will be black.

The bins which the authority provides should have West Lothian Council iconography and clear signage applied to the front (and rear where appropriate).

This should clearly display the function of the bin, that is, dual litter and dog fouling, recycling and/or cigarette bin. In their study researching how to deal with the problem of littering, Lewis, Turton and Sweetman (2009) state that “*clear signage on and around bins is also important so people know what to put where, as well as being aware of the bins in the first place*”^[11]. There is opportunity to explore advertising on litter bins, however, the market and realisable income resulting from such an approach is unclear.

Bins must be of durable construction and design. It is proposed that the replacement timescale of a litter bin be planned around a 10 year timescale during normal wear and tear usage. This will allow a database to be drawn up showing the likely timescale of replacement required.

Bins which have been purchased over recent years have been reviewed to assess if they are durable enough to last the required 10 years. The conclusion of this assessment is that these bins will have to be monitored in accordance with this Plan and replaced as they become beyond repair, with replacement bins recorded against an installation date for future planning purposes. Taking into account the durability of the current bins and the whole life costs associated with refurbishment and increased maintenance, purchasing galvanised metal litter bins in the future provides the best overall value for money for West Lothian. This would ensure the litter bins provided remain in a good condition throughout their time.

5.0 Litter bin style

There are circa a variety of different styles of bin installed in West Lothian. Many are not fit for purpose and contribute to a poor look to an area, but also cause staff problems when emptying due to the different styles of locking mechanism used. Therefore, it makes operational sense to provide a much smaller range of bin style. However, it should be noted that this plan does not propose a one size fits all solution and recognises that certain areas may require specific bin styles to match the needs of that particular location. An example would be bins provided in town centres. The plan of selecting appropriate bins, depending on their location is supported by DEFRA; “*the provision of litter bins is entirely*

functional but can have a considerable impact on the appearance of the street or location. It is therefore not considered appropriate that one single style can be used in all environments, but that there should be a restricted range related to location". The current stock of litter bins is very varied. There are many different designs which are currently in use. Many of the bins look tired, are outdated and are disintegrating. The bins which are in poor repair are generally discoloured and quite heavily corroded especially around the aperture and base. There is an increased risk of injury when people are using bins which may have sharp edges resulting from corrosion but also, research has shown that litter bins are less likely to be used when they are in a state of disrepair ^[5]. Providing a much smaller range of bin styles would improve the current collection operation as staff would spend less time managing keys.

6.0 Location of litter bins

There are no documented guidelines which provide information on suitable locations in which litter bins should be installed. In the past, litter bins have been installed in obvious places but also in response to requests received from members, the public or local businesses in a demand driven process. This has resulted in litter bins being installed randomly throughout the authority area, with no set criteria used in determining suitable locations. Locations where litter bins should be installed are listed below.

- Outside main transport interchanges (train stations, bus shelters, car parks and taxi ranks)
- Outside schools and colleges
- Near fast food and convenience stores
- Entrances and exits to parks and open spaces
- Within West Lothian's three country parks
- Outside public and government buildings (health centres, dental surgeries, libraries, churches etc)
- At public seating areas
- Open spaces/grassed areas where dog walking is likely to occur
- Areas where people are likely to queue (public toilets, ATMs etc.)
- Cemeteries and memorial gardens

7.0 Provision of new litter bins

New bins will only be installed in areas where it is anticipated that they will make a positive impact on street cleanliness and where the location is deemed appropriate with reference to the siting guidelines provided in this document in a movement away from the current demand driven installation process.

As a general policy, litter bins will not be provided in residential estates. Research highlights that bins provided in residential estates have higher instances of vandalism and misuse. The exception to this policy is where public grassed areas or parks are found within residential estates, where dog walking frequently occurs or where one of the above criteria is met. In these locations dual litter bins should be installed to provide dog walkers with suitable facilities to dispose of dog waste in an effort to reduce fouling instances.

Bins will also be installed in areas which do not currently have litter bins, but which match the criteria listed above. In all suitable locations an assessment should be undertaken to ensure the installation of litter bins would not cause access issues. Consideration must be given to those who have sight impairment so that the location of litter bins does not cause potential obstruction or hazard. Consideration must also be given to those who have mobility difficulties in particular those who use a wheelchair. Free standing litter bins could cause access problems in certain locations or even render some areas impassable. The Department for Transport's Inclusive Mobility Guidelines recommend that the minimum clearance required on a footway is 1500mm. Free-standing bins should be positioned out of the main line of travel or grouped with existing street furniture so that they do not present a collision hazard, or reduce the usable width of the footway for people using wheelchairs, mobility aids or guide dogs. These guidelines also provide information which is aimed to ensure the ease of use of litter bins by the vast majority of the general public. These guidelines state that *waste bins should be approximately 1300mm in height; they should continue down or close to ground level and should have no sharp edges. The bin opening should be 1000mm above ground level. They should be highly visible, including the use of coloured branding to increase visibility*^[12]. All bins purchased by West Lothian Council should conform to the guidelines listed above and all locations where litter bins are provided should also adhere to the criteria listed above. Where the location assessment

finds that installing bins would be in breach of the above guidelines, bins will not be installed.

All new bins will have their installation date recorded along with other key information in the service management systems. This will allow a record to be kept of when each bin is due to be replaced according to the replacement timescale.

No spare parts will be purchased for the litter bins. In cases where the bins are severely damaged and a bin refurbishment is not possible, a replacement bin will be sought. In areas where persistent vandalism occurs, damaged bins will be removed and replacement bins should not be provided.

8.0 Litter bin rationalisation (replacement of existing bins)

It is necessary that the locations in which bins are currently provided are assessed and a process of bin rationalisation undertaken. The removal of one bin should not necessarily result in the replacement with a new free-standing bin. Bins should only be provided in areas which meet the criteria, advised in this document, and where they will have a positive impact on littering levels and street cleanliness. The aim of this is to move away from the current demand driven process which is unsustainable. Results from litter bin audits have shown this approach to be an inefficient method of determining suitable locations for bins to be installed. Many of the current litter bins are under-used or simply not used at all. This represents a waste of resources and should be addressed by removing the litter bins from these locations.

The results of the thinking set out in this plan and the litter bin auditing that was undertaken as part of the development of the plan suggests a number of bins in the authority area are either not used or are rarely used. It is proposed that where this is identified, and following a periodic audit, the servicing of these bins will reflect the usage and that when the lifecycle of the current bin expires they will not be replaced. However, it is key to note that this is not the purpose of the plan and that bins will be provided in more suitable locations will have increased capacities and have increased durability. Therefore, any reduction in bin numbers should be viewed as a service improvement.

9.0 Process to decide on the siting of a new or replacement bin

The area in which a litter bin is requested or being considered for replacement must have an assessment undertaken. This requires that a site visit be conducted to assess whether there is a genuine need for a litter bin in the location requested. There are a number of factors which should be assessed during the site visit using the check list shown in appendix 1.

- The litter bin location must match one of the locations criteria listed
- The area should have a known problem with litter/dog fouling evidenced by complaints/enquiries and where there are currently no bins provided nearby or provided bins are overflowing
- The bin would need to be expected to be well used to make it cost effective. If bins located nearby are not well used i.e. bin fill levels are low with high levels of littering present in the local area, installing another bin is unlikely to be effective in tackling the litter problem
- Installing a bin must not cause an obstruction. The minimum acceptable clearance on the footway is 1500mm
- Bins should not be considered for installation in areas where nearby bins are frequently vandalised
- If the bin/bins were installed, emptying/servicing must be possible without any significant change to the current collection crew workload
- Bin proximity to property should be assessed. The installation of bins must not cause a nuisance to home or business owners. Complaints have arisen from members of the public due to bins being installed in close proximity to their property
- Bin proximity to another bin should be assessed. If there is another bin within 50m requests would only be considered if there is a specific need. E.g. heavily pedestrianised areas

Once an initial assessment has taken place and the result is favourable to the siting of a new or replacement bin an assessment of affordability will be made and the bin demand will be added to the list of approved new or replacement bins. Each new or replacement bin will be prioritised using the table in appendix 2. West Lothian has been zoned using the system from the Code of Practice on Litter and Refuse Scotland 2018. Within West

Lothian there are currently **four zones which are relevant, these are zones 3, 4, 5 and 6** ^[13]. It is proposed that zones are assigned a priority number with the higher the number the higher the priority of request.

When a decision has been reached following a request the individual will be advised of the outcome. This will include reference to the litter bin plan and the reasons for the decision.

It is key to note that bins will only be supplied, installed, maintained or emptied if they are located on land for which West Lothian Council has responsibility.

10.0 Dealing with smoking related litter and chewing gum

Zero Waste Scotland state that around half of Scotland's streets are affected by smoking-related litter (butts, matches and packaging). An estimated 122 tonnes of cigarette ends are dropped every day in the UK. It is estimated that the cost of clearing up this litter annually, is over £342 million ^[11]. Cigarette litter has environmental, economic and social implications. It harms animals, impacts on water quality and poses a fire risk if incorrectly disposed. Environmental campaigns (ENCAMS) research has documented that the presence of smoking related litter not only lowers the aesthetics of a locality, but together with other environmental crimes, and the maintenance of street infrastructure also contributes to a reduced quality of life.

Statistics from the Local Environmental Audit and Management System (LEAMS) report ^[14] for West Lothian highlight that most sites still record smoking related materials with town centres and higher footfall areas most severely affected. This report highlights the need to provide cigarette disposal infrastructure, particularly in town centre areas, where the problem of littered cigarette ends is most prevalent due to the high density of pubs, bars, betting shops and restaurants.

Research conducted by DEFRA found that smokers prefer dedicated cigarette bins for the disposal of their cigarette ends ^[15] rather than general purpose bins. Dedicated cigarette bins should be located in areas which have a particular problem with littered cigarette ends and so should be provided outside licensed premises, betting shops, transports interchanges (bus stations and train stations, car parks and taxi ranks) and at public seating areas (excluding equipped children play areas). Research shows that the average

distance a smoker will walk to a bin to dispose of a cigarette end is 12 metres, so smoker's proximity to cigarette bins is a key requirement for a successful initiative ^[15]. These dedicated cigarette bins should have enough capacity to deal with a large volume of cigarette ends, be aesthetically in keeping with the areas they are to be installed within, be easy to clean and use with large holes to insert the cigarette ends. There should be clear signage on and around these bins to indicate they are for cigarette ends only.

The City of London Council use such bins effectively. They introduced the bins during their "NO IFS, NO BUTTS" campaign, which began in October 2009. The aim of the campaign was to reduce smoking related litter in the City of London which had been on the increase since the introduction of the smoking ban in July 2007. The campaign comprised the installation of 272 twin Smartstreets Smartbins on lamp posts and sign posts throughout the City in conjunction with educational and enforcement activities. As a result of this campaign The City of London experienced a 63% reduction in cigarette litter. The survey data that was collated by the authority found that the Smartbins would fill to capacity in each of the respective areas as follows:

- High footfall areas would fill to capacity every working day
- Medium footfall areas would fill to capacity every two working days
- Low footfall areas would fill to capacity every four days

The authority estimates that a total of 27.48 million cigarette ends were collected in the Smart bins in 2012.

It is proposed that dedicated cigarette disposal facilities be incorporated into all bins purchased, less those located adjacent to children's play areas.

The disposal of chewing gum by simply dropping it on the ground creates a highly visible problem and is a particular issue in areas of high footfall especially town centres. In the town centres significant investment has been made and continues to be made in the appearance of the streetscape often with decorative walking surfaces which over time become covered in chewing gum.

11.0 Servicing and inspection of litter bins

Litter bins are subject to wear and tear and accidental or wilful damage. They are required to be adequately maintained to ensure the lifespan of each bin is as long as possible. Bins which are not adequately maintained will deteriorate quickly and will require refurbishment or full replacement at much more frequent intervals increasing costs. The routine maintenance activities include greasing hinges with other repairs implemented as required. During maintenance activity, bins will be inspected to record any damage or any other factor which may mean the bin would need to be replaced.

12.0 Recycling picked litter

To further increase the recycling levels, it is proposed that litter picking operations are modified whereby staff involved in litter picking activity separate litter which is suitable for recycling from litter which is not suitable and should thus be disposed of as general waste. This could be achieved by using either a two bag system or double container barrows. Similar schemes have been successfully adopted by a number of local authorities including The City of London Council. Here, street cleaning operatives have been equipped with double container barrows and collect paper, card, cans and plastics separately to other street waste with recyclables contained in clear sacks and general street sweepings in green sacks. Both types of bags are collected by the same vehicles but are stored in their own compartments to avoid any contamination. This arrangement also ensures there are no additional vehicle movements and thus no additional associated costs. The introduction of public place recycling and the recycling of materials from street cleaning operations has been a great success with street cleaning recycling rates in the City of London now hitting the 50% mark.

13.0 Potential savings from recycling litter

Zero Waste Scotland research has identified that over 80% of the litter stream consists of potentially recyclable material and indeed 50% of this material could have been easily recycled, had it been properly disposed of. Should robust and tested methods of recycling material collected by street cleansing operations achieve their intended outcome, there would be potential reductions in waste disposal costs to the council coupled with increased recycling levels.

14.0 Exploring potential sponsorship opportunities

There are many parties involved in ensuring that the current litter problem is effectively tackled including government, local authorities, other land managers, businesses, manufacturers and most importantly the public. While 72% of people think the government should do more to tackle litter, 82% of people think businesses should do more. Without businesses there would be considerably less litter to drop, so it is important that they contribute to efforts to prevent and reduce litter ^[27]. This plan recognises the need to engage with local businesses, whereby they may contribute to the cost of litter bin provision in the local area. Working in partnership with local business organisations currently works successfully in a number of local authorities including Aberdeen and Swansea City Councils.

Sponsoring litter bins is a good way for businesses to advertise locally, and can create a good impression of the company as it shows responsibility in their approach to litter and waste. If local businesses could contribute some funding for the purchase of litter bins, partial purchase costs or pay for advertising space on bins, in their local area this would enable the Council to maintain a good service and would provide valuable help with reducing littering levels and increasing recycling levels. Opportunities could be made available for businesses to have their logo added to sponsored bins in recognition of their contribution, thus generating good publicity.

Businesses can also make a real difference by setting a strong example of good practice in litter prevention and responsibility to the environment and local area. Businesses should be encouraged to do more to improve the local environment we live in by displaying anti-littering signs and posters to encourage customers to refrain from littering. A report by DEFRA entitled *reducing litter caused by food on the go - a voluntary code of practice for local partnerships* suggests, *sponsoring litter bins is a good way for businesses to advertise locally and create a good impression of their approach to litter and waste. Businesses operating as part of a chain could consider working with nearby branches to provide more bins in the areas between their premises, to increase advertising potential* ^[16].

The overall aim of this approach would be to reduce littering levels as research shows that litter breeds litter and it is in the interest of businesses to maintain a clean and tidy premise, including all surrounding grounds for which they have responsibility or affect. DEFRA highlight that clean public spaces can stimulate economic investment, tourism and attract people into the community to live, work and socialise.

This approach is considered to be most applicable to town centres and other areas of high footfall and high visibility and requires a joint approach across council services.

15.0 Smart bins

Wireless sensors are available to fit inside bins which can determine the level of fill and communicate this information to a cloud based web service. This information can then allow a reactive bin emptying service to be delivered. Over time the system can build up a picture of fill rates of individual bins and the service could be fine tuned to a routine emptying plan. It would cost money to buy and fit sensors and run the software to receive and analyse the data. It is unclear at present whether such an approach could make savings in the greater efficiency that could be delivered to cover the set up and running costs or even create a genuine saving.

16.0 Monitoring impact

In order to determine the success or otherwise of this plan it is important to provide some methods of measuring the impact to allow effective review. The levels of littering present in West Lothian are measured using the Local Environmental Audit and Management System (LEAMS) managed by Keep Scotland Beautiful (KSB)^[14]. This system is based on auditing a sample of street lengths three times a year by trained staff who are accompanied on one of the audits by a member of KSB staff. The system generates the street cleanliness index (%age of sites deemed to be at an acceptable level) as well as other pertinent data. This data is available for past years and the cleanliness index is a required measure by the Local Government Benchmarking Scheme. This data would enable the direct comparison of *street cleanliness* pre and post implementation of the litter bin plan.

It is proposed that gathering tonnage data from bins would give a measure of their use although there is no baseline figure at present.

The number of street cleaning enquiries and complaints is available for past years and analysis of enquiries and complaints post implementation of the litter bin plan would assist in determining success or otherwise. Customer satisfaction surveys would give an indication of the public view of the approach set out in this plan.

Auditing of the rationalised bin population in specific areas will also assist as well as measuring the lifetime of bins.

17.0 Partnership working

It is recognised that any attempt to improve matters concerning the existing or future litter bin provision will have an effect on the levels of littering to be found in West Lothian but of itself it will not be enough to address the litter and fly tipping problem. In order to fully achieve this it is essential that all relevant parties who can affect littering are involved in this plan and any wider litter plan developed by the council.

Internal partners include:

- Waste Management Services for technical and operational aspects
- Enforcement Officers
- Planning and Economic Development since they commission various infrastructure
- Roads and Transportation since they design and manage assets which affect bins
- Learning and Leisure for matters of education and the school estate
- Public Relations who can assist in marketing and messaging

External partners include:

- Friends and Community groups who have interest in specific areas
- Keep Scotland Beautiful for technical advice and support

- Zero Waste Scotland for technical advice and funding

18.0 Implementation

It is proposed that consultation is undertaken on this plan with the following groups:

- Cleaner Communities staff
- Internal partners
- External partners
- The public
- Elected members

References

1. Zero Waste Scotland (2013 report) – Scotland's litter Problem
2. UK Government (2005) - Department for Transport's Inclusive Mobility Guidelines
3. Eunomia (2013) – Exploring the indirect costs of litter in Scotland
4. Keep Scotland Beautiful [KSB] (2007) - Public attitudes to litter and littering in Scotland
5. Zero Waste Scotland (2012) – Evidence review of littering behaviour and Anti-Litter policies (Written by Brook Lyndhurst)
6. National Records of Scotland (2019) – Mid-2018 Population Estimates by Council Area in Scotland
7. Department for Environment Food and Rural Affairs (2005) – Achieving Improvements in Street Cleansing and Related Services
8. Middlesbrough Council (2006) - Litter Bins Policy: Summary of the Environmental Scrutiny Panel's Final Report
9. Rossendale borough Council(2006) – A report of the overview and scrutiny litter bins task and finish group
10. Keep Britain Tidy (2013) – National Dog Fouling campaign
11. Lewis, Turton & Sweetman (2009) – Litterbugs: How to deal with the problem of littering
12. UK Government (2005) - Department for Transport's Inclusive Mobility Guidelines
13. Scottish Government (2018) – Code of Practice on Litter and Refuse (Scotland) issued under section 89 of the Environmental Protection Act 1990
14. Local Environmental Audit and Management System (LEAMS)(2013) – West Lothian Report: April 2018 – March 2019, report prepared by Keep Scotland Beautiful
15. DEFRA (2007) – Preventing Cigarette Litter in England – Guidelines for Local Authorities
16. DEFRA (2013) – Reducing litter caused by food on the go: A voluntary code of practice for local partnerships

17. Kinsella and Gertman (2007) – Single Stream Recycling Best Practices Implementation Guide
18. APSE - State of the Market Survey 2017 Local Authority Street Cleansing Services
19. Zero Waste Scotland (2014) - Towards a litter-free Scotland: a strategic approach to higher quality local environments
20. Zero Waste Scotland (2012) - Rapid Evidence Review of Littering Behaviour and Anti-Litter Policies
21. Zero Waste Scotland (2013) Scotland's Litter Problem Quantifying the scale and cost of litter and fly tipping

Appendix 1 – Bin location check list

Criterion	Notes
Location of the requested bin	
Does the area match at least one of the criteria set out for the siting of bins across the authority?	
Is there a known problem with litter/dog fouling in the area?	
Are there any other litter bins within 50m? What is the usage of these bins – are they overflowing? Specific need for additional bin if another bin within 50m?	
Width of pavement – would installing a litter bin cause an obstruction? (absolute minimum clearance is 1500mm)	
Is there a history of vandalism of bins in the surrounding area?	
Can an existing crew empty the bin or would significant changes be required to accommodate the new bin?	
Would the installation of a litter bin cause a nuisance to anyone? – e.g. householder/business owner	

Appendix 2 Prioritisation of Requests

<u>Location</u>	<u>Priority Level</u>
Zone 1	6
Zone 2	5
Zone 3	4
Zone 4	3
Zone 5	2
Zone 6	1

The detailed definitions of each zone are given below (Information from the Code of Practice on Litter and Refuse (Scotland) 2018 ^[13])

Zone Category Descriptions and Examples

Zone	Description	Location Type	Example (Relevant in 2016)
1	Areas subject to extremely high footfall and/or vehicular movement and/or very high number of litter sources.	This means areas which have the highest risk of litter regularly occurring or accumulating such as:	
		Major city centres	Edinburgh Glasgow
		Very busy visitor attractions	The Helix, the home of the Kelpies Edinburgh Castle Strathclyde Country Park
		Areas in and around regular event locations	Scottish Events Campus Hampden, Scotland's National Stadium
		Primary commercial and retail areas in city centres	Princes Street Edinburgh Buchanan Street Glasgow
		Major transport hubs	Waverley Train Station, Edinburgh Buchanan Bus Station, Glasgow
		Land of designated educational institutions - schools, colleges, universities	University of Strathclyde Aberdeen College City Campus
		Other land, including canal land**, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	

As a guide this should include areas where the average hourly footfall/vehicle movements is more than 1,000 over a 7 day period and/or 20 or more high risk litter sources.		
2	Areas subject to high footfall and/or vehicular movement and/or high number of litter sources	This means areas which have a high risk of litter regularly occurring or accumulating such as:
		Small city centres and large town centres
		Perth Hamilton Falkirk
		High density residential areas mixed with retail premises
		Gorgie Road Edinburgh
		Popular visitor attractions
		Stirling Castle
		Primary commercial and retail areas in large towns/city suburbs
		Livingston Designer Outlet
		Large, heavily used industrial estates
		Tullos Industrial Estate, Aberdeen
		Busy recreational land - beaches, parks, walks, cycle paths, canal land etc.
		Glasgow Green Aberdeen Beach boulevard
		Transport interchanges in busy public areas - car parks, bus stations, railways stations, ports, harbours, airports.
		Aberdeen Airport Seagate Bus Station, Dundee
		Land of designated educational institutions - schools, colleges, universities
		Holyrood Secondary School
		Other land, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements
		As a guide this should include areas where the average hourly footfall/vehicle movements is 601-1000 over a 7 day period and/or 15-19 high risk litter sources.
	Areas subject to moderate footfall and/or vehicular movement	This means areas that have a moderate risk of litter regularly occurring or accumulating such as:
		Medium town centres
		Kirkintilloch Stonehaven
		High density residential areas - predominately terraced, flatted, where more than 50% of the dwelling have no off road parking
		Seaton, Aberdeen Merkinch, Inverness
		Moderately used visitor attractions
		Nevis Range
		Secondary retail, office and commercial areas
		Clydebank shopping area
		Moderately used Industrial estates and business parks
		Dryburgh Industrial Estate Dundee

3	and/or a moderate number of litter sources	Moderately used recreation land - beaches, parks, walks, cycle paths, canals land** etc.	Callendar Park
		Transport interchanges with moderate usage – car parks, bus stations, railway stations, ports, harbours	Falkirk Bus Station
		Land of designated educational institutions - schools, colleges, universities	Mearns Primary School
		Other land, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
	As a guide this should include areas where the average hourly footfall/vehicle movements is 301-600 over a 7 day period and/or 10-14 high risk litter sources.		
4	Areas subject to low footfall and/or vehicular movement and/or low number of litter sources	This means areas that have a low risk of litter regularly occurring or accumulating such as:	
		Small town/village centres	Huntly Duns
		Moderate to Low density residential areas - 50% or more dwellings have off road parking	Kinnaird Village, Larbert
		Suburbs of towns	Monkton Hall
		Low use industrial estates, business parks	Tillybrake Industrial Estate Banchory
		Low usage recreational land - beaches, parks, walks, cycle paths, canal land** etc.	Lunan Bay, Angus
		Transport interchanges with low usage – car parks, bus stations, railway stations, ports, harbours	Alloa railway station
		Land of designated educational institutions - schools, colleges, universities	Ullapool High School Machanhill Primary School
		Other land, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
		As a guide this should include areas where the average hourly footfall/vehicle movements is 21-300 over a 7 day period and/or 5-9 high risk litter sources.	
Areas subject to very low/no	This means areas that have little risk of litter regularly occurring or accumulating such as:		
	Land which is publically accessible subject to infrequent or little use, includes remote beaches	Large parts of Highlands where land is publically accessible but infrequently visited	

5	footfall and/or vehicular movement	Land of designated educational institutions - schools, colleges, universities	Gartmore Primary School
	and/or few/no litter sources	Other land, including canal land **, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
	As a guide this should include areas where the average hourly footfall/vehicle movements is 20 or less over a 7 day period and/or 0-4 high risk litter sources.		
6	Roads over 40mph and Operational Railway Land	Any road above the 40 mph speed limit including all surfaces within the road boundary. Operational railway land including the track, tracksides through to the fence line, excluding land and track within 100 metres of a railway station platform.	

**as detailed in the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991

Environment Policy, Development and Scrutiny Panel

Workplan 2019/2020

	Issue	Purpose	Lead Officer	Date	Referral to Council Executive
1.	Environment PDSP Performance Scorecard Report – Full Year (Q1 – Q4)	To report the current levels of performance for all indicators which are the responsibility of the Environment Policy Development and Scrutiny Panel. Report to be submitted to the PDSP in 4 June 2019	Jim Jack	4 June 2019	No
2.	Operational Services Management Plan 2019/20	To advise the panel of the purpose, scope and content of the Operational Services Management Plan for 2019/20 Report to be submitted to the PDSP in 4 June 2019	Jim Jack	4 June 2019	No
3.	Planning, Economic Development and Regeneration Management Plan 2019/2020	The purpose of the report is to make the panel aware of the Planning, Economic Development and Regeneration Management Plan 2019/20 Report to be submitted to the PDSP in 4 June 2019	Craig McCorriston	4 June 2019	No
4.	Food Service Plan 2019/2020	The purpose of this report is to make the panel aware of the Food Service Plan 2019/2020 and the obligation upon the council to approve an annual Food Service Plan. Report to be submitted to the PDSP in 4 June 2019	Craig Smith	4 June 2019	No

5.	Health and Safety Service Plan 2019/2020	<p>The purpose of this report is to make the panel aware of the Health and Safety Service Plan 2019/2020 and the obligation upon the council to approve an annual health and safety service plan.</p> <p>Report to be submitted to the PDSP in 4 June 2019</p>	Craig Smith	4 June 2019	No
6.	Broxburn Flood Prevention Scheme – Proposed Works	<p>To update the Panel on the progress being made to deliver the final component of the Broxburn Flood Protection Scheme, provide protection to properties not afforded protection under the existing scheme and ensure that the level of protection provided to homes and businesses by the existing scheme remains under review in the context of new modelling guidance, better long-term data and new climate change projections</p> <p>Report to be submitted to the PDSP in 4 June 2019</p>	Graeme Hedger/Richard Harlow	4 June 2019	Yes
7	Transport (Scotland) Bill – Stage 1 Report	<p>The purpose of this report is to update the Panel on the Transport (Scotland) Bill, Stage 1 report which was published on 7 March 2019 by the Scottish Parliament's, Rural Economy and Connectivity Committee.</p> <p>Report to be submitted to the PDSP in 4 June 2019</p>	Graeme Malcolm	4 June 2019	No
8.	The use of chemical for sports pitch marking	<p>The purpose of the report is to inform the members of the Panel of the European Union's decision to ban the chemical Finale 150 that is currently used for weed spraying sports pitch lines; and how this will change the service's approach and methodology for future pitch marking</p> <p>Report to be submitted to the PDSP in 4 June 2019</p>	Andy Johnston	4 June 2019	No

9.	2018/19 Financial Performance – Month 12 Monitoring Report	To provide the Panel with an update on the financial performance of the Environment portfolio for the General Fund Revenue budget and the General Services Capital Investment Strategy Report to be submitted to the PDSP in 3 September 2019	Keith Johnstone	3 September 2019	Yes
10.	Sexual Entertainment Venue Licensing	To inform the Panel of changes to legislation enabling the council as licensing authority to introduce a licensing scheme for sexual entertainment venues (SEVs). Report to be submitted to the PDSP in 3 September 2019	Audrey Watson	3 September 2019	Yes
11.	Public Entertainment and Theatre Licensing	To inform the Panel of changes to legislation regarding theatre licensing which will impact on the public entertainment licensing scheme Report to be submitted to the PDSP in 3 September 2019	Audrey Watson	3 September 2019	Yes
12.	Low Emission Zone for the City Of Edinburgh: West Lothian Council's Consultation Response	The purpose of this report is to outline the City of Edinburgh's Low Emission Zone (LEZ) proposals for the City and to recommend a formal response to the Council Executive. Report to be submitted to the PDSP in 3 September 2019	Graeme Malcolm	3 September 2019	Yes

13.	West Lothian Parking Strategy for Consultancy Brief	<p>The purpose of this report is to seek approval from the Panel for a consultancy brief for a West Lothian Parking Strategy. The consultancy brief will underpin the necessary preparation work for a West Lothian wide parking strategy; as requested by Council Executive on 5 February 2018.</p> <p>Report to be submitted to the PDSP in 3 September 2019</p>	Gordon Brown	3 September 2019	Yes
14.	Litter Bin Plan	<p>The purpose of the report is to inform members of the panel of the details of the proposed Litter Bin Plan for West Lothian Council that will provide criteria for the type, size and location of litter bins across the area and to seek support for its inclusion in the council's Litter Policy.</p> <p>Report to be submitted to the PDSP in 3 September 2019</p>	Andy Johnston	3 September 2019	Yes
15.	Contaminated Land Supplementary Guidance, including the Contaminated Land Inspection Strategy	<p>The purpose of this report is to advise the panel of preparation of Supplementary Guidance (SG) on contaminated land in support of the West Lothian Local Development Plan (LDP) and a contaminated land inspection strategy.</p> <p>Report to be submitted to the PDSP in 3 September 2019</p>	Fiona McBrierty	To be confirmed	Yes
16.	Climate Change Strategy & Carbon Management Plan	Report to be submitted to the PDSP in 5 November 2019	Peter Rogers	5 November 2019	
17.	UK Climate Change Profile	Report to be submitted to the PDSP in 5 November 2019	Peter Rogers	5 November 2019	
18.	Local Climate Impact Profile	Report to be submitted to the PDSP in 5 November 2019	Peter Rogers	5 November 2019	

19.	WL Adaption Action Plan	Report to be submitted to the PDSP in 5 November 2019	Peter Rogers	5 November 2019	
20.	Strategic Litter Prevention Action Plan		Andy Johnston	5 November 2019	
21.	Hire car licensing	Report to be submitted to the PDSP in 5 November 2019	Audrey Watson	5 November 2019	
22.	Recycling and Waste Services Citizens Led Inspection Report	Report to be submitted to the PDSP in 5 November 2019	David Goodenough	5 November 2019	
23.	Environment PDSP Performance Report	To report the current levels of performance for all indicators which are the responsibility of the Environment Policy Development and Scrutiny Panel Report to be submitted to the PDSP in November 2019	Jim Jack	5 November 2019	No
24.	Annual report on air quality in West Lothian	Report to be submitted to the PDSP in November 2019	David Brewster	5 November 2019	
25.	Newton Final Air Quality Action Plan		David Brewster	To be confirmed	
26.	Open Space Strategy Refresh	The purpose of this report is to make the panel aware of the content and adoption of the Open Space Plan refresh for the period 2015-2020 and highlight to the panel the plans for the document going forward.	Andy Johnston	To be confirmed	No

Jim Jack
Head of Operational Services
 3 September 2019