
Report To:	Environment & Regeneration Committee	Date:	30 August 2018
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	ENV023/18/MM
Contact Officer:	Kenny Lang	Contact No:	01475 715906
Subject:	Revised Code of Practice on Litter and Refuse (COPLAR)		

1.0 PURPOSE

- 1.1 The purpose of this report is to update Committee on the current position with regard to the revised Code of Practice on Litter and Refuse (COPLAR).

2.0 SUMMARY

- 2.1 The Code of Practice on Litter and Refuse (COPLAR) is statutory guidance to help duty holders fulfil their obligations set by the Environmental Protection Act 1990 Section 89. The Code of Practice on Litter and Refuse 2018 will replace its 2006 predecessor. A review of the 2006 COPLAR was a commitment of the National Litter Strategy and was overseen by a steering group which included COSLA and the Association of Public Service Excellence (APSE).
- 2.2 The Improvement Service benchmarking reports indicate that, throughout Scotland, customer satisfaction with the levels of neighbourhood cleanliness is falling. The level of satisfaction for Scotland as a whole has decreased from 74.1% To 72.3% (2014-17). The level of satisfaction for Inverclyde has fallen from 77.9% to 75.7% for the same period.
- 2.3 The updated COPLAR therefore brings the guidance into line with the principle that prevention in public services is more efficient than treatment.
- 2.4 The introduction of the new version of COPLAR 2018 is subject to completion of Parliamentary process (which will take 40 days to conclude). COPLAR was laid in Parliament on 17 May 2018.

3.0 RECOMMENDATIONS

It is recommended that the Committee note the contents of this report and Inverclyde's participation as one of the 6 trial authorities in developing the revised Code of Practice on Litter and Refuse.

Martin McNab
Head of Environmental & Protective Services

4.0 BACKGROUND

- 4.1 The Code of Practice on Litter and Refuse (COPLAR) is issued under the Environmental Protection Act 1990, and imposes a duty on local authorities and certain other landowners and occupiers (the duty bodies) to keep specified land clear of litter and refuse so far as is practicable. The Act also places a duty on local authorities or Scottish Ministers to keep public roads clean so far as is practicable.
- 4.2 The COPLAR defines standards of cleanliness which are achievable in different locations and under differing circumstances and is concerned with how clean land is, rather than the frequency it is swept. The Code of Practice does not, therefore, suggest cleaning frequencies but sets out how quickly different types of land should be returned to a set cleanliness standard.
- 4.3 The duties are supported by various enforcement powers:
- local authorities have power to issue Litter Abatement Notices to require certain other duty holders to act (Section 92).
 - Ministers also have power to direct others in the performance of their duties (Section 89 (6A)).
 - people can take their concerns to the Sheriff Court, which may then impose a Litter Abatement Order (Section 91). One community organisation is currently taking such action.
- 4.4 The main changes within COPLAR 2018:
- Duty 1 now encourages duty holders to influence behaviour so that less litter is dropped in the first place
 - Duty 1 response times have been extended for duty holders who successfully influence behaviour and have less litter to clear
 - distinction between the two duties has been made with separate grades and response times
 - clarity that the standard which reflects duty fulfilment is achieving 'Grade A'
 - refreshed grades and zones include metrics that will support consistency of interpretation between duty holders.

Improved language and structure also make it clear who the duties apply to, where litter should be removed from (extending its focus to include water, bushes and trees) and what to consider as litter, refuse and detritus.

- 4.5 There was extensive engagement with local authorities about the revised code:
- Zero Waste Scotland held workshops with local authorities and other duty holders – this included prevention workshops held by Association of Public Service Excellence (APSE)
 - COSLA and APSE representatives were part of the review steering group and Zero Waste Scotland met with COSLA/APSE and local authority representatives to discuss the code
 - support was provided to local authorities through Zero Waste Scotland to begin classifying land/roads using the code's updated zones
 - 31 local authorities have undertaken training in new litter monitoring methodology, which supports the new code, and six local authorities are involved in the full trial of monitoring method and software taking place in 2018/19.

4.6 A full scale trial of the monitoring system commenced in May 2018 with six volunteer Local Authorities and one other duty holder. The Local Authorities involved in trial were:

- Aberdeen City Council,
- Angus Council,
- East Dunbartonshire Council,
- East Renfrewshire Council,
- Fife Council,
- Inverclyde Council.

4.7 The trial will run for an initial six months (covering two monitoring periods) to fully test the allocation of survey locations using zoned areas, the updated monitoring method, data capture using the mobile application and the display, evaluation and export of data from the website.

4.8 Zero Waste Scotland have also written to all Local Authorities and will arrange a briefing session for Inverclyde Council aimed at all Local Authority departments and statutory undertakers responsible for relevant land and for those who have a role in prevention and litter abatement. This will include a number of cross Directorate services and will be co-ordinated throughout Environmental Services Section.

IMPLICATIONS

5.1 Finance

This report does not impact on Finance.

5.2 Legal

This report does not impact on Legal.

5.3 Human Resources

This report does not impact on Human Resources.

5.4 Equalities

This report does not impact on Equalities.

5.5 Repopulation

This report does not impact on Repopulation.