

CIWM Scotland Centre Consultation Response

August 2017

Zero Waste Scotland - Consultation on Draft Code of Practice on Litter and Refuse

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents over 6,000 waste management professionals, predominantly in the UK but also overseas. CIWM sets the professional standards for individuals working in the waste management sector and has various grades of membership determined by education, qualification and experience.

The Scottish Centre Council of the Chartered Institution of Wastes Management welcomes the opportunity of contributing to the Zero Waste Scotland consultation on the Draft Code of Practice on Litter and Refuse.

CIWM is recognised as the foremost professional body representing the complete spectrum of the waste and resources sector. This gives the Institution the widest possible view and, perhaps more pertinently, an objective rather than partial view, given that our goal is for improvement in the management of all wastes and resources.

We offer the comments based on the extensive experience of a number of our senior members.

To view the draft Code of Practice on Litter and Refuse please click [here](#).



Who are you responding on behalf of?

Community Group

Does this draft guidance provide practicable guidance on how to fulfil the duty, to keep land clear of litter and refuse?

To Some Extent

Does this draft guidance provide practicable guidance on how to fulfil the duty to keep roads clean?

To Some Extent

Are definitions provided in the draft guidance to make it clear when and where the duties apply?

To Some Extent

Does the inclusion of prevention activities increase flexibility in how organisations fulfil the duty to keep land clear of litter and refuse?

No

Does the inclusion of more objective methods of measuring grades help remove ambiguity and improve consistency?

To Some Extent

Does the inclusion of more objective methods of allocating zoning help remove ambiguity and improve consistency?

Yes

Please provide any other feedback on the document including additional information to support previous answers

See Below

Would you like to be contacted with further information regarding the Code e.g. when it is adopted, when training and further guidance is available?

Yes



Additional Information

General Comments

Although not specifically covered in the guidance note one area that CIWM Scotland suggests needs addressing is the street cleansing of Trunk roads being harmonised with all other aspects of maintenance to ensure clarity and efficiency of services.

One current issue that merits careful consideration is the shredding of litter and other controlled waste by contractors during grass cutting operations. CIWM Scotland suggests that contracts should make a specific requirement that areas are cleared of litter prior to grass cutting.

CIWM Scotland recommends that the measurement standard calculators be simplified and harmonised to provide one set rather than two or three.

1. Introduction

CIWM Scotland has nothing to add.

2. Understanding Section 89

2.1. The Two Duties

CIWM Scotland suggests the duties should be 'so far as **reasonably** practicable' as In essence, making sure a risk (in this case litter) has been reduced is about weighing the risk against the sacrifice needed to further reduce it.

CIWM Scotland seeks greater clarity around the definitions of 'kept clear' and 'kept clean'. CIWM Scotland suggests having one definition for both duties – kept clean - this covers the aspect to clear litter and refuse as well as the cleaning up of detritus.

2.2. Materials in Scope of the Duties

CIWM Scotland believes the definitions would benefit from being tightened up e.g. 'litter in the wrong place' and 'deposited'. Litter can come from windblown sources or other sources such as vermin (gulls, birds and mammals) breaking open bags. The current wording suggested in the consultation document does not tackle these sources of litter that were originally deposited correctly in bins.

Clarity is sought by CIWM Scotland in relation to animal carcasses, automotive items, horse excreta, bodily fluids, etc. and how these should be determined. CIWM Scotland seeks clarification as to what stage does a weed become detritus?



2.3. Who has to take action

On page 5 it is recognised that activities are outsourced. CIWM Scotland suggests adding text to highlight that while the tasks may be outsourced, legal responsibility to comply with the duty remains with the Duty Holder.

2.4. Where do the duties apply?

CIWM Scotland has nothing to add.

3. Fulfilling the Duties

3.1. The Standard

One aspect of the Standard that CIWM Scotland would like to highlight is during the winter months when there is extensive gritting required, maintaining a detritus free highway is not reasonably practicable CIWM Scotland suggests some text is added to this effect or allows for a derogation.

CIWM Scotland suggests that under Duty 1 grades D and E are amalgamated to D and E becomes the current F. For Duty 2 CIWM Scotland suggests adding an E category to include items such as automotive parts, animal carcasses, etc.

3.2. Zoning

CIWM Scotland would like to highlight that the ongoing zoning, monitoring and evaluation will involve significant resources for duty bodies.

Placing a maximum time for review is strongly supported by CIWM Scotland and ask that the review period be 5 years for those that have to carry out an extensive review of their area.

Page 9 mentions that areas subject to significantly higher footfall should be temporarily upgraded. CIWM Scotland is aware that some situations that increase footfall are the responsibility of the organiser to reinstate – so not all higher footfall events will need to be upgraded. The responsible body should have regard to the duty and ensure organisers clear up after any event. Therefore, we do not believe this to be reasonably practicable.

In regards to transparency CIWM Scotland fully supports the requirement to make the zoning / monitoring, findings, etc. easily accessible to members of the public.

3.3. Monitoring

CIWM Scotland has nothing to add.



4. Fulfilling Duty 1

4.1. COPLAR Grades

Suggest higher definition images are used to demonstrate these.

4.2. Tactics – How Prevention Can be Used to Meet the targets

Despite many campaigns over the years that promote litter prevention through behaviour change these have had little or no effect to deter litter and fly tipping and noticeably improve litter standards.

4.3. Response Times

CIWM Scotland feels the banding of response times, based on percentage of budget spent on prevention could place further pressure on already stretched and under pressure public sector budgets.

CIWM Scotland can see the reasoning for linking response banding to any prevention budget but spending budget on prevention does not guarantee litter will not dropped. CIWM Scotland suggests a stronger link to Local Litter Prevention Plans should be included in the code of practice, with a 2 year review which looks at how the plan is working alongside the service provision (bins, sweep regime, etc.) with a more fundamental review after 5 years.

5. Fulfilling Duty 2

5.1. COPLAR Grades

Suggest better images are used to demonstrate grades

5.2. Tactics

CIWM Scotland suggests adding some extra text to explain that by regular sweeping and maintenance schedules not only is the duty met but there are preventative benefits in the regular removal of detritus, in particular the reduction of weed growth.

5.3. Response Times

Response times are not achievable where there are snow piles and grit and in these circumstances should be subject to a derogation.

