

WLGA CONSULTATION RESPONSE on 'Our Litter & Fly-tipping prevention plan'

20th April 2021



CLILC • WLGA

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and three fire and rescue authorities are associate members.
2. The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA also appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government.
3. The WLGA works closely with and is often advised by professional advisors and professional associations from local government, however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales.

1. Do you agree that litter and fly-tipping should be covered under one plan? If not, please provide a reason for your answer.

On balance the WLGA believe it is right to tackle both these issues holistically. Many of the issues are the same in terms of supporting the Circular Economy. The two issues are related and often are conflated in the eyes of the public into concerns about local environmental quality. The strategy must reflect fully that even within each area there are significant nuances in people's behaviour (roadside littering/pedestrian littering) different messaging, sometimes a different demographic to those involved, and different behavioural interventions required. The degree of criminality is very different and should also be reflected in the approach.

What is critical is that the analysis and the different drivers are understood and reflected in the overall strategy. Also, that those different behaviours, different groups and different strategies are employed as appropriate.

Often the spatial basis of each issue is different. Litter often is a reasonably localised issue (leaving aside roadside littering/tourism) that requires specific localised responses, infrastructure, and behavioural prompts. Fly tipping can often be on a significant criminalised basis which requires better regional intelligence and response, and increasingly may need an organised crime approach.

The fundamental issue often raised is that the punishments must be proportionate to the actions and often the view is that highly profitable fly tipping is not deterred by the current regime which

often results in significant costs for LA's to pursue with little impact on the criminals involved through relatively minor fines (in the relatively few cases where they can actually be identified). This goes to the heart of any future strategy and is likely to become more important as legitimate means of disposal become more expensive.

Another key issue raised on a regular basis is the need for better enforcement for open top vehicles transporting waste that, when poorly covered, leads to significant roadside littering which due to costs of traffic management is a huge burden on budgets to deal with. There is also a need for greater co-ordination of activity with the trunk road agencies to ensure that any road closures are maximised to carry out multiple activity such as litter picks. This aspect also requires clarification on roles and responsibilities.

The issue of littering from vehicles and the differences in powers between England and Wales is often raised as a problem. Therefore, allowing LA's the powers to prosecute the registered keeper of the vehicle and widely communicating that fact would be useful.

Dog fouling may be relatively minor in terms of costs however it is a matter of deep concern to the public. More emphasis is needed to ensure that dog owners not only clear up after their pets but dispose of the waste bags appropriately. It is deeply ironic that plastic bags often hung in trees of hedges will have a far longer impact than any dog fouling left behind. These types of issues have intensified during lockdown as people become more aware of their immediate locality but also as the number of pets has increased.

There may be value in further exploration of regional resources given the specialist nature of some aspects of data gathering and prosecution/legal advice, especially in relation to flytipping. Perhaps these aspects could be explored through the regional Waste Ministerial Programme Board structures although it should also be noted that the Corporate Joint Committee structures have a lead on economic wellbeing that will link to Circular Economy aspects of this.

FTAW already are active in communication and promotion campaigns as are KWT and LA's. Perhaps through the Caru Cymru scheme a range of standard resources and advice on how to use them utilising sound behaviour change techniques could be held in a centralised online 'library' allowing all partners to use and localise the materials.

2. Do you agree with themes we have chosen? Do you think they will help us achieve our ambitions? If not, what other themes do you think need to be included?

The themes identified are naturally broad but should therefore encompass most necessary activity. It has been raised that there should be a greater focus on what is sought by these actions but that is to a certain extent set out in the rest of the document. It would be expected that the Well Being ways of working would be more explicitly referred to in driving the interventions and the goals themselves would be referenced. For example, prevention (at the heart of the diagram) is just one of the five ways of working. The other four ways can also contribute (e.g. particularly collaboration and involvement). The arrows on the diagram could be bi-directional in that respect.

One additional theme that may need consideration is the design of the built environment (place making agenda) and influence on regeneration/town centre renewal initiatives. Thinking how a

locality works holistically (and for the long term) many lead to a better design in terms of litter prevention and reduction and recycling.

3. Do you agree with the suggested actions in the waste reduction theme? If not, please provide reasons.

Overall, WLGA welcomes the emphasis in the strategy on reducing potential litter at source by reducing packaging, reducing single use materials etc.

LA's identified several areas they felt should get more emphasis under this theme, dog fouling and chewing gum being two such areas. Again, they may not be significant costs for the LA but have a big impact on LEQ issues. Additional waste prevention potential activity highlighted includes food waste reduction schemes, a drive for more refill stations including the potential to make this a requirement of other licensing regimes, further development of the plastic bag schemes, and an understanding of how the DRS/EPR will impact on this issue.

4. Do you think other actions should be included under the waste reduction theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

Further suggested areas from LA's included:

- The issue of fast-food outlets to enable the reduction the packaging provided in the first instance or to print registration numbers on the packaging so that the registered keeper can be liable from littering from a vehicle (once these powers are in place).
- Promotion of reuse/repair products.
- Review activities within local authorities and the procurement of contracts. Look at the potential for service contracts to include recycling/litter collection/sharps collections/waste management plan etc as part of their duty of care.

5. Do you agree with the suggested actions in the waste evidence, monitoring and evaluation theme? If not, please provide reasons.

Most LA's who use the fly mapper system report benefits from that. Obviously as some LA's have integrated corporate systems, they might not be able to migrate to this system but WLGA will continue to encourage its use where possible. The benefit of identifying hotspots and regional activity is clearly useful in a more strategic coordinated response to fly tipping. There may be a need for a regional mechanism to share this intelligence and co-ordinate activity.

The issue of recording incidents on private land requires further thought as any under reporting is likely to reduce the effective monitoring of this strategy. Further work is required on identifying suitable performance indicators but care needs to be taken not to create perverse outcomes with any such PI's. For example effective investigation into incidents may increase the time taken to clear fly tipping where speed of clear up is often seen as a performance measure.

6. Do you think other actions should be included under the waste evidence, monitoring and evaluation theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

The issue of consistency of data remains a challenge. There is a suggestion that it would be clearer if Littering FPNs (WG Returns) and Flytipping FPNs (WDF) were reported and published in one place.

7. Do you agree with the suggested actions in the education and behaviour change theme? If not, please provide reasons.

The range of actions seem appropriate. FTAW have been identified as an exemplar of approach and picking up on the earlier suggestion this could form the basis of a range of resources that could be provided to partners to localise and use appropriately. There may be a need for a greater emphasis on the enforcement aspect and possible consequences for households, however this must be credible and backed up with greater (resourced) activity on the ground.

8. Do you think other actions should be included under the education and behaviour change theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

The potential to require education and behaviour change as part of other regulatory frameworks should be explored. Whilst it may not be possible it is worth exploring how licensing and planning frameworks could require such activity as part of the process/permissions.

Some LA's would like to see a greater emphasis on dog owners as part of this activity.

9. Do you agree with the suggested actions in the effective enforcement theme? If not, please provide reasons.

Yes. The development of EPR could potentially ensure that enforcement activity would be better funded, WG should continue to make the case that this should be part of any final EPR scheme and not just costs associated with cleaning up litter. It is important that enforcement and education/behaviour change are closely linked and part of the same continuum.

10. Do you think other actions should be included under the effective enforcement theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

There is clearly a need to ensure that the waste carriers licensing process be made to work better. Suggestions include a requirement to display licenses on vehicles, carrying identification cards, a consumer hotline to check if license is still valid, perhaps also allowing a notification from the HH about a load so that it can be married up with relevant paperwork, and a system of ensuring that certain identified individuals are barred from working as waste carriers (albeit difficult to enforce).

There is also a suggestion for a national fixed penalty processing system utilising new technology and consideration of a single national or regional partnership based "virtual back office".

Every authority currently processes their FPNs, including actions on non-payment and Single Justice Procedures. A single point of contact could ensure greater consistency / compliance. (Parking FPNs are already processed regionally). Consideration could also be given to removing the custodial sentence for small scale fly-tipping. This would enable cases of non-payment to be processed via SJP. The purpose of this would be to make the system more responsive for these smaller incidents.

11. Do you agree with the suggested actions in the efficient operational delivery theme? If not, please provide reasons.

12. Do you think other actions should be included under the efficient operational delivery theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

Broadly supportive but to look at the potential for greater co-ordination of voluntary activity and to explore guidance for event management. Also the need to ensure co-ordinated activity around roadside litter and trunk road agency needs to be addressed. There is currently work that WLGA are party to on updating the fly tipping protocol.

13. Our Litter & Fly-tipping Prevention Plan includes a number of actions. Which ones do you think should be a priority? Please give reasons.

- Urban Litter most prevalent and expensive to clear
- Rural Roadside Litter dangerous and expensive to remove.
- Covid19 Food on the Go, PPE and tourism influx/pressures likely to overload existing street cleansing resources.
- Dog Fouling always a matter of public concern, heightened by Covid19 daily exercise, etc.
- Review roles and co-ordination in dealing with roadside litter.
- Explore the development of regional support/behaviour change, legal advice to focus limited resources effectively.

Welsh language question

We would like to know your views on the potential impacts our Litter & Fly-tipping Prevention Plan would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

14. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Continue to provide material/campaigns bilingually.

FOR FURTHER INFORMATION PLEASE CONTACTS

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