



**Government response to the Communities and Local Government  
Select Committee's Seventh Report of Session 2014-15 on Litter and  
Fly-tipping in England**

Presented to Parliament  
by the Secretary of State for Communities and Local Government  
by Command of Her Majesty

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# Government Response to the Communities & Local Government Committee's Seventh Report of Session 2014-15 on Litter and Fly-tipping in England

## Introduction

1. The Communities & Local Government Committee launched its inquiry into Litter and Fly-tipping in England on 22 July 2014, to examine:
  - the problems litter and fly-tipping create for local communities and whether the situation is improving or deteriorating,
  - how effective the actions are of those responsible for managing waste in the local environment and what more should local councils, the Environment Agency, and Government funded bodies such as WRAP do,
  - whether the current statute, regulation and guidance set an effective framework to minimise litter and fly-tipping and what, if any, further changes are required, and
  - the roles private citizens and campaign and action groups have in tackling litter.
2. The Committee published its report on 14 March 2015. The Committee's recommendations are grouped as set out above, and include recommendations for local government and certain businesses as well as for central Government. This Government response addresses all the recommendations in the report.
3. The Government is grateful to the Committee for its report and has considered its conclusions and recommendations carefully.

## Background

4. Policy lead on litter and fly-tipping matters rests with the Department for the Environment, Food and Rural Affairs (Defra). Defra and the Department for Communities and Local Government (DCLG) jointly provided written and oral evidence to the inquiry, setting out the Government's position and activities underway to support the reduction of litter and fly-tipping.<sup>1</sup>

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<sup>1</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communities-and-local-government-committee/litter/written/14321.html>

5. The Government is committed to localism and the transfer of power to local communities. This is particularly relevant in dealing with litter and fly-tipping problems, which require a local approach, tailored to the characteristics of the area and the community in which the problems occur. The role of central government is to enable and support this local action: providing a clear legal framework of rights, responsibilities and powers, setting national standards, and (where possible) ensuring that the costs of dealing with litter issues are passed to those responsible for causing the problem.
6. We also welcome the enormous appetite across England for tackling the problem of litter and fly-tipping. The first Community Clear-Up Day, held on 21 March 2015, saw hundreds of events taking place across the country, with volunteers picking up tonnes of litter, with many new groups getting together alongside the established litter-pickers. Our evidence suggests the event attracted more than 500 community groups across England. These co-ordinated activities, whether arranged by a local authority, parish council, community or faith group, local or national business, school or sports team were extremely heartening and offer great examples of how collaborative effort can make a big positive difference to the quality of our streets and public places. Littering and fly-tipping are anti-social and unnecessary acts where the behaviour of a small number of individuals blights our landscapes and communities, and imposes costs on landowners and councils.

## Recommendation 1

**We consider that more and better data on litter are essential. We have a litter problem in England and we need to know if it is deteriorating or improving. The LEQSE survey provides a useful snapshot of the incidence of litter across England in a given year as well as annual trends. It should be continued to inform policy making. In future years, it would be more useful if a national survey counted the number of examples of each type of litter, to enable better assessment of the cost of clearing litter. In addition, there should be some assessment of population densities and how they relate to litter to help local councils to more accurately target their litter collection activities.**

### (Paragraph 9)

7. We agree that we need better data on litter, including data on the types of items being littered. For the last 13 years, the Local Environment Quality Survey for England (LEQSE) has measured how well councils are doing at keeping the streets clear of litter and refuse. This is useful information, but the LEQSE methodology is costly and we agree with the Committee that it needs additional context in order to properly inform policy-making.
8. We intend to review our approach to the collection of quantitative data on littering, and are exploring options for monitoring the amount of litter collected by councils as well as its composition, and how litter varies between different types of land-use. We are also interested in how technology and open data could be used to enrich the information available to us about litter and fly-tipping.

## Recommendation 2

**Because of the number of different bodies which collect litter and because the collection of litter is often part of other activities such as street cleaning, it is difficult to get a precise figure for litter collection costs. Nevertheless it is clear that the best estimate costs—from £717 to £850 million—represent significant expenditure by local authorities. (Paragraph 12)**

9. We agree that expenditure on litter is significant, and we agree with the range of costs presented by the Committee for “street cleansing” as undertaken by local authorities. However, we believe the total direct costs associated with *dropped litter* are likely to be lower for local authorities than the range it presents. The collection of litter from the ground is often combined with other activities (such as sweeping to remove naturally-occurring detritus, or the emptying of public litter bins) which would need to be done, albeit at perhaps a less regular frequency, even if there were no dropped litter. This makes it very difficult to estimate the true scope for savings even if all littering behaviour were eliminated. We note that individual local authorities have made estimates for their own litter clear up and disposal costs and these vary markedly.

## Recommendation 3

**We can see that there may be a correlation between areas with a significant amount of litter and areas of social deprivation and crime—inner city areas in particular, often have people passing through. But the link may not be causal: an area may be littered because of an inefficient council. Claims by Keep Britain Tidy for indirect costs associated with litter need to be underpinned with strong evidence-based research in England. (Paragraph 17)**

10. We agree with the Committee that the link between litter and deprivation may not be causal, and that the evidence on the indirect costs of litter is not robust. The amount of litter found in an area is likely to be affected by many factors, including population density and transience, local sources of litter, and the degree of obstruction to cleansing activity (such as on-street parking or other access issues), as well as the local council’s priorities, resources and cleansing schedule. The Code of Practice on Litter & Refuse makes clear that litter authorities are expected to “identify when and where the greatest litter problems are likely to occur, and to put into place procedures to ensure that these do not build up and that acceptable standards are maintained.”<sup>2</sup>

## Recommendation 4

**There has been a significant upsurge in the incidence of fly-tipping in England in the last 12 months. If this trend continues in future years, it will increase the burden on local councils and private land owners. (Paragraph 22)**

11. We agree with the Committee on this issue.

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<sup>2</sup> Code of Practice on Litter & Refuse (2006) paragraph 6.1

12. We recognise witnesses' concerns that fly-tipping can be fuelled by arbitrary and complex bin collection rules which make it difficult for householders and businesses to dispose of their rubbish responsibly. We have now implemented new legislation to reform the system of bin fines, so that householders are not fined for breaches of what can sometimes be confusing bin rules, but action can still be taken against those who harm local amenity. As set out in our written evidence to the Committee, we are continuing to work with local councils to promote comprehensive and regular waste collection.
13. Local councils themselves need to consider whether their own policies such as charging for items such as garden waste collection or the adequacy (or not) of household waste recycling centre provision contribute to any increase in local fly-tipping, and act accordingly. Tackling fly-tipping and other forms of illegal waste activity is important for this government. Our aim is to reduce fly-tipping through better prevention, detection and risk-based enforcement and we're committed to building on recent initiatives, which include:
- helping to prevent fly-tipping by making it easier for businesses to dispose of their waste legally. For instance, the Waste and Resources Action Programme has produced a best-practice guide to help local authorities and waste management companies set up 'bring sites' in business parks;<sup>3</sup>
  - cracking down on offenders by working with the Sentencing Council on its new Guideline for sentencing for environmental offences which came into force on 1 July 2014. This has started to result in larger fines for offenders, which should help deter illegal dumping;
  - introducing Regulations which enhance enforcement authorities' powers to seize vehicles suspected of being involved in waste crime;<sup>4</sup> and
  - working in partnership with others through the National Fly-Tipping Prevention Group (NFTPG), which is working to prevent and tackle illegal dumping. The NFTPG includes representatives from central and local government, enforcement authorities, the waste industry and private landowners. The NFTPG has published a Fly-tipping Partnership Framework outlining best practice for the prevention, reporting, investigation and clearance of fly-tipping. This is available to view on the NFTPG's website at: [www.tacklingflytipping.com](http://www.tacklingflytipping.com).

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<sup>3</sup> [http://www2.wrap.org.uk/downloads/C\\_I\\_bring\\_centre\\_guidance\\_v1.10.ca360018.11266.pdf](http://www2.wrap.org.uk/downloads/C_I_bring_centre_guidance_v1.10.ca360018.11266.pdf)

<sup>4</sup> The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015



## Recommendation 5

**We have heard arguments for and against local authorities working with the tobacco industry in relation to litter and, unusually, we heard both arguments from different parts of the Government as well. The Local Government Association believes the Local Government Declaration on Tobacco Control prohibits it from working with the tobacco industry. It is likely that many local councils will follow suit. However, with DCLG's approach to engage with the industry in mind, other local authorities may take a different view and they must be allowed to make their choice. If a council does decide to work with the tobacco industry to reduce cigarette-related litter, we recommend that none of these activities should indicate support for the industry, nor should the industry be allowed to publicise their contribution to a joint project or use it to promote tobacco consumption. Local councils must ensure they are very clear about the purpose of any engagement with the tobacco industry. (Paragraph 29)**

14. The Government agrees that it is for individual local authorities to decide whether they wish to work with the tobacco industry on environmental initiatives. Councils should take account of the World Health Organisation's Framework Convention on Tobacco Control (FCTC), and ensure all dealings are conducted in a transparent manner.<sup>5</sup>

## Recommendation 6

**Tobacco attracts significant levies because of its lethal effects on health. Given the amount of cigarette-related litter, we strongly support the premise that a portion of these levies should be hypothecated and provided to local councils to pay for the cost of clearing cigarette-related litter. (Paragraph 31)**

15. At the Autumn Statement 2014, the Government announced a consultation on whether to introduce a levy on tobacco manufacturers and importers. During the CLG Select Committee hearing in January, Ministers from DCLG and Defra noted the possibility of any such levy being diverted to local efforts to clear up tobacco-related litter and there is merit in the principle of this recommendation. However, the consultation has now ended and analysis of responses shows the impact of a tobacco levy on the tobacco market would be similar to a duty rise, with manufacturers and importers passing it onto consumer prices. As tobacco duties have already increased this year and will continue to increase by more than inflation each year in this Parliament, the Government has decided not to introduce a separate levy on tobacco manufacturers and importers.<sup>6</sup> Taxes on tobacco products are paid into the Consolidated Fund which is used to pay for public services, including cleaning up litter.

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<sup>5</sup> WHO Framework Convention on Tobacco Control: guidelines for implementation Article 5.3; Article 8; Articles 9 and 10; Article 11; Article 12; Article 13; Article 14 – 2013 edition. [http://www.who.int/fctc/guidelines/adopted/guidel\\_2011/en/](http://www.who.int/fctc/guidelines/adopted/guidel_2011/en/)

<sup>6</sup> <https://www.gov.uk/government/consultations/tobacco-levy>

## **Recommendation 7**

**We recommend that the Tobacco Manufacturers' Association offer portable ash trays or 'mini bins', free of charge, at the point of sale to all who purchase cigarettes. (Paragraph 32)**

16. If such products are offered by the Tobacco Manufacturers' Association, we emphasise the need to ensure that they are not used for the purposes of advertising or promoting tobacco products, contrary to the Tobacco Advertising and Promotion Act 2002. We would be interested to receive any new evidence regarding the effectiveness of such products in reducing smoking-related litter over a sustained period.

## **Recommendation 8**

**We recommend that all public buildings install receptacles for disposing of cigarette-related litter in those areas where staff congregate to smoke, but not high profile positions. (Paragraph 33)**

17. We consider that it is for the managers of individual premises to decide for themselves what steps are necessary to ensure their staff do not create litter of any kind. This may include providing receptacles for smoking-related litter, and ensuring that staff who do wish to smoke make proper use of the receptacles available.

## **Recommendation 9**

**This was a matter of considerable concern upon which the Committee deliberated at length. We are not, at this point, recommending a tax on chewing gum. However, this is the last chance for the industry to put its house in order. We recommend that our successor committee revisit this issue in one year unless it sees the industry making a much larger contribution to the costs of removing gum and staining and also encouraging its consumers to change their behaviour and achieving a significant reduction in litter. In this regard it should have larger notices about not littering on all its packaging, wrappers and adverts. (Paragraph 38)**

18. We are considering the future role of the Chewing Gum Action Group (CGAG), and how it can best achieve its aim of reducing the littering of gum. We agree with the Committee's aspiration to see the Group "make a larger contribution to the costs of removing gum and staining" and "achieve a significant reduction in litter" as well as simply encouraging consumers to change their behaviour. Defra will encourage Group members to think radically about how they could maximise the impact of their contribution. In particular, we are exploring options which would see the Group helping to disseminate expertise in gum removal, and facilitate access to specialist gum-removal equipment. We will also be seeking to rigorously evaluate the Group's campaigning approach in order to improve the long-term effectiveness of the campaigns in changing behaviour. However, we remain open to exploring other means of securing a proper contribution from the industry towards the costs imposed on the public purse by its products.

## Recommendation 10

**We recognise that what people eat, and where they eat it is changing. The increase in the number of fast-food outlets in many of our town centres is evidence of this and we are concerned about the increase in fast-food litter which is dropped over a wide area. We commend the work of McDonald's franchisees undertaking daily litter picks outside the perimeter of their restaurants. This is the type of action which we would expect to be the norm for all. We recommend the next Government bring forward in legislation an obligation requiring all shops, restaurants and retail food outlets to keep the perimeters of their premises free from litter. In addition, the fast-food industry should introduce 'on-pack' information on all branded take-away and fast-food packaging to remind consumers to dispose of litter responsibly. (Paragraph 43)**

19. We also welcome the example set by McDonald's and we agree with the Committee that we would like to see this become the norm, but we do not agree that changes in regulation would be appropriate.
20. The owners of private land are already responsible for managing litter on that land, and councils have existing powers under the Anti-social Behaviour Crime and Policing Act 2014 to take action against particular premises which are associated with a persistent litter problem. Councils also of course have statutory responsibility for removing litter and refuse from their "relevant" land.<sup>7</sup> We do not think it would be appropriate to impose a separate legal responsibility for litter-picking on the owners of restaurants or retail premises. This would represent an additional regulatory burden on these businesses, which would need to be justified on the basis of good evidence that it would deliver an improvement on the status quo. The Committee's proposal would also vastly increase the number of organisations with statutory responsibilities for clearing litter, creating potential problems of accountability, enforcement and varying standards.
21. The introduction of a specific requirement to include 'on-pack' information may also contravene the Packaging and Packaging Waste Directive 94/62/EC, under which only packaging meeting the requirements of the Directive may be placed on the market. Mandatory measures that go beyond the essential requirements for packaging set in the Directive would need to be considered by the European Commission.
22. We would prefer therefore to see a voluntary approach. Firstly, we would strongly encourage all businesses to recognise the potential negative impact on their business of litter outside their premises, and the benefits to their own business and the economic health of the area of helping to ensure that the streets remain clean and attractive to customers. Secondly, much fast food packaging already carries labels like the Tidyman or recycling logo, and it would be possible for producers of food for consumption 'on the go' to undertake voluntarily to label or agree a minimum set of information requirements under an industry code, without requiring a referral to the European Commission.

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<sup>7</sup> "Relevant land" is land which is open to the air on at least one side, is under the council's direct control, and to which the public have access (with or without payment). This duty is set out in section 89 of the Environmental Protection Act 1990.

## **Recommendations 11 and 12**

**Although littering is a criminal offence, it is often acted against under civil powers by the use of fixed penalty notices. The Government has not collected data on the number of criminal cases, fines, FPNs issued or amounts collected since 2008/09. Without this information it is difficult to make an assessment of the effectiveness of FPNs, in particular, in meeting the policy objective to deter littering. In addition, even if all the FPNs issued were paid in full, the total sum would be a drop in the ocean compared with the total amount spent on clearing litter. We see a case for increasing the maximum FPN level both to encourage local authorities to make greater use of FPNs and to provide additional resources to remove litter. (Paragraph 46)**

**We recommend that the Government collect data on the use of FPNs and the level and collection of fines and assess whether the maximum fine should be increased. (Paragraph 47)**

23. It is important to be clear that fixed penalty notices (FPNs) are not served under civil powers: they are a criminal penalty, which may be offered in lieu of prosecution. We nonetheless agree with the Committee that a good case can be made for increasing the level of fixed penalty fines which councils and other litter authorities can impose, and, as set out in our manifesto, we will consult on proposals to increase the fines for littering later this year. Any changes will then be made by secondary legislation.
24. FPN data is collected and held by local authorities, but there is no requirement to report it centrally to Government. We agree that it would be useful to have access to this data, and we will explore ways of obtaining it without imposing an additional reporting burden on local authorities.

## **Recommendation 13**

**We recommend that the next Government provide our successor committee with data on the use of Community Protection Notices in October 2015, when the legislation will have been in force for 12 months. (Paragraph 49)**

25. Community Protection Notices were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 to stop a person aged 16 or over, a business or organisation committing anti-social behaviour which spoils a community's quality of life. The power can, therefore, be used to deal with persistent littering, provided that the tests set out in the 2014 Act are met. These tests are that the conduct or behaviour is having a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature; and is unreasonable. The Community Protection Notice does not provide an immediate response to general littering but can provide a response to littering that is persistent or continuing in nature and which is having a detrimental effect on the community, such as a business that persistently leaves litter outside its premises or a household that regularly throws rubbish on to the pavement outside.

26. The powers provided by the Anti-social Behaviour, Crime and Policing Act 2014 are intended to provide local agencies with flexible powers to tackle a range of anti-social and nuisance behaviours. The Home Office has not required the police or other local agencies to report on the use of these powers, and we therefore did not have comprehensive data on their use available in October 2015. However, Home Office officials have regular meetings with practitioners to monitor the impact of the new ASB powers including the Community Protection Notice and we will ask them to advise if there are any particular issues arising from the use of this power for persistent or continued littering.

#### **Recommendation 14**

**Fly-tipping is a serious problem for local authorities and private land owners, and it is increasing. There is therefore a need for local councils to increase their efforts both to deter fly-tipping and to penalise those who engage in it. We accept that prosecution is often difficult and costly and as a result the number of convictions for fly-tipping is low. The Government should introduce a national fixed penalty notice for small amounts of fly-tipping, which would require the lower standard of proof required for a civil penalty. (Paragraph 52)**

27. As set out in our manifesto, we plan to give councils the power to tackle small scale fly tipping through penalty notices as an alternative to prosecutions. Further details on this new measure are set out in the summary of responses to the recent consultation and call for evidence on enhanced enforcement powers and other measures to tackle waste crime and entrenched poor performance in the waste management industry, which included the case for introducing fixed penalties for fly-tipping.
28. As set out above at paragraph 23 fixed penalty notices are not served under civil powers: they are a criminal penalty, which may be offered in lieu of prosecution for a criminal offence.

#### **Recommendation 15**

**Councils should be more proactively engaged with local voluntary groups and charities who may be willing to collect discarded goods from households free of charge to offset some of the costs to councils. In addition, we recommend that industry take away bulky items when they deliver replacements, as is already the case in relation to fridges. A charge should be built into the cost of the item to pay for this facility. Items included in this category would be televisions, cookers, washing machines, other large appliances, mattresses and sofas. New products—medium and large household items and appliances—should all have labels to remind customers to dispose of them properly. We further recommend that the Government encourage industry to implement these recommendations as good practice. (Paragraph 54)**

29. We support action to encourage greater re-use of goods in order to prevent waste, reduce costs and deliver benefits to communities. The Waste Prevention Programme, published in December 2013, set out a range of actions for Government, the wider public sector, businesses and the civil society, and emphasised that effective partnership working is key to achieving success.<sup>8</sup>
30. We welcome the recommendation that councils should engage proactively with local voluntary groups and charities in relation to collections from households. The Government, through WRAP, has recently made available a range of materials and resources to support the building of effective partnerships along these lines, including a practical user-guide on how to set up and run a bulky collection service that maximises the opportunity for re-use,<sup>9</sup> and a more technical report looking at the composition and re-use potential of bulky waste.<sup>10</sup>
31. The government has also recently established a working group, bringing together a range of stakeholder interests to consider possible actions to promote growth in the re-use sector while ensuring the effective regulation of waste is maintained.
32. WRAP is also working on behalf of Government through the Electrical and Electronic Equipment Sustainability Action Plan (esap) to engage with retailers, brands, re-use organisations, recyclers and other industry stakeholders throughout the electrical product life-cycle. The action areas under esap include gaining greater value from re-use and recycling, and WRAP is working with signatories to encourage greater take-up of product take-back schemes.
33. We note the recommendation that industry should take away bulky items when they deliver replacements and that a charge should be built in to the cost of an item to pay for this facility. The Waste Electrical and Electronic Equipment (WEEE) Regulations already require that all distributors who supply electrical and electronic equipment to individual households must ensure that the items being replaced can be returned to them free of charge provided they are of an equivalent type to, and have fulfilled the same function as, the item supplied.

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<sup>8</sup> <https://www.gov.uk/government/publications/waste-prevention-programme-for-england>

<sup>9</sup> How-to Guide for Re-Use <http://www.wrap.org.uk/node/35333>

<sup>10</sup> <http://www.wrap.org.uk/content/study-re-use-potential-household-bulky-waste>

## Recommendation 16

**It should be possible for local councils to coordinate with the Highways Agency or Transport for London to enable easy access for road and street cleaning. However, this is not happening. Nor are we convinced this is the most efficient approach to street cleaning since it is difficult to organise and it is not cost-effective for local authorities to have staff working through the night. It would be much better, and cost-effective to remove the anomaly which gives the Highways Agency, and Transport for London in London, responsibility for maintaining trunk roads and another body responsibility for cleaning them. We understand that a proposal to transfer cleaning responsibilities for all purpose trunk roads to the Highways Agency has been under consideration by the Department for Transport for some time. We recommend that the Government make the Highways Agency responsible for cleaning trunk roads and make the necessary budget adjustments. Similarly, we recommend that responsibility for cleaning trunk roads in the London area should become the responsibility of Transport for London. (Paragraph 60)**

34. Highways England (HE), as the new strategic highways company, is committed to delivering the Road Investment Strategy and meeting its Performance Specification. It has outlined plans to focus more on the service it delivers to its customers and a number of areas are being developed. HE wants to focus on preventing littering in addition to litter collection. Strengthening relationships with partners and stakeholders such as local authorities will be an opportunity to work more effectively to resolve issues such as these.
35. A pilot project in the Midlands is being progressed to enhance collaborative working between Highways England and local authorities on cleaning the strategic network in the region. A regional working group, through the Keep Britain Tidy Network of local authorities and other stakeholders, will ensure that a strategic approach to preventing litter can be achieved. This model would then be shared as best practice to encourage effective partnership working. Enough time would need to be allowed to establish these new working practices.
36. Other options available would be to make HE legally responsible for litter collection on all the roads that they operate, or to move to a more contractual arrangement to cover litter clearance. These measures would not be straightforward – the first would need primary legislation and would include complicated alterations to funding arrangements that would reduce the resources available to local authorities; while the second would require councils to identify a specific pot of money, organise a plan of works required and draw up contracts, which could prove expensive and complicated. As such, we intend to see the results of HE's pilot before examining the case for more radical reform.

## Recommendation 17

**The Government has been slow to update legislation relating to litter thrown from vehicles and fly-tipping from vehicles. We recommend that it bring into operation before the end of this Parliament long overdue legislation in the Clean Neighbourhoods and Environment Act 2005 providing for the seizure of vehicles involved in fly-tipping offences. We also recommend that it extend immediately to all local authorities in England, the powers in the Anti-Social Behaviour, Crime and Policing Bill 2014 to impose penalties on the owner of a vehicle from which litter is dropped. (Paragraph 64)**

37. There is already legislation to tackle fly-tipping from a vehicle. Where waste carried in and deposited from a motor vehicle is contrary to s.33(1) of Environmental Protection Act 1990, the person who controls or is in a position to control the use of the vehicle shall be treated as knowingly causing the waste to be deposited whether or not he gave any instructions for this to be done.
38. Sections 37 and 46 of the Clean Neighbourhoods and Environment Act 2005 were commenced on 2nd March 2015, and the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 came into force on 6th April 2015. These regulations allow enforcement authorities to seize vehicles for a wider range of suspected offences, including fly-tipping; and introduced enhanced procedures to help enforcement authorities more easily identify those who use vehicles suspected of involvement in waste crime. These powers cannot be exercised in respect of littering offences.
39. In London, borough councils may issue civil (rather than criminal) penalties to the registered keeper of a vehicle when an enforcement officer witnesses littering from the vehicle. The Anti-social Behaviour, Crime and Policing Act 2014 contains a power to make regulations to introduce a scheme of civil penalties against the registered keeper of a vehicle from which litter is dropped. It will be important to get the details of such a scheme right, including matters such as the size of the fine, the form and content of the penalty notice, and exceptions to the keeper's liability (for example if the vehicle has been stolen) etc.
40. Recent scoping research carried out on behalf of Defra shows that current enforcement practice among local councils varies greatly.<sup>11</sup> Many councils are successfully using the current criminal penalties to tackle littering from vehicles, and achieving high payment rates. At the same time, the introduction of the civil penalties regime in London in 2012 has not led to a significant increase in enforcement action against littering from vehicles.

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<sup>11</sup> [http://randd.defra.gov.uk/Document.aspx?Document=13057\\_DefraLitteringfromVehiclesScopingStudy-FINAL.pdf](http://randd.defra.gov.uk/Document.aspx?Document=13057_DefraLitteringfromVehiclesScopingStudy-FINAL.pdf)



41. Our priority is to deliver our manifesto commitment to review the case for increasing the fines for littering offences. As the Committee notes, this could assist in encouraging local authorities to make effective use of Fixed Penalty Notices to deter littering and provide additional resources to help with the cost of litter clearance. As part of the process of developing a national litter strategy (paragraph 50 below) we will establish working groups on roadside litter, and on wider enforcement issues, and work in collaboration with all interested parties including councils, Highways England, motoring organisations and professional road users etc., under the direction of a Litter Strategy Advisory Group, chaired by a Defra minister.

### **Recommendation 18**

**We take no satisfaction in it but the evidence of our own eyes, the photographs tweeted to us, and the evidence we took during this inquiry lead us to the conclusion that England is a litter-ridden country compared to most of Europe, North America and Japan. Change is needed. (Paragraph 66)**

42. We agree with the Committee that a change is needed in the behaviour of those irresponsible individuals who drop litter. However, in the absence of comparable data analysing the levels of litter across Europe or other countries, we do not think it is justified to conclude that the England is “litter-ridden” compared to the rest of Europe. We do note a Eurobarometer survey, published in June 2014, which sought to understand citizens’ perceptions, attitudes and practices related to waste management and resource efficiency, including litter.<sup>12</sup> 26,595 respondents from different social and demographic groups across the 28 Member States were interviewed about their perceptions of their own countries. The survey found that 61% of people from the UK think there is “not much” litter in the UK and 11% said there was “none”, while only 9% said there was “a lot” and 18% said “quite a lot”.
43. UK results were most similar to those from the Netherlands, and compare favourably to the European average across all 28 Member States. On average, 52% of European residents felt that there was “not much” litter where they lived and 13% said there was “none”, while 21% said that there was “quite a lot” and 13% “a lot” of litter.<sup>13</sup> We also note that photographs tweeted in response to a call for pictures “illustrating problems with litter and fly-tipping” are unlikely to be representative of the national picture. Successive Local Environment Quality Survey for England (LEQSE) findings have also shown that the vast majority of England is “predominantly free of litter and refuse”. This does not make the Government complacent in its determination to reduce littering but suggests we are not as “litter ridden” as some commentators suggest.

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<sup>12</sup> Attitudes of Europeans towards waste management and resource efficiency: [http://ec.europa.eu/public\\_opinion/flash/fl\\_388\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_388_en.pdf)

<sup>13</sup> European average results (Q.11) “How much litter is there in the area where you live? (litter on the street, in natural surroundings, etc.)”

## Recommendation 19

**We encourage councils think through their approach to bin types, location and strategy on bins for litter. They should not simply continue previous practice. In some places no bins may be better. In other places brightly-coloured, solar, compacting, talking bins or recycle on-the-go facilities may be the means of encouraging people to use them and to save on both the collection costs of litter and emptying bins. (Paragraph 71)**

44. The 2012/13 Local Environment Quality Survey for England found that once a bin is in a location, it is very important to regularly clean and maintain it, so that people can deposit their litter.<sup>14</sup> Bins that are not kept in a good condition discourage people from using them. Bins also need to be emptied on an appropriate frequency since it is obvious that if bins are too full, litter can overflow.
45. Local authorities have a duty to make arrangements for the regular emptying and cleansing of any litter bins that they provide or maintain. It is for local authorities to decide whether to invest in innovative litter infrastructure such as solar-powered or 'compactor'-type bins. The Government would of course agree with the Committee on this point and encourages councils to think through their approach to bin types, location and strategy in an effort to reduce litter.

## Recommendation 20

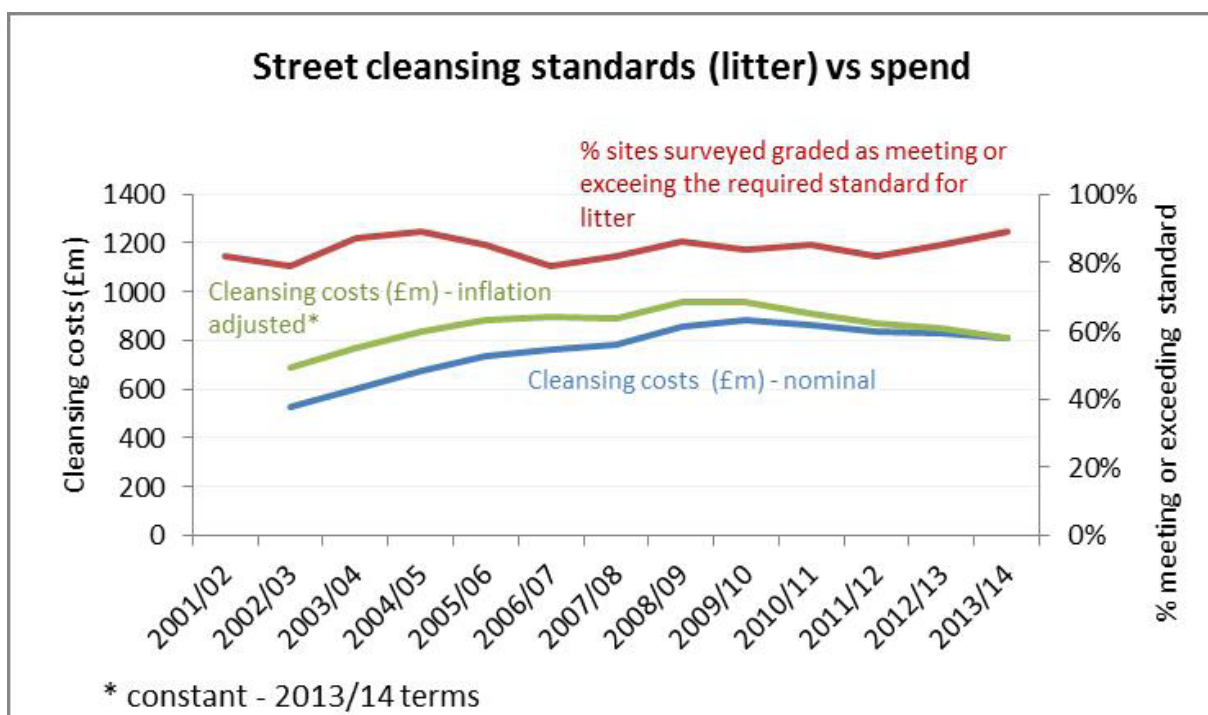
**The failure to make a noticeable improvement in litter levels in the last 12 years points to a lack of vigour, if not complacency, within Government over the past decade. There is a division of responsibilities between departments which, as it currently operates, creates problems for industry and volunteer groups and has neither reduced litter levels nor stopped the rise in fly-tipping. We recommend that the Government create a national litter strategy for England with a clear framework for action. This must be underpinned with a coordinating role for local councils within their respective areas. (Paragraph 74)**

46. We do not accept the Committee's assertion that the lack of significant improvements in the LEQSE score for litter reflects either a lack of vigour or complacency on the part of central Government.

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<sup>14</sup> How Clean is England?:The Local Environment Quality Survey for England 2012-13 (Keep Britain Tidy): [http://www.KeepBritainTidy.org/Documents/Files/KBT%20Network/KBT\\_LEQSE\\_report\\_2013\\_webFINAL.pdf](http://www.KeepBritainTidy.org/Documents/Files/KBT%20Network/KBT_LEQSE_report_2013_webFINAL.pdf)

47. As noted above and in our evidence to the Committee, the remit of central Government is principally to provide the framework of powers, responsibilities and duties within which local action can be taken to tackle specific problems. It is up to local councils, and their communities, to decide how to prioritise spending on tackling litter against their other local priorities. The LEQSE measurement shows that councils across England are consistently achieving the standard of street-cleansing expected of them under the Code of Practice on Litter and Refuse, and have done so for the past 13 years.<sup>15</sup> The majority of councils should be commended for the fact that consistent standards have been maintained, the number of sites below an acceptable level is at its lowest for 10 years, whilst spend on street cleansing has fallen.<sup>16</sup>



48. We are clear that ministerial responsibility for local environment quality and waste crime policy (including tackling litter and fly-tipping) rests with Defra, although there are of course obvious interactions with the policy of many other departments including Communities & Local Government, Transport, Health, Home Office, Education and HM Treasury.

<sup>15</sup> <https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

<sup>16</sup> Sources: Local Environment Quality Surveys for England 2001/2 to 2013/14; Local Authority Revenue Expenditure and Financing (Department for Communities & Local Government (<https://www.gov.uk/government/collections/local-authority-revenue-expenditure-and-financing>); <https://www.gov.uk/government/collections/gdp-deflators-at-market-prices-and-money-gdp>)

49. We acknowledge the Committee's call for the creation of a national Litter Strategy, and are watching with interest the progress being made by Hubbub (a charity) and INCPEN (the Industry Council for Packaging and the Environment) in bringing together a wide range of key stakeholders including Keep Britain Tidy, to discuss some of these issues in more detail.<sup>17</sup> We also agree with the Committee that local councils can play a key role in co-ordinating the local activity of volunteers, businesses and other initiatives such as Community Payback Schemes that focus on litter removal, as well as carrying out their statutory roles in respect of street cleansing, providing infrastructure and enforcement. We would strongly encourage councils to monitor and evaluate the anti-litter activities carried out in their area, so that effective approaches can be identified and shared.
50. We will therefore seek to work with local government and relevant stakeholders to develop a national Litter Strategy which clarifies the contributions that different sectors can make to tackling litter, and to set the context for ongoing anti-litter activity.

### **Recommendation 21**

**We were minded to recommend a national clean-up England day as a way of encouraging and engendering a big push towards a cleaner England. However, the Government has read our minds and announced that there will be a Community Clean-up Day on 21 March. We welcome this initiative wholeheartedly and hope it will become an annual event. (Paragraph 75)**

51. The first Community Clear-Up Day demonstrated the enthusiasm and willingness of people across England to give some of their time to improve their local environment. We strongly endorse and welcome this activity, and we will explore sources of funding to enable a national clear-up to become an annual event.

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<sup>17</sup> Hubbub is a "a social enterprise communicating environmental messages" which aims to "make doing the right thing fun": <https://www.hubbub.org.uk/neighbourhood>



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