

Nobel House
17 Smith Square
London SW1P 3JR

Telephone 08459 335577
Email helpline@defra.gsi.gov.uk
Website www.defra.gov.uk



Elizabeth Truss MP
House of Commons
London
SW1A 0AA

Our ref: MC233796/AD

20 June 2011

From Lord Henley
Parliamentary Under Secretary

Thank you for your letter of 31 May enclosing copies of e-mails from your constituents, about litter from cars and the Localism Bill.

Litter is a key indicator of local environmental quality. It is regularly cited amongst the top local priorities for communities in resident surveys. As your constituents will be aware, it is an offence to drop litter. Someone caught doing so can be issued a fixed penalty notice (FPN), which includes a fine of up to £80 by a local authority enforcement officer. Alternatively, the local authority can opt to take a prosecution which can lead to a criminal record and a fine of up to £2,500 on conviction. In some areas Police Community Support Officers work in partnership with a local authority's enforcement team. These powers are available to local authorities under section 87 of the Environmental Protection Act 1990.

While some local authorities have managed to use the powers currently available to them to successfully tackle littering from vehicles we acknowledge the practical difficulties that they face in clearly identifying the offender as EPA 1990 requires. The proposed amendment tabled during the Commons Report Stage of the Localism Bill would extend the scope of the current offence of littering to make the registered keeper of a vehicle liable, whether or not they were present or responsible for the littering. But this proposal raises serious concerns over fairness and proportionality.

It is never acceptable to drop litter and it is an issue of personal responsibility. However litter affects all of a community and so it makes sense to devise an approach that secures support across all parts of society. That is why the Government is supporting, through its grant to the charity Keep Britain Tidy (KBT), the Love Where You Live campaign. This draws together

business, communities, local authorities and civil society organisations in partnership to secure a lasting change in behaviour. The *Love Where You Live* message has been developed with financial input from the businesses involved and a full public launch will be undertaken shortly.

The first step in dealing with litter is education. The Government supports initiatives through partners like KBT which have aimed to educate and raise awareness of this matter. Following the launch, a dedicated *Love Where You Live* website will be available to obtain all the latest information and provide a resource for partners to explain what they are doing to address the issue and share their experiences with others.

Your constituents will also wish to be aware that in London, borough councils will shortly be able to use new powers acquired through a private bill currently before Parliament to tackle the particular enforcement problem represented by vehicle littering by issuing a civil penalty. It makes sense for Government to seek to learn the lessons of that approach in London before moving to further legislation.

Further information can be found at:

Keep Britain Tidy (<http://www.keepbritaintidy.org/>)

Defra's litter page (<http://www.defra.gov.uk/environment/quality/local/street-litter/>)

A handwritten signature in black ink, appearing to read 'Henley', is written over a faint, larger, stylized signature that looks like 'Love'.

LORD HENLEY