House of Commons
Communities and Local Government Committee

Litter and fly-tipping in England

Seventh Report of Session 2014–15

Report, together with formal minutes

Ordered by the House of Commons
to be printed 10 March 2015
Communities and Local Government Committee

The Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Communities and Local Government.

Current membership

Mr Clive Betts MP (Labour, Sheffield South-East) (Chair)
Bob Blackman MP (Conservative, Harrow East)
Simon Danczuk MP (Labour, Rochdale)
Mrs Mary Glindon MP (Labour, North Tyneside)
David Heyes MP (Labour, Ashton under Lyne)
Mark Pawsey MP (Conservative, Rugby)
John Pugh MP (Liberal Democrat, Southport)
Alec Shelbrooke MP (Conservative, Elmet and Rothwell)
John Stevenson MP (Conservative, Carlisle)
Heather Wheeler MP (Conservative, South Derbyshire)
Chris Williamson MP (Labour, Derby North)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/clg and by The Stationery Office by Order of the House.

Evidence relating to this report is published on the inquiry page of the Committee's website.

Committee staff

The current staff of the Committee are Glenn McKee (Clerk), Dr Anna Dickson, (Second Clerk), Stephen Habberley (Inquiry Manager), Kevin Maddison, (Committee Specialist), David Nicholas (Senior Committee Assistant), Eldon Gallagher (Committee Support Assistant) and Gary Calder (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Communities and Local Government Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 4972; the Committee's email address is clgcom@parliament.uk.
Contents

Summary 4

1 Introduction 7  Our report 7

2 Trends in litter and fly-tipping 8  Measuring litter 8  The cost of litter 9  Indirect costs 10  Fly-tipping trends 11

3 Frequently littered items 13  Cigarette-related litter 13  Chewing gum 15  Fast-food litter 16

4 Legislation and its enforcement 18  Penalties for litter 18  Penalties for fly-tipping 19

5 Keeping roads and highways clean 21  Littering and fly-tipping from vehicles 22

6 A strategy for change 24  Need for change 24  Behaviour change 24  Bin design 25  Towards a national litter strategy 25

Conclusions and recommendations 27

Formal Minutes 31

Witnesses 32

Published written evidence 33

List of Reports from the Committee during the current Parliament 35
Summary

England is a litter-ridden country compared to most of Europe, North America and Japan. Levels of litter in England have hardly improved in the past 12 years and the best estimates are that litter costs the taxpayer between £717 and £850 million a year to clear up. Change is needed.

There has been a 20% increase in fast-food litter in the last year. The Government should bring forward legislation requiring all shops, restaurants and retail food outlets to keep the perimeters of their premises free from litter. Responsible businesses are already doing this. 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.

The most frequently littered items are chewing gum and smokers’ materials.

Chewing gum and staining are difficult and costly to remove. 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.

The tobacco industry is keen to reduce the incidence of cigarette-related litter. However, the Local Government Association and some councils will not work with the tobacco industry. The Department for Environment, Food and Rural Affairs supports this position, but the Department for Communities and Local Government encourages cooperation between councils and the tobacco industry to reduce litter. We consider it is up to individual local authorities to decide. But, if a council decides to cooperate, that must not be taken as support for the industry or smoking. Equally, the tobacco industry must not use such cooperation in any way to promote the sale or consumption of cigarettes.

The tobacco industry itself must also do more. It should provide, free at the point of sale, portable ashtrays or ‘mini bins’ for the disposal of cigarette-related litter. The Government should ensure that a portion of any increase in tobacco levies is allocated to local councils to help pay for the cost street cleaning; and all public buildings must install receptacles for disposing of cigarette-related litter in those areas where staff congregate to smoke. Again, the installation of receptacles must not be seen as endorsement of smoking or the tobacco industry.

Levels of fly-tipping increased by 20% in the last year. There were 852,000 reported incidents but only 2,000 convictions in the courts. The Government should introduce a fixed penalty notice for fly-tipping for household items—the bulk of the incidents—and the industry must introduce a scheme to take away unwanted household appliances and furniture when replacements are delivered. Councils should foster partnerships with charities who are willing to collect such items free of charge.
Much fly-tipped material is dumped on roads. Responsibility for cleaning and maintenance of trunk roads is split between councils and the Highways Agency. Coordination has been poor. We are clear that responsibility for clearing litter and fly-tipping from all purpose trunk roads has to move over to the Highways Agency, and Transport for London in London.

In the end it is individuals who litter and fly-tip their unwanted goods, and it is this behaviour which needs to change. We support a variety of behaviour-changing activities and campaigns to prevent littering. The Government must also assess whether the fixed penalty notice for litter should be increased from its current £80 maximum.

The current division of responsibility between Defra and DCLG is often unhelpful, and there is little leadership or coordination of the excellent work of authorities and volunteers. We recommend that the Government create a national litter strategy for England, with a clear framework for action, underpinned with a coordinating role for local councils within their respective areas.

We support the introduction of a community clean-up day on 21 March. This should become an annual event.
1 Introduction

Our report

1. The appearance of our environment can have an impact on how we feel about a place. As David Sedaris, author, broadcaster and anti-litter campaigner, commented: “Why should everyone have to live in a teenager’s bedroom? […] I don’t care where you live, I don’t care how much money you have. To have to walk through filth is no way to live”. Litter can also affect how we behave so that litter tends to attract more litter. Yet it is a phenomenon which could be avoided entirely if individuals simply placed their rubbish in a bin or took it home.

2. We decided to look at litter and fly-tipping to see whether levels were improving or getting worse and whether the measures for dealing with it were appropriate. When we announced the call for evidence in July 2014, we asked people to send in their photographs of litter to our Twitter account. We received over 400 photographic submissions using the hashtag #litterpix from across the country showing areas where litter and fly-tipping had accumulated. Our call for evidence also asked for submissions addressing the following questions:

- What problems do litter and fly-tipping create for local communities—is the situation improving or deteriorating?
- How effective are the actions of those responsible for managing waste in tackling litter and fly-tipping in the local environment? What more should local councils, the Environment Agency, and Government funded bodies such as WRAP do?
- Does the current statute, regulation and guidance set an effective framework to minimise litter and fly-tipping. What, if any, further changes are required?
- What roles do and should the private citizen and campaign and action groups have in tackling litter?

3. We received written submissions to the inquiry from 83 individuals, local councils, voluntary groups, and the Government, and we held three oral evidence sessions. A list of those we took evidence from can be found at the back of this Report. In addition, a company which supplies “Big Belly Bins” to local councils brought two of their bins to Parliament for us to see. It is clear that litter is a subject which engenders a great deal of concern in this country. We are grateful to all who contributed to our inquiry.

4. In this Report we first examine trends in litter and fly-tipping and the surveys used to measure these. In chapter 3 we look at some of the most frequently littered items—cigarettes, chewing gum and fast-food packaging—and examine how to tackle these. In chapter 4 we review the current legislation on litter and fly-tipping, while chapter 5 looks at keeping roads and highways free from litter. Finally, in chapter 6 we discuss a strategy for change. In addition, a number of relevant statistics are represented as infographics at the front of the electronic version of this Report.

1 See Q109
2 See Twitter and search for “@CommonsCLG” and “#litterpix”.
3 CLG Committee, ‘Litter inquiry: Terms of Reference’, 22 July 2014
4 The company is Kyron Energy and Power
2 Trends in litter and fly-tipping

Measuring litter

5. Litter affects us all. As one contributor said: “You don't have to go very far anywhere in the UK to see litter”. Every year since 2001/02, the charity Keep Britain Tidy has carried out a survey of levels of litter across England. This Local Environmental Quality Survey of England (LEQSE), assigns a score to the local environmental quality of an area. The 2013/14 LEQSE survey assessed 7,200 sites in 45 English council areas between April 2013 and March 2014. It looked at seven indicators of cleanliness: litter, detritus, weed growth, staining, graffiti, fly-posting and recent leaf and blossom fall.

6. According to the latest survey, 89% of sites across England are at or above an acceptable standard, meaning they are “predominantly free with some minor instances of the issue”. This represents a 4% improvement since the survey started in 2001/02 but, while litter levels across England have not deteriorated over the last 12 years, there has been no significant improvement across the period. Or, as noted by Samantha Harding from the Campaign to Protect Rural England (CPRE), “we are possibly just containing the litter problem”. The 2013/14 survey included a regional breakdown of results, which showed that there was only marginal variation between the regions. We have been told that the Department for Environment, Food and Rural Affairs (Defra) will no longer fund Keep Britain Tidy from April 2015. As a result there are some doubts about whether the survey will continue.

7. The methodology used in the survey was questioned. Samantha Harding from the CPRE said that, while the LEQSE captured the incidence of particular types of litter, it did not take into account “some of the inherent dangers, for example of having a glass bottle rather than a cigarette butt”. In addition, it did not register whether there was one glass bottle in a particular area or 50, it simply counted the fact that glass bottles were present. In comparison a separate study carried out by Keep Britain Tidy for the Industry Council on Research and Packaging for the Environment (INCPEN) counts the number of pieces of a particular type of litter in an area. However, Ms Harding said this methodology was not unproblematic either since, in counting the incidence of particular types of litter, it assumed 50 small items of litter (for example, cigarette butts) were equivalent to 50 larger pieces (for example empty take-away boxes). INCPEN acknowledged that there were problems measuring litter and told us that better data was needed:

---

5 Janet Slootweg (LIT 046)
6 Keep Britain Tidy, How clean is England? The Local Environmental Quality Survey of England 2013/14, November 2014, p 5
7 The main grades are as follows:
   - A None of the issues present;
   - B Predominantly free with some minor instances of the issue;
   - C Widespread with some accumulations of the issue; and
   - D Heavily affected by the issue.
8 Q2
9 Q237
10 Q277 and e mail correspondence with Keep Britain Tidy
11 Q2
12 Qqs2,8
14 Q7
You look at it from different people’s perspectives. From a council perspective they want to understand the cost of having to clear it up […] something that is huge that they can easily pick up is not a problem for them, but they have problems with chewing gum and cigarette ends, which are tiny and often stuck in cobbled streets and things like that. […] You also need some assessment of how many people have gone littering. […] We do not know the answer of how it should be measured, but we think there should be lots of different measures to give us as much information as possible.\textsuperscript{15}

8. Others said that it would be more useful to see a local breakdown of litter levels. Ms Harding pointed to the large amount of carrier-bag litter on rural roads,\textsuperscript{16} while Sean Lawson, from Warwickshire Waste Partnership, said there were problems “in areas where you have high turnover in terms of transit populations, perhaps new and emerging communities coming in and moving through”.\textsuperscript{17}

9. 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.

The cost of litter

10. It is difficult to identify accurately the cost of clearing litter. First, many different organisations are responsible for collecting litter: including local councils, National Parks Authorities and the Highways Agency. Second, it is not straightforward to disaggregate the cost of clearing litter from other costs such as street cleaning which takes place whether or not litter is present.\textsuperscript{18}

11. Estimates therefore vary. On the one hand, Keep Britain Tidy estimated that “public sector land managers spend over £850m each year keeping our streets, parks and public spaces clean and tidy and improving local environmental quality,”\textsuperscript{19} and that costs had been declining in the last two or three years.\textsuperscript{20} On the other hand, the Parliamentary Under-Secretary of State, Department for Communities and Local Government (DCLG), Kris Hopkins MP, said, “I do not think [Keep Britain Tidy’s] figures are quite right.”\textsuperscript{21} According to the Government’s statistics, local authorities were budgeted to spend only £717 million in 2013/14 on street cleansing, which encompasses much more than collecting litter, but excludes the costs associated with cleaning parks and green spaces; as well as the costs of other public bodies such as the Highways Agency; and the costs to private land managers

\textsuperscript{15} Q171
\textsuperscript{16} Q2
\textsuperscript{17} Q54
\textsuperscript{18} DCLG (\textit{LIT 093}) para 2.6
\textsuperscript{19} Keep Britain Tidy (\textit{LIT 065}) para 7
\textsuperscript{20} Q247
\textsuperscript{21} Q299
12. 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 is it clear that the best estimate costs—from £717 to £850 million—represent significant expenditure by local authorities.

**Indirect costs**

13. The 2013/14 LEQSE states that more deprived areas suffer from higher levels of litter. The survey notes that the percentage of sites recorded as unacceptable—a grade C or D—increases from 3% in the least deprived to 28% in the most deprived areas. The survey makes a link between levels of litter and levels of crime: “litter shows the most pronounced correlation with increasing crime risk as levels of litter also increase (and cleanliness standards decline).” In the foreword to the survey, the Government said: “the evidence shows that poor levels of local environmental quality are associated with increases in other low-level crime and social disorder, further compounding problems for the local community.” Keep Britain Tidy estimates that there is an indirect cost of £348 million for crime “associated with litter.”

14. We asked a number of witnesses about the link between environmental quality, social cohesion and crime. David Sedaris, author and broadcaster, commented:

> Why do I think there is more litter in deprived areas? I don’t know. To tell you the truth, there is a Waitrose not far from me. I found one Waitrose bag last year. There is a Tesco Metro, which I think of as a litter supply store, not far away and I find Tesco bags all the time. I don’t find containers that nuts came in. It is fast-food. It is crisps. It is candy bars.

Sean Lawson, Head of Environmental Services at Rugby Borough Council said that “we often do not associate [litter] widely enough in terms of the impact it has on social cohesion and the economic vitality of the areas. We think, ‘It is just litter.’ We really do need to shift how we think about litter.”

15. Commenting on the debate. Mr Hopkins said, “I do not believe that people who live in poorer areas are more inclined to drop litter or want to live in a dirty place.” Dan Rogerson MP, Parliamentary Under-Secretary of State, Defra, said: “you need to be very careful about drawing conclusions about two things that might coincide, in some cases, but do not necessarily have that sort of causal relationship.” He added that everyone wanted to live in a clean neighbourhood.
16. We agree with Mr Rogerson. This is an area where better evidence is needed before links can be established. The point was brought home to us by the claims made by Keep Britain Tidy which estimated that litter leads indirectly to mental health costs of £526 million. We asked how these costs were calculated and were told that they were extrapolated from research carried out in the USA and Scotland.

17. 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.

**Fly-tipping trends**

18. In contrast to litter, local authorities are required to input their data on fly-tipping into a Government database, ‘fly capture’, annually. As a result the statistics on fly-tipping are more reliable. While levels of litter have remained broadly stable, this year saw a marked increase in fly-tipping following a year on year decline since 2006. The Government reports that local authorities dealt with a total of 852,000 incidents of fly-tipping in 2013/14, an increase of 20% since 2012/13. Nearly two thirds of these involved household waste.

19. The Government estimates that the cost of clearing of fly-tipping to local authorities in England in 2013/14 was £45.2 million, a 24% increase on 2012/13. It notes that local authorities carried out nearly 500,000 enforcement actions which represents an 18% increase on the previous year, at a cost of £17.3 million. While the Government does not make comparisons between different local authorities, analysis by The Guardian shows the top ten worst local authorities are dominated by London boroughs.

20. The Government considers that the increase may, in part, be due to more incidents being reported by local authorities as a result of new on-line reporting or electronic facilities. But Mick Wright, former head of Waste Management at Luton Council, said fly-tipping had increased when the council started charging for the collection of household items. Similar comments were made by the Campaign to Protect Rural England (CPRE) about the effects of recently introduced charges for collecting garden waste in Birmingham. However, commenting on local levels of fly-tipping, Shaun Morley, Head of Waste Management at Wandsworth Council, said that despite the higher figures for London boroughs, his authority had seen a decrease in fly-tipping because of greater enforcement:

> We have also introduced time bandings into our town centres where commercial [waste] can only be collected at a certain time of day. What we are finding is, without that there, there will be bags out all day and there will be bags...
added to it from domestic properties.  

21. In contrast, Mr Lawson from Warwickshire, said that “in the leafy suburbs of Warwickshire on the edge of Coventry and the metropolis […] we do not have the same levels of visibility at times,” and that, as a result, there was a lot of commercial fly-tipping in lay-bys. CPRE pointed out that illegal dumping affected farmers and private landowners disproportionately since it was the responsibility of the land owner to remove fly-tipping.  

22. 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.
3 Frequently littered items

23. In this chapter we look at those items of litter which are consistently among the most littered—smoking materials, chewing gum, and fast-food-related litter.

Cigarette-related litter

24. According to the LEQSE, smokers’ materials—butts, packaging, matches—are the most commonly occurring items of litter.\(^{43}\) The INCPEN survey finds that smokers’ litter comprises 35.2% of total litter.\(^{44}\) The Tobacco Manufacturers’ Association (TMA) told us that the industry recognised that there was an issue with smoking-related litter which had been made worse in recent years because of the banning of smoking in public places. While this did not give smokers the right to drop their litter, it was clear that many did.\(^{45}\) The TMA, and its member companies, undertook a variety of behaviour changing activities in relation to litter to encourage responsible behaviour and sought to provide solutions to assist in the responsible disposal of smoking-related litter:

For example, British American Tobacco (BAT) provides ‘Butt Stops Here’ portable ashtrays, Japan Tobacco International (JTI) provides the ‘Stub-Tidy’ pocket ashtrays and Imperial Tobacco funds ‘Butts-Out’ portable ashtrays. Imperial Tobacco and JTI were also co-founding partners, […] in Keep Britain Tidy’s ‘Love Where You Live’—a 20 year campaign aimed at tackling the problem of littering. In addition, JTI and Imperial Tobacco have […] facilitated local litter clearance campaigns using […] their own workforces.\(^{46}\)

25. The TMA argued its efforts were hampered by the unwillingness of councils to work with them because many considered that the voluntary Local Government Declaration on Tobacco Control (LGDTC)\(^{47}\) along with the World Health Organisation’s Framework Convention on Tobacco Control (FCTC) prevented them from doing so. The Local Government Association (LGA) told the TMA that it would not work with tobacco companies because:

As the member association for local government, which includes over 80 councils that have signed the Declaration, it would not be appropriate for the LGA to engage directly with the tobacco industry or to develop proposals that would exclude those that have signed the Declaration.\(^{48}\)

The TMA argued that the LGDTC did not in fact call for the exclusion of the tobacco industry from areas of Government activity unrelated to public health policy, such as tackling litter. Giles Roca from the TMA said:

I think the tobacco industry understands there is a role to play. It wants to play a role. [We] are increasingly finding it very difficult to play a role because

\(^{43}\) Keep Britain Tidy, How clean is England? The Local Environmental Quality Survey of England 2013/14, November 2014
\(^{44}\) INCPEN, Litter Composition Survey of England, 2014
\(^{45}\) Tobacco Manufacturers’ Association (LIT 095)
\(^{46}\) Tobacco Manufacturers’ Association (LIT 095)
\(^{47}\) Local Government Declaration on Tobacco Control. The LGDTC is a voluntary agreement, launched in 2013, which commits signatory local authorities to take action on the harm caused by smoking. It has been signed by over 80 councils and has received endorsement from a number of public bodies including the Department of Health.
\(^{48}\) Tobacco Manufacturers’ Association (LIT 099)
of [the] Local Government Declaration on Tobacco Control, which has effectively stopped local authorities doing business with us on matters such as litter. Keep Britain Tidy decided in December 2013 that it would no longer have any activity with the tobacco industry whatsoever. Keep Britain Tidy will not deal with the tobacco industry. Local government will not deal with the tobacco industry on litter. ⁴⁹

The TMA said it had sought legal opinion which had made it “very clear there is no legal bar, whatsoever, that stops local authorities dealing and having partnership with the tobacco industry on issues such as litter”. ⁵⁰

26. Action on Smoking and Health (ASH) disagreed:

the FCTC and its guidelines make it clear that government endorsement, encouragement or engagement with tobacco industry Corporate Social Responsibility (CSR) activity is inappropriate as the tobacco industry can and has used CSR activity to create a more credible profile for itself and its policy positions. ⁵¹

27. Keep Britain Tidy told us it could not do its job properly if councils would not work with it. As a result, it was no longer involved with the tobacco industry on any of its projects:

The reason we changed our position just over a year ago was that local authorities, and some of the big ones, were threatening to boycott us because we were receiving money from the tobacco industry. We cannot do our job if we do not work with local authorities. ⁵²

28. The Ministers who gave evidence presented differing opinions too. Kris Hopkins, DCLG, said, “our Department’s position is that we encourage local authorities to have that engagement.” ⁵³ Dan Rogerson, Defra, said he would not meet with the tobacco industry and that “this has been a Government policy that has been set over a long period.” ⁵⁴ The Local Government Declaration is supported by the Department of Health and Public Health England. ⁵⁵ The Department of Health has also issued guidelines for overseas posts on how to ensure their activities are consistent with the WHO Framework Convention. ⁵⁶

29. 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

⁴⁹ Q125
⁵⁰ Q151
⁵¹ Action on Smoking and Health (ASH) (LIT 104)
⁵² Q284
⁵³ Q305
⁵⁴ Q316
⁵⁵ Local Government Declaration on Tobacco Control
⁵⁶ Department of Health/Foreign and Commonwealth Office, UK's Revised guidelines for overseas posts on support to the tobacco industry, December 2013
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.

30. Mr Hopkins also informed us that as part of a wider consultation on cigarette levies, he had written to the Treasury to request that a portion of any new tobacco levy be used to help pay for the cost of clearing cigarette-related litter.\(^{57}\) The LGA also called for a portion of existing tobacco levies to be appropriated to local authorities for "preventative measures […] to reduce smoking and its health impacts" and “contribute to the cost of clearing up cigarette litter.”\(^{58}\)

31. **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.**

32. The current impasse between the TMA, the LGA and some councils over the Local Government Declaration should not prevent the industry from working to reduce the incidence of cigarette-related litter independently. The TMA showed us an example of a pocket-sized, portable ash tray or ‘mini bin’, into which used cigarette butts can be placed, with no risk of fire, and taken home or disposed of responsibly. These have no markings to indicate involvement of the tobacco industry. The TMA told us it gave away 100,000 a year. We recommend that the TMA offer portable ash trays or ‘mini bins’, free of charge, at the point of sale to all who purchase cigarettes.

33. We are concerned that many public buildings do not offer, as a matter of course, facilities for proper disposal of cigarette-related litter in the areas where people congregate to smoke. The Government said it did not consider the placing of ashtrays to be the right solution and that it might be facilitating a habit.\(^{59}\) We do not agree with this view. Forcing people to go outside to smoke is the deterrent, not the absence of bins. The absence of receptacles for cigarette butts means they become litter and the public purse has to pay for their disposal. 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.

**Chewing gum**

34. According to the INCPEN survey, chewing gum constitutes 26% of all litter.\(^{60}\) The LGA estimates that clearing chewing gum costs the average town centre £60,000 per year. On the basis of 936 towns in England this could add up to £56 million per year.\(^{61}\) Staining from the gum is particularly difficult to remove as it requires high pressure hoses.\(^{62}\) As a result of these costs some councils do not remove gum at all.\(^{63}\)

---

57 Q311
58 Local Government Association (\textit{LIT 073}) para 5.1.1
59 Qq306-9
61 Local Government Association (\textit{LIT 073}) para 3.3
62 Q216
63 Q79 [Shaun Morley]
35. Alex West, from the Wrigley Company, said the industry recognised there was a problem and was working through the Chewing Gum Action Group and other forums to reduce the incidence of solid gum, wrappers and staining on streets. As a result, the Chewing Gum Action Group said the LEQSE had registered a reduction in chewing gum staining in recent years, from 69% of sites being affected in 2009/10 to 64% in 2012/13.

36. Given the costs of removal we examined the possibility of a five pence tax on chewing gum, with the revenue being used to help pay for the cost of cleaning chewing gum off pavements. The Government said it would not support such a tax, and many of our witnesses agreed. For example, INCPEN said:

> it would not do anything for the litter problem unless you could apply the levy to everything that gets littered, so the banks’ ATM receipts and banana skins. There is a host of stuff out there and if we do a piecemeal thing it is only going to address a bit of it.

Nor was the industry in favour of a tax. Ms West said research demonstrated that, if there was a tax, “people would think the clean-up is being paid for and would therefore drop their litter more readily.”

37. We consider that taxing an item because it is littered can only be justified in exceptional circumstances. The costs of removing chewing gum mean that it is not in the same category as ATM receipts or banana skins. The chewing gum industry has, however, shown a willingness to combat litter from chewing gum. In our view it should do more to meet the costs of removing gum and to deter its consumers from littering with, for example, larger litter warnings on its packaging and wrappers.

38. *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.*

**Fast-food litter**

39. The LEQSE survey recorded an increase in the incidence of fast-food-related litter from 28.1% of sites in 2012/13 to 31.1% of sites in 2013/14. According to the INCPEN survey, which records the composition of litter, food packaging and food constituted 16% of the total.

---

64 Q194  
65 Chewing Gum Action Group ([LIT 086](#))  
66 Q323  
67 Q181  
68 Qq205-08  
40. We examined the increase in fast-food litter.\textsuperscript{71} Cherry Lewis-Taylor, a franchisee with McDonald's restaurants, told us that litter was only dropped by a tiny minority of customers.\textsuperscript{72} Nevertheless, her four restaurants undertook litter-picks around the premises three times a day. She said this was a common practice at McDonald's restaurants:

> These go out from every single restaurant for about 150 metres. […] We do pick up every bit of rubbish we can within that range. There are 1,200 restaurants each doing a litter patrol like that every day. In my own restaurants […] I have nine full-time members of staff and one of their primary roles is just to collect litter[…] That is at quite a considerable cost obviously, but it is a community restaurant and we believe in that community and social responsibility.\textsuperscript{73}

41. Mrs Lewis-Taylor said that in Germany, such actions by all shop owners were the norm. In the UK shop owners can be asked to tidy up their perimeter under the Street Litter Control Notices Order 1991,\textsuperscript{74} but this is not an ongoing obligation\textsuperscript{75} and is only used when there is an obvious problem. When we asked the Government whether it would be in favour of a general obligation on retailers to keep their street fronts clear of litter, it said that it was not as “a lot of retail businesses are small businesses; […] they already contribute and pay charges through business rates.”\textsuperscript{76}

42. George Monck, Chief Executive of CleanupUK, commented on the work of McDonald’s. He said they were “leading the charge in terms of the fast-food operators”\textsuperscript{77} and that it would be good if this became the norm. Unfortunately, it does not appear to be the norm and, as we have noted, fast-food litter is increasing. This supports the argument that alongside more use being made of Street Litter Control Notices, there should be a statutory obligation for the owners of food outlets and other retailers who sell food on-the-go to be responsible for clearing the perimeter of their premises regularly. The socially responsible are already meeting this requirement voluntarily whereas the irresponsible are shirking their responsibilities and avoiding the costs.

43. 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.
4 Legislation and its enforcement

Penalties for litter

44. Part IV of the Environmental Protection Act 1990 makes dropping litter a criminal offence subject to a fine of up to £2,500 on summary conviction in court. The Government reports that 5,500 people convicted in magistrates’ courts of littering in 2013, and the average fine was £140.78 However, because of the costs associated with going to court, most local authorities, who are responsible for enforcing this legislation, seek instead to impose a fixed penalty notice (FPN) for littering, which is a civil matter. The current FPN for litter is between £40 and £80, with the average fine being £75.79 There were 30,678 fixed penalty notices issued in 2008–09, the last year for which figures are available, of which 19,039 were paid.80 On the basis of the average fine of £75, this would amount to approximately £1.4 million in revenue for local authorities. This compares, as we noted in the previous chapter, with estimates of between £717 and £850 million spent on removing litter.

45. New legislation in the Anti-Social Behaviour, Crime and Policing Act came into force in October 2014. It empowers local authority officers to issue Community Protection Notices (CPNs) against people who drop litter. They can also issue a CPN where litter has accumulated and is considered to be causing a problem for the community. The Government explained:

CPNs are intended to enable these authorities to deal with particular, ongoing problems or nuisances, (including accumulations of litter on public or private land) which negatively affect the community’s quality of life, by targeting the person responsible. The notice will direct the individual, business or organisation responsible to stop causing the problem. The test will be that the local authority or police officer believes the behaviour is detrimental to the local community’s quality of life, unreasonable, and persistent.81

The Government told us that the current legislation was adequate and the level of fines was a sufficient deterrent. It said it would need strong evidence before it would consider raising it.82 However, the Government no longer requires local authorities to submit data on litter penalties and we are therefore unable to see good evidence to support its own assertion.

46. 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.

78 DCLG (LIT 093) para 2.8. Figures are available from http://data.gov.uk/dataset/fixed-penalty-notice-litter
79 Q319
80 DCLG (LIT 093) para 2.8. Figures are available from http://data.gov.uk/dataset/fixed-penalty-notice-litter
81 DCLG (LIT 093) para 4.7
82 Q317
47. **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.**

48. It is too early to make any assessment of Community Protection Notices, which have recently come into force.

49. **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.**

## Penalties for fly-tipping

50. Fly-tipping is a criminal offence subject to a penalty of up to £50,000 or a 12 month prison sentence, or both, on summary conviction. The Government reports that local authorities dealt with over 852,000 incidents of fly-tipping in 2012/13 and carried out 425,000 enforcement actions. This resulted in only 2,000 prosecutions.\(^{83}\)

51. Keep Britain Tidy suggested that, since the majority of fly-tipping incidents were from a small van or constituted a single bin bag, it would be better if local authorities could issue a FPN for fly-tipping offences, as is currently possible in Scotland.\(^{84}\) As with litter, using a FPN would make the offence a civil matter. Camden Council also argued for the introduction of FPNs for fly-tipping which it said would "enable a more efficient enforcement regime".\(^{85}\)

52. **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.**

53. We examined the disposal of household goods. Sean Lawson from Warwickshire Waste Partnership explained that:

> if I buy household goods—whether it be a washing machine or whatever—I can ask the supplier to take that product back, and he can charge me, or you can ring a local authority who might provide the service at cost, or you can fly-tip it. If we said to the deliverers [...]“You must take those products back,” what is the incentive of the householder or the business or whatever it might be to dump it? It has gone back and therefore it is covered [...] There could be a £5 fee to take it back. If you spend £200, you don't notice it.\(^{86}\)

We raised the suggestion with other witnesses that bulky household items be removed as a matter of course when replacements were delivered. The cost could be built into the price and delivery companies would be under an obligation to dispose of item properly. CPRE, CleanupUK and Mick Wright, former Head of Waste Management at Luton Borough Council, all supported this proposal and also called for a strengthening of connections

---


\(^{84}\) Q263

\(^{85}\) London Borough of Camden (LIT 072) para 4.2

\(^{86}\) Q85
with the re-use sector so that charities would collect such items as well. Councils might reasonably forge partnerships with such charities.

54. **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.**
5 Keeping roads and highways clean

55. Clearing litter and fly-tipping from the roads in England is the responsibility of either local authorities or the Highways Agency. The Agency is responsible for keeping motorways and a small proportion of all-purpose trunk roads clean, while local authorities are responsible for the roads in towns and cleaning the majority of trunk roads. However, the Highways Agency is responsible for the maintenance of these trunk roads including maintaining verges and grass-cutting.

56. Clean Highways, a group focussing on legislation on litter, pointed out that before cleaning a trunk road a council would often have to get permission from the Highways Agency to close a lane. The Agency would normally insist the work was carried out late at night to minimise traffic disruption, but councils were ill-equipped to handle this work which often necessitated hiring crash cushion vehicles and signage. Warwickshire Waste Partnership explained that despite repeated efforts local authorities had been unable to establish effective partnerships, coordination and communication with the Highways Authority and their contractors. It said that working with the Highways Agency was “a nightmare”. In addition, the costs associated with litter removal and implementing safe methods of working on trunk roads were disproportionately expensive for district and borough councils. For example, an 11 mile section (5.5 miles each way) of the A46 on the edge of Coventry took five workers 17 days to complete. They collected 6 tonnes of litter and waste at a cost of £22,000: that was £2,000 per mile. Tim Harbot from the Highways Agency said they did try to coordinate with local authorities and “institute litter forums, whereby we write out to local authorities and invite them to come to sessions where we try to debate how we are going to do things better”.

57. In London, where Transport for London (TFL), rather than the Highways Agency, maintains trunk roads, Wandsworth Council said they had similar problems trying to coordinate clearing litter with TFL’s scheduled road works. Shaun Morley said there was “always a bit of conflict about who is responsible. And the lines are not as clear as they could be in some instances”.

58. The Local Government Association (LGA) suggested that a national approach to keeping key trunk roads clean and clear would be more efficient as it would combine the road closure function of the Highways Agency with that of clearance. The Highways Agency said it would “certainly be open to discussions around taking on responsibilities and duties, but […] that would need an increase in our resource funding to enable us to take them on”.

59. Dan Rogerson, the Defra Minister, said the Government was willing to look at this issue and would await our recommendations, but he also noted that it should not take “a huge amount of effort” for local authorities to work with the Highways Agency.

88 Trunk roads are often the major routes into towns and cities. Clean Highways (LIT063)
89 Clean Highways (LIT063)
90 Q89
91 Warwickshire Waste Partnership (LIT075)
92 Q243
93 Q89
94 Local Government Association (LIT073) para 5.2.2
95 Q271
96 Q331
Hopkins, the DCLG Minister, agreed and said, “we have some well-paid and very clever people who work in local authorities. It does not take much more than a phone call to try to find a solution”.  

60. 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.

Littering and fly-tipping from vehicles

61. The Government reports that the Highways Agency cleared 150,000 bags of rubbish from the major road network in 2012/13 at a cost of around £6 million—that is, £40 per bag. Government statistics on fly-tipping reveal that 47% of incidents occurred on highways. It is relatively easy to drop a bag of rubbish on the side of the road at night, or to throw an empty sandwich packet out of the car window. It is difficult for councils to identify the culprit who carried out the action. Councils report that it is almost impossible to detect and therefore the current arrangements and penalties for littering from vehicles are unenforceable.

62. There are legislative changes relating to litter and fly-tipping from vehicles in the pipeline, but CPRE commented on the slow pace at which this legislation is being brought forward. The Environment Agency and local authorities have powers to seize and dispose of vehicles used in illegal waste dumping under the Control of Pollution (Amendment) Act 1989. In April 2015 these are due to be replaced by the new powers under the Clean Neighbourhoods and Environment Act 2005 which are designed to “enable enforcement authorities in England and Wales to disrupt and prevent illegal waste activities more effectively than at present […] enabling officers to stop search and seize vehicles suspected of involvement in waste crime”. John Rea, from Defra, told us that the Government had also “been consulting on introducing vehicle seizure regulations or strengthening vehicle seizure regulations for fly-tipping offences”. He said the Government hoped to introduce a statutory instrument in this Parliament.

63. As regards litter thrown from vehicles, the Anti-Social Behaviour, Crime and Policing Act 2014 provides for civil penalties to be imposed on the registered keepers of vehicles from which littering offences are committed (rather than establishing the culprit). These powers are already available to local authorities in London, and are due to be extended to
the rest of the country in April 2015. Mr Rogerson commented: “We are now looking at how that can be implemented and what contribution that could make. It has been the situation in London for some time, but not outside London, so we are now looking at what a difference that could make.”

64. 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.
6  A strategy for change

Need for change

65. David Sedaris, author and broadcaster, told us that levels of litter were high in the UK compared to other countries:

It is funny how many people I have spoken to in the UK who say, “Well, it is like this everywhere”. It is not. You have to go deep into Eastern Europe to find it this bad. I lived in France for a number of years. I have never seen anything like this anywhere in France. I lived in Japan for a while. I have never seen any rubbish whatsoever in Japan. It is obviously a cultural thing.\footnote{Q99}

66. The Government did not appear to share his view. Dan Rogerson, the Defra Minister, told us: “there is a pretty good standard across areas. […] We have not seen a problem that is getting dramatically worse”\footnote{Q293} We disagree. Not getting worse is not the same as acceptable. \textbf{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.}

Behaviour change

67. Other witnesses said that, while penalties could contribute to changing behaviour, other measures were equally important. Giles Roca, who, although he gave evidence on behalf of the TMA, had previously worked for Westminster City and Essex County Council where his experiences led him to believe that:

If we are serious about addressing the issues of waste then we have to deal with the causation of this, and that is educating people, like we did with seatbelts in the 1970s and 1980s and like we did with dog mess, to make it clear that it is not acceptable. That is long-term cultural behaviour change.\footnote{Q116}

INCPEN told us that “the strong message” they took from the research they had undertaken was that “litter changes as people’s habits change and it is a behavioural thing”\footnote{Q175}

68. We heard several suggestions to achieve behaviour change. Cherry Lewis-Taylor, a McDonald’s franchisee, told us about a scheme in Braintree, Essex to make it the cleanest district in the county. The campaign was supported by local industry. Messages about not littering and penalties were put on bins, petrol pumps and buses. Volunteers were trained by Keep Britain Tidy to monitor litter levels and at the end of the campaign they reported a 41% reduction in fast-food rubbish in the area.\footnote{Q115} CleanupUK told us about “nudging ideas” which aimed to get people to think about litter in subtle ways, and made it “cool” for teenagers to put litter in the bin. To encourage younger children George Monck, Chief
Executive, CleanupUK, gave the example of a bin which said ‘thank you’ or burped, when litter was dropped in it. Others have suggested a return to a system of monetary deposits for bottles and cans as an incentive for not littering.

### Bin design

69. Other innovative solutions around bin design and location were put forward as a way of encouraging their use. Keep Britain Tidy told us that it had been focusing on:

> social innovation […] to try to understand the behaviours of groups of people on the ground […] We know, for example, that, if you have a lot of litter bins, in some circumstances it will decrease the amount of litter, but not in all. We also know that, if you have a lot of litter bins but they are not properly managed, they will generate more litter.

The LEQSE survey notes that bins with a large opening and the ability to drop rubbish into them, “are preferable to users, and that brightly coloured bins are seen to be more appealing and encourage greater use.”

70. We also heard about various strategies. Shaun Morley from Wandsworth Council said they had a policy of not placing public bins in residential areas to discourage people from placing bags of rubbish beside these. Sean Lawson from the Warwickshire Waste Partnership explained the benefits of larger solar compacting bins which alerted the Council when they were full and thus reduced the need to check them constantly. He said their major disadvantage was, however, the £5,000 cost per bin. We saw how two of these “Big Belly Bins” worked. We were told that in Nottingham, where the Council had installed 160, they had been able to reduce significantly the frequency with which they emptied bins, thus saving staff and vehicle time, and had also seen a decrease in street and cigarette litter.  

71. **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.**

### Towards a national litter strategy

72. While there is much that local authorities can do, reducing levels of litter and tackling increased fly-tipping across England requires leadership at national level. We looked for

---

109 Q31  
110 Frampton Cotterell Village Action Litter Buster Groups (LIT 013); Mike Ward (LIT 034)  
112 Q67  
113 Q68  
114 Big Belly Smart Bin, Case Study 2, Nottingham City Council, [www.bigbellysolar.co.uk](http://www.bigbellysolar.co.uk), accessed 3 March 2015
a national strategy. Defra, which has the policy lead for litter and fly-tipping, explained that its role was to set the standards, make sure the legislation was fit for purpose and bring people together by working with partners in industry and in the voluntary sector. DCLG also has a role to play since the most important partner with responsibility for the bulk of street cleaning activities, and tackling litter and fly-tipping, are local councils. They also carry the bulk of the costs of clearing litter and fly-tipping.

Some witnesses considered the current division of roles and responsibilities was unsatisfactory, did not amount to a coherent approach, and called for a national litter strategy. Industry, in particular, were keen for the Government to play a larger coordinating role so that each industry did not have to deal with every local authority separately. The Packaging Federation called for greater coordination:

At present approaches to litter are too fragmented and lack the focal point that a National Strategy would provide. There are many businesses and supply chains that are seeking to be involved but are discouraged by this fragmentation and by some negative campaigning by some of the anti-litter campaign organisations.

INCPEN said the Government should produce “a national litter strategy similar to that recently introduced in Scotland and should fund national litter prevention campaigns supported by all campaigners and all stakeholders, including schools.”

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.

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.

---

117 Q294
118 Q292
119 Keep Britain Tidy (LIT 065); INCPEN (LIT 031); British Soft Drinks Association (LIT 061); Foodservice Packaging Association (LIT 057); The Packaging Federation (LIT 052)
120 The Packaging Federation (LIT 052)
121 INCPEN (LIT 031)
Conclusions and recommendations

Measuring litter

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)

The cost of litter

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)

Indirect costs

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)

Fly-tipping trends

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)

Cigarette-related litter

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)
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)

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)

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)

Chewing gum

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)

Fast-food litter

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)

Penalties for litter

11. 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)
12. 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)

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)

Penalties for fly-tipping

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)

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)

Keeping roads and highways clean

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)
Littering and fly-tipping from vehicles

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)

A strategy for change

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)

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)

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)

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)
Formal Minutes

Tuesday 10 March 2015

Members present:

Mr Clive Betts, in the Chair

Bob Blackman  Mark Pawsey
Simon Danczuk  Chris Williamson

Draft Report (Litter and fly-tipping in England) proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 75 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned.]
Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee’s inquiry page.

Tuesday 25 November 2014

Samantha Harding, Stop the Drop Campaign Manager, Campaign to Protect Rural England, George Monck, Chief Executive, CleanupUK, and Mick Wright, Former Head of Waste Management, Luton Borough Council

Sean Lawson, Head of Environmental Services, Rugby Borough Council, and Shaun Morley, Head of Waste Management, London Borough of Wandsworth,

Tuesday 6 January 2015

Cherry Lewis-Taylor, McDonald’s Franchisee, McDonald’s Restaurants Ltd, Giles Roca, Director General, Tobacco Manufacturers’ Association, and David Sedaris, Broadcaster, author and campaigner on litter

Jane Bickerstaffe, Director, Industry Council for Research on Packaging and the Environment, Jacob Hayler, Executive Director, Environmental Services Association, Martin Kersh, Executive Director, Foodservice Packaging Association, and Alex West, Senior Manager for Corporate Affairs, the Wrigley Company Limited

Tuesday 27 January 2015

Phil Barton, Chief Executive, Keep Britain Tidy, and Tim Harbot, Regional Divisional Director (Midlands), Network Delivery and Development Directorate, Highways Agency

Kris Hopkins MP, Parliamentary Under-Secretary of State, Department for Communities and Local Government, Dan Rogerson MP, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, and John Rea, Resource Programme: Local Environment, Collections and Recycling, Department for Environment, Food and Rural Affairs
Published written evidence

The following written evidence was received and can be viewed on the Committee’s inquiry web page. LIT numbers are generated by the evidence processing system and so may not be complete.

1. Action on Smoking and Health (LIT0104)
2. The Assn. of London’s Public Sector Waste Management Professionals (LIT0042)
3. Allan Sharpe (LIT0001)
4. Bolsover District Council (LIT0009)
5. Bolton & District Civic Trust (LIT0090)
6. Braintree District Council (LIT0070)
7. British Soft Drinks Association (LIT0061)
8. Campaign to Protect Rural England (LIT0069, LIT0109)
9. Carnegie UK Trust (CUKT) (LIT0060)
10. Caroline Lewis (LIT0024)
11. Charles Hook (LIT0077)
12. Chewing Gum Action Group (CGAG) (LIT0086)
13. City Of London Corporation (LIT0097)
14. CIWM (LIT0091)
15. Clean Highways (LIT0063, LIT0088)
16. Clean Up Britain (LIT0058)
17. CleanupUK (LIT0066)
18. Compton & Shawford Parish Council (LIT0085)
19. Crawford Daly (LIT0022)
20. Crewe Clean Team (LIT0084)
21. David Alexander (LIT0012)
22. David Mason (LIT0011)
23. Department of Communities and Local Government (LIT0093)
24. Derby City Council (LIT0037)
25. Derby Telegraph (LIT0056)
26. Dr J Watkinson (LIT0038)
27. East Hampshire District Council (LIT0071)
28. East Tisted Parish Council (LIT0018)
29. Elaine Simpson (LIT0027)
30. Ferndown Town Council (LIT0081)
31. Fiona Unwin (LIT0043)
32. Foodservice Packaging Association (LIT0057)
33. Frampton Cotterell Village Action Litter Busters (LIT0013)
34. Graham Andrews (LIT0023)
35. Great Yarmouth Borough Council (LIT0079)
36. Hampshire Association of Local Councils (LIT0080)
37. Heather Frenkel (LIT0026)
38. The Industry Council for Research on Packaging & the Environment (LIT0031)
39. James McManners OBE (LIT0010)
40. Janet Slootweg (LIT0046)
List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at [www.parliament.uk/clg](http://www.parliament.uk/clg).

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

**Session 2014–15**

<table>
<thead>
<tr>
<th>First Report</th>
<th>Devolution in England: the case for local government</th>
<th>HC 503 (CM 8998)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Report</td>
<td>Local government Chief Officers’ remuneration</td>
<td>HC 191 (CM 8960)</td>
</tr>
<tr>
<td>Third Report</td>
<td>Child sexual exploitation in Rotherham: some issues for local government</td>
<td>HC 648</td>
</tr>
<tr>
<td>Fourth Report</td>
<td>Operation of the National Planning Policy Framework</td>
<td>HC 190 (CM 9016)</td>
</tr>
<tr>
<td>Fifth Report</td>
<td>Pre-appointment hearing with the Government’s preferred candidate for the post of Housing Ombudsman</td>
<td>HC 877</td>
</tr>
<tr>
<td>Sixth Report</td>
<td>Community Rights</td>
<td>HC 262</td>
</tr>
<tr>
<td>First Special Report</td>
<td>Further review of the work of the Local Government Ombudsman: Responses to the Committee's Fifth Report of Session 2013–14</td>
<td>HC 192</td>
</tr>
</tbody>
</table>

**Session 2013–14**

<table>
<thead>
<tr>
<th>First Report</th>
<th>The Private Rented Sector</th>
<th>HC 50 (CM 8730)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Report</td>
<td>The work of the Regulation Committee of the Homes and Communities Agency</td>
<td>HC 310 (HC 863)</td>
</tr>
<tr>
<td>Third Report</td>
<td>Community Budgets</td>
<td>HC 163 (CM 8794)</td>
</tr>
<tr>
<td>Fifth Report</td>
<td>Further review of the work of the Local Government Ombudsman</td>
<td>HC 866</td>
</tr>
<tr>
<td>Sixth Report</td>
<td>Local Government Procurement</td>
<td>HC 712 (CM 8888)</td>
</tr>
<tr>
<td>Seventh Report</td>
<td>Building Regulations certification of domestic electrical work</td>
<td>HC 906 (CM 8853)</td>
</tr>
</tbody>
</table>
### Litter and fly-tipping in England

#### Session 2012–13

<table>
<thead>
<tr>
<th>Report Type</th>
<th>Title</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Special Report</td>
<td>The work of the Regulation Committee of the Homes and Communities Agency: the Regulation Committee's Response to the Committee's Second Report of Session 2013–14</td>
<td>HC 836</td>
</tr>
</tbody>
</table>

#### Session 2012–13

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HC 177-I (CM 8424)</td>
<td>HC 81 (CM 8389)</td>
<td>HC 431 (HC 615 &amp; HC 650)</td>
<td>HC 553</td>
<td>HC 112 (CM 8547 &amp; HC 1091)</td>
<td>HC 432 (CM 8582)</td>
<td>HC 830</td>
<td>HC 694 (CM 8638)</td>
<td>HC 833 (CM 8635)</td>
<td>HC 615</td>
<td>HC 650</td>
<td>HC 1091</td>
</tr>
</tbody>
</table>

#### Session 2010–12

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed Code of recommended Practice on Local Authority Publicity</td>
<td>Abolition of Regional Spatial Strategies: a planning vacuum?</td>
<td>Localism</td>
<td>Audit and inspection of local authorities</td>
<td>HC 666 (HC 834)</td>
</tr>
<tr>
<td></td>
<td>HC 666 (HC 834)</td>
<td>HC 517 (CM 8103)</td>
<td>HC 547 (CM 8183)</td>
<td>HC 763 (CM 8209)</td>
<td>HC 615</td>
</tr>
<tr>
<td>Report Type</td>
<td>Title</td>
<td>Reference</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fifth Report</td>
<td>Localisation issues in welfare reform</td>
<td>HC 1406 (CM 8272)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sixth Report</td>
<td>Regeneration</td>
<td>HC 1014 (CM 8264)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seventh Report</td>
<td>Pre-appointment hearing for the Government’s preferred nominee for Chair of the Homes and Communities Agency Regulation Committee</td>
<td>HC 1612</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eighth Report</td>
<td>The National Planning Policy Framework</td>
<td>HC 1526 (CM 8322)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ninth Report</td>
<td>Taking forward Community Budgets</td>
<td>HC 1750</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenth Report</td>
<td>Building regulations applying to electrical and gas installation and repairs in dwellings</td>
<td>HC 1851 (CM 8369)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eleventh Report</td>
<td>Financing of new housing supply</td>
<td>HC 1652 (CM 8401)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Special Report</td>
<td>Beyond Decent Homes: Government response to the Committee’s Fourth Report of Session 2009–10</td>
<td>HC 746</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Special Report</td>
<td>Proposed Code of Recommended Practice on Local Authority Publicity: Government Response to the Committee’s First Report of Session 2009-10</td>
<td>HC 834</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Third Special Report</td>
<td>FiReControl: Government response to the Committee’s Fifth Report of Session 2009–10</td>
<td>HC 835</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fourth Special Report</td>
<td>Preventing violent extremism: Government response to the Committee’s Sixth Report of Session 2009–10</td>
<td>HC 1951</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Litter: Regional Breakdown**

<table>
<thead>
<tr>
<th>Region</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Midlands</td>
<td>B+</td>
</tr>
<tr>
<td>South West</td>
<td>C+</td>
</tr>
<tr>
<td>East Midlands</td>
<td>C</td>
</tr>
<tr>
<td>East of England</td>
<td>D+</td>
</tr>
<tr>
<td>North East</td>
<td>D</td>
</tr>
<tr>
<td>South East</td>
<td></td>
</tr>
<tr>
<td>Yorkshire and The Humber</td>
<td></td>
</tr>
<tr>
<td>Greater London</td>
<td></td>
</tr>
<tr>
<td>North West</td>
<td></td>
</tr>
</tbody>
</table>

Source: Keep Britain Tidy, Local Environment Quality Survey of England 2013/14
Litter: Percentage of sites meeting an acceptable standard

- West Midlands: 94.7%
- South West: 93.3%
- East Midlands: 92.8%
- East of England: 92.7%
- South East: 89.4%
- Greater London: 87.5%
- North East: 87.0%
- Yorkshire and The Humber: 83.0%

Best: West Midlands, South West, East Midlands, East of England
Worst: North East, Yorkshire and The Humber, North West
Litter: The cost of street cleansing to local councils in 2013/14

- **£348 million**: Keep Britain Tidy’s estimate of the indirect cost of crime associated with litter¹
- **£717 million**: Net expenditure by local authorities on street cleansing in 2013/14²
- **£850 million**: Keep Britain Tidy’s estimate of the annual cost of cleaning up litter to local authorities³

Sources:
1. Keep Britain Tidy: LUT-1664
2. Local Authority Revenue Expenditure and Financing 2013-14: Final Outturn & Budget Line 2013
3. Keep Britain Tidy: LUT-1664
Most commonly littered items

- Smoking Materials: found on 73% of sites
- Confectionary Packs: found on 62.5% of sites
- Non-alcoholic drinks related: found on 31.1% of sites
- Fast-food-related: found on 52.9% of sites

Source: Keep Britain Tidy. Local Environment Quality Survey of England 2013-14
Composition of Litter

- **16%** Food Packaging and food
- **35.2%** Smokers’ litter
- **26%** Chewing Gum

Fly tipping trends

- 852,000 incidents of fly-tipping dealt with, +20%
- £45.2 million the estimated cost of clearance of fly-tipping, +24%
- 2,000 prosecutions for fly-tipping, 98% resulted in a conviction
- Two thirds of fly-tipping involved household waste
- 19% of household waste was in black bags
- 47% of incidents occurred on highways

Littering convictions

£2,500
maximum court fine for littering, 2014

5,500
people found guilty of littering offences in court, 2014

just under
£140
average fine imposed by courts for littering

30,678
Fixed Penalty Notices for littering issued in 2008/09

£75
average Fixed Penalty Notice fine for littering