



Communities and Local Government Committee

Oral evidence: [Litter](#), HC 607

Tuesday 25 November 2014

Ordered by the House of Commons to be published on 25 November 2014.

Evidence from witnesses:

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[Campaign to Protect Rural England](#)

[CleanupUK](#)

[Mick Wright](#)

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[Warwickshire Waste Partnership](#)

Watch the session

Members present: Mr Clive Betts (Chair); Simon Danczuk; Mrs Mary Glendon; David Heyes; Mark Pawsey; John Pugh; and Chris Williamson.

Panel 1 Questions [1-51]

Witnesses: **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, gave evidence.

Q1 Chair: Good afternoon. Welcome to the first evidence session of our inquiry into litter and fly-tipping. Thank you very much for coming. We have, as a Committee, asked for pictures of litter to be posted on Twitter, and we have had a significant quantity of pictures and of litter in them. That is at one level a welcome development in that members of the

public have responded, and at another level, of course, not very welcome in that they show clearly problems that we are here to look at as a Committee beginning this afternoon.

Before we go into taking evidence, we as Committee Members need to put on record our interests. I am a vice-president of the Local Government Association.

David Heyes: I have two members of staff working for me who are local councillors.

Chris Williamson: Similarly, I have two elected members who work for me.

Simon Danczuk: My wife is a councillor and some staff in my office are councillors as well.

Mark Pawsey: I have two members of staff who are councillors. I am chairman of the all-party parliamentary group for the packaging manufacturing industry, and I am acquainted with one of the witnesses in the second panel.

John Pugh: I have two members of staff who are councillors. It seems to be a statutory requirement, doesn't it?

Chair: Now, perhaps we can turn to our witnesses and, for the sake of records, please say who you are and the organisation you are representing.

Mick Wright: My name is Mick Wright. I do not represent any organisation these days, though I was an officer for Luton Borough Council for a number of years—34 altogether.

Samantha Harding: I am Samantha Harding. I am representing the Campaign to Protect Rural England.

George Monck: I am George Monck, representing the charity CleanupUK

Q2 Chair: Thank you very much for coming to give evidence to us this afternoon. I am sure you are all aware of the Local Environmental Quality Survey of England, which is something very important in terms of looking at litter around the country. Looking at it, what do you think are the important things we should learn about the current trends in litter that the survey shows?

Samantha Harding: We were talking about it earlier, and if you look back on the LEQSE surveys over the past few years, while they give very specific statistics around certain types of littering, the overall picture is a bit muddy. In a way it shows that we are possibly just containing the litter problem. There is possibly some good news in that we have seen local authority expenditure on street cleansing drop quite

considerably over the last five years, but the litter levels themselves tend to be represented within those surveys as really staying around the same levels.

However, we hear from our LitterAction members—and I did reference this in our written submission—that their impression from litter picking on a daily, weekly or monthly basis is that the problem is far more than it was even a couple of years ago. There are some questions there about the methodology of the LEQSE survey around whether it is correctly capturing the issue. One of the issues could be that it could show that you have a large amount of cigarette butts, or they will say that there are a certain amount of drink containers, but what that does not take into account is some of the inherent dangers, for example of having a glass bottle rather than a cigarette butt, or the visual disamenity of having brightly coloured fast-food packaging versus a piece of chewing-gum, all of which cost money to clear up.

George Monck: I very much agree with what Sam says. I have found that the LEQSE figures year on year, if you look at the last 10 years, fluctuate. They go up and down, and I wonder how that can happen if there is to be a trend. I mean, is there a trend? What I conclude is really what Sam said in terms of the methodology. I think they change a third of the sites that they examine every year. Is there consistency in the figures? Is it showing us a pattern? The fluctuation of the figures over the years makes me think perhaps there is not a very clear pattern being shown by the figures.

Samantha Harding: For me it is interesting to look at the statistics that come up about different types of littering. For example we know, through the LEQSE, that there is a real incidence of carrier bag litter along rural roads. As the Campaign to Protect Rural England, that is a problem that we are concerned about. That is quite useful to underpin work that we have been doing around trying to come up with specific policy levers that will deal with specific types of littering, hence our reference to carrier bag charges as a policy lever that will reduce carrier bag litter. The survey itself could be quite interesting from that perspective.

Mick Wright: It was a pity that the comparison figures for the performance of individual councils were dropped in March 2011, because that would give you a very local view and used to focus councils' minds on the standards that they were achieving. I always regarded the national figures as a bit dubious—a bit too large to take into account all the local issues that there were in a population: how large an area was travelled; the type of areas they were looking at, and so on. That is perhaps one of the things: doing the inspections against

the code of practice on litter and refuse, and coming up with results that could be comparable across the piece.

Q3 Chair: We got some regional results this year. Obviously they are not down to the level of individual councils, and they—probably not surprisingly—show that London probably had more litter than some other places, because there are probably more people per square metre or per square mile in London. So that is probably not surprising. But you would think there would be merit in drilling down to a more local level in collecting the information. But would it tell us anything we would not instinctively know anyway?

Mick Wright: It focuses the minds of the councils. They may have drifted away from it although, of course, the thing about expenditure and ability in times of austerity is it will have an impact. But it was a pity that that measure was dropped. The fact that it was going to be published did concentrate a lot of councillors' minds.

Q4 Chair: In terms of the survey itself, despite its deficiency in not going down to that local level, do you think it presents a reasonably accurate picture of what is out there?

Samantha Harding: As I understand the methodology, it is a very robust, reliable, in-depth survey. The wider question is whether that particular methodology is telling us what we need to know now. Last year was 10 years of the LEQSE survey, and it would be useful to have a review of that methodology to see whether there is something else maybe that we need to know that could be incorporated or whether it could be altered to give us a fresh picture.

Q5 Chair: You said that council spending on litter collection was dropping. Does it mean that people are dropping less litter if council spending on collecting it is dropping but the amount of litter is not increasing?

Samantha Harding: I tried to touch on that before. The street cleansing budget has gone down, which I have seen from the CLG figures. The LEQSE survey says that it is sort of staying the same with some mild fluctuations, and yet we are hearing on the ground, from people who are actually out there picking up, that it feels like it is getting worse.

Q6 Chair: You just said the survey methodology was good but then you are not agreeing with the results.

Samantha Harding: No. My point was that the survey as it stands is robust, but we are not convinced that it is giving us a broader picture. For 10 years, no one has asked, "Is this giving us the correct picture?"

Q7 Chair: That is what I am trying to get at. What would you want to see improved about the survey to give us a better picture? Apart from trying to get local authority figures, what would you want to see improved and changed in the survey itself to give us a better picture?

George Monck: I am not an expert on methodology. I may be being very naive in saying this, but I would have thought if they studied the same areas year after year, although it could allow for cheating, if you like—local authorities would know they are the areas and they would go and clean them up—it would give a more consistent picture perhaps of what is happening. But a statistician might say to me that is not a good way of doing it.

Samantha Harding: One of the things that has been mentioned in the past is that it looks at the incidence of a piece of litter. Within the quadrant it will say, "Are there cigarette butts? Yes. Are there drinks containers? Yes," but it does not count the incidence of that particular type of litter. It may be that there are 50 cigarette ends in one quadrant but only one drink container, but the figures themselves say that there is a problem of litter within that quadrant of both of those types of litter.

Q8 Chair: It does not differentiate the degree or quantity.

Samantha Harding: No. It just tells you whether it is present. It does not tell you the volume. There has been discussion within the litter sector about whether that would be a beneficial methodology to understand certain areas. Obviously in a London street you might have lots of coffee cups and lots of cigarette ends. In a rural lane you probably will find fast-food packaging and drinks containers.

Q9 Simon Danczuk: I will start with you, George, and work along. Why do you think the incidence of fly-tipping has increased in the last year?

George Monck: The incidence of fly-tipping has certainly increased since the time when tradesmen were charged for depositing their waste. I do not know when that was, but that has been a typical cause of fly-tipping. I suspect that because the economic climate has been tough for people over the last few years, there has been even more incentive for them to avoid the charges for legal disposal of waste by

fly-tipping. I live in a rural area and we have certainly seen a lot of fly-tipping, which we have combated by making people aware that they are being watched, and that there are people around. But with a domestic recycling centre only 3 miles away, we are even seeing a lot of domestic fly-tipping, which makes me think, "Can people not be bothered? Can they not afford the petrol?" I cannot help but believe that the economic situation has made it worse.

Q10 Simon Danczuk: Samantha, why do you think the incidence of fly-tipping has increased?

Samantha Harding: I would echo broadly what George has said. There is an example that one of our members made us aware of. Birmingham City Council introduced a charge for garden waste of £35 a year for a 10-month collection period, and that has apparently led to a huge problem within certain parts of the city, where people are either unable or unwilling to pay, or do not realise that they have to pay, and are leaving their garden waste out in bags on the street, and apparently it is causing a big problem. I have a letter here, which I could, if the writer is happy for me to do so, share with you after this session, if you would like to see all the details.

I wanted also to take this opportunity to raise an example someone called me about recently. They are based in Yorkshire and it turned out that a furniture firm in London had sold some furniture to some people in Aberdeen. Their normal delivery people were not available, so they subcontracted out the delivery to a firm from Reading, who drove to Aberdeen with the furniture, installed it and on the way back to Reading stopped off in Yorkshire overnight and dumped it on somebody's private land. When the woman woke up it was there in the morning. What they did not realise was that they had left the company's name and address all over the packaging. She rang the company in London, who were shocked and appalled that this had happened. The company itself was not prepared to take any action against the subcontracted delivery company other than to say, "We will not work with you again," and when the woman rang her council, she did not hear back from them. To be fair to them, that was only within a 24-hour timescale, so they may well have got back to her after that. But when she spoke to the police they said, "It is not our problem; it is on your land." She felt very disempowered by that.

Simon Danczuk: Yes—even when it could be proven.

Samantha Harding: There was a question there about why, if it was on private land, the police were not interested when there was an identifiable link as to where it had come from.

Mick Wright: The collection of waste regulations in 1991 settled the categories of waste and what was chargeable and was not. The collection of waste was defined, trade waste, commercial waste, was defined, and that said that local authorities had to make a charge for it if they undertook the collection of it. Obviously the landfill tax has had some implications for fly-tipping as it has now reached the level it has. Some of my colleagues in enforcement noted that if you turn up with a load of waste, public or private, at a transfer station, you need proof of ownership; they want to see a carrier's licence and so on. There is certainly more regulation on public and private waste transfer stations, so probably it is getting more difficult just to turn up with a load of waste and try to get rid of it.

Q11 Simon Danczuk: Do you think it is putting people off?

Mick Wright: It is putting people off. I am not talking in favour of more or less regulation, but that has been the effect. The other thing is organised crime. In Dunstable there was a set of industrial buildings, and someone had knocked down one of the walls at the back of the building and filled it up with waste, bringing truckloads of it in, in the dead of night. Nobody had even noticed it. That was about 6,000 tonnes of waste deposited illegally in this building and nobody knew about it. It is a very profitable business.

Q12 Simon Danczuk: London dominates our politics in a very unhealthy way, it has been claimed recently. It also dominates the worst offenders in terms of fly-tipping. Out of the top 10 worst areas for fly-tipping, eight are London boroughs. Why do you think Londoners are more likely to fly-tip than others?

Samantha Harding: As a Londoner who lives in London, I would hazard a guess that it is because so few people have cars here. At the end of the street where I live in Peckham, it is one of those mattress centres. People seem to have money to buy new mattresses and sofas so often, but they do not seem to have a car in order to be able to transport it, although I know our council would come and collect it and of course there are charities what would come and take it away as well.

Simon Danczuk: Any other views?

George Monck: I am not a Londoner so I do not feel qualified to comment.

Q13 Simon Danczuk: Should larger household items be collected by councils free of charge? Is that the solution, do you think? Mick, you have worked for a council.

Mick Wright: Yes. We collected bulky household waste free of charge from about 1990 up until a couple of years ago. When we went from not charging to charging, there was a noticeable increase in fly-tipping, I would say, even though we made the charge quite modest so as not to discourage people from using the service. Especially when it had become such an established public service in Luton, ending it was the difficult thing. People had got so used to it being free of charge. It was a very heavily used service.

Q14 Simon Danczuk: Are there any other views on how we might have a solution to this?

Samantha Harding: I would suggest that if they can afford to collect bulky waste, the cost efficiencies of collecting it straight away must be more than allowing it to be fly-tipped. There is potentially an opportunity there to strengthen those connections with the reuse sector as well—the new charities and groups who are looking for items to do up and sell on again.

Q15 Simon Danczuk: So, social enterprises like Bulky Bobs in Liverpool, where they collect items and rejuvenate them. John, you might know it.

George Monck: You have taken the words out of my mouth. That is what I was just going to mention, because I worked in Liverpool and it has meant that fly-tipping there is not non-existent but vastly reduced. It is great to have a good, appealing, branded way of doing it.

Q16 Chair: Charities like the British Heart Foundation, I think, do similar things, and will take anything, and then they sort out what they want to resell and take the rest to the tip.

Samantha Harding: Of course there is value in scrap, so if your washing machine cannot be made to go again, you sell it for scrap, and make money for charities.

Q17 Chair: Should local authorities be going into partnership with organisations like that if they cannot afford to do it themselves?

Samantha Harding: Yes. I think so.

Mick Wright: A lot of councils have got such partnerships, of course. How much you can push it that way is open to some doubt. You do reach a limit on what you can persuade people to divert but, yes, we have one in Luton. It is with NOAH, a homeless charity. It is the same thing; they take probably about a third of what we collect out of the waste stream.

Q18 Mark Pawsey: I would like to move on from fly-tipping to litter and ask you what the biggest single problems are in terms of what products cause difficulty, and then move on to consider how that might be dealt with or tackled. Who would like to start with the biggest single problems? What are they?

Mick Wright: Takeaway litter forms the bulk of the litter in town centres, without a doubt, and in out-of-town car parks, where obliging residents go to eat their takeaways and just throw them out of their car windows. They tend to be private car parks, of course, and that puts the onus of the problem on to somebody else, although there are arrangements between some councils to clear those car parks, maybe at a cost or not.

At one time the big takeaway stores used to arrange to go out from their premises and collect litter. It was not miles away from it, but they did cover quite an area. Those arrangements seem to have broken down a bit over the years. They did not feel under any compulsion to do it; it was just persuasion, I think, exhortations on them, that they should do something about the fact that we were finding so much of their litter amongst the rubbish we were finding in the town centre.

Q19 Mark Pawsey: Is it your impression that operators are doing less than they used to?

Mick Wright: Yes, I would say they are. There is also a bit of constant nagging with them as well: trying to meet the managers; the managers turn over; trying to make a relationship with the new manager; trying to persuade them that it is part of their responsibility to try to collect their litter.

Q20 Mark Pawsey: You selected the biggest item as fast-food packaging.

Mick Wright: In town centres it tends to be, yes.

Q21 Mark Pawsey: You are aware of the INCPEN report that drew attention to the most commonly littered items, and it has got fast-food packaging at just 2.9%. Is it that it is perceived to be the biggest problem, or is it, in your view, actually the biggest problem?

Samantha Harding: I would like to comment on that because I am aware of that research and I know that the INCPEN research adopted the methodology of counting incidents of litter, so it included chewing gum staining, chewing gum blobs and cigarettes, which in number, when you then use that type of methodology, reduce the incidence of everything else to the type of percentages that you are talking about. What that does not take into account is that if you have got a cigarette

butt versus a big brown McDonald's bag full of eight different types of packaging thrown into a hedgerow in the countryside, that is a problem.

Q22 Mark Pawsey: You would take issue with the INCPEN methodology then, going back to the issue we were just discussing on the last question?

Samantha Harding: I am aware of the methodology. I take issue with or I would question how you are presenting the issue of fast-food packaging as being a very small percentage. That is not actually the case when you take into account other factors.

Q23 Mark Pawsey: How do we deal with it? If it is a problem, what is the best way of dealing with it? Should we be banning the product or should we be looking to change people's behaviour? Which is the route that you would like to see us going down?

Mick Wright: I suggest in my paper that you really need a pick and mix. There is no one magic wand or silver bullet to solve the problem of litter. Certainly attitudinal change is one of the things that you should try. There is no doubt about that.

Q24 Mark Pawsey: Are there things that can be done to make it easier for people to dispose of this product? Litter is effectively packaging that has been put in the wrong place, because if it is put in a bin, it is not litter. If it is discarded on the floor, then it is litter. What should we be doing to effect behaviour change?

Mick Wright: Everybody quotes education, but it is never really down to how you manage to educate people.

Q25 Mark Pawsey: What is wrong with putting some time and effort into encouraging people to dispose of the packaging appropriately? Why is education a bad thing?

Mick Wright: It is what you are taking on. If you are trying to say, "We will educate the whole population of this country not to drop litter," that is a very big challenge. I am not saying that you should not try to do it. I know that there are councils that do. Mind you, most of those programmes seem to have been the first to have gone by the board.

Q26 Mark Pawsey: Could we perhaps make it easier for people to dispose of litter appropriately by having more bins, more user-friendly bins, more appropriately located? If you agree with that as the route, whose responsibility should it be to ensure that that happens?

Mick Wright: Making sure that you have an adequate number of litter bins in an area is the council's; it is nobody else's.

Q27 Mark Pawsey: In that case, are you saying that local authorities are lacking—that they are not doing their job properly by providing sufficient bins? Is that what you are saying?

Mick Wright: If you go to the pedestrianised area of Luton, you are tripping over a litter bin every 5 feet or something. We have maxed out the number of bins you can put in the Luton area.

Mark Pawsey: Are they not emptied sufficiently regularly? Is that the problem?

Mick Wright: They are emptied about every half hour. There is a team who deal with the town centre, who just prowl up and down the town centre picking litter up and emptying the litter bins.

Q28 Mark Pawsey: Is there evidence that, if there is a bin available, appropriately located, and there is room in the bin, people will put their litter in the bin?

Mick Wright: Unfortunately not, no. I am afraid that the evidence is not that.

Mark Pawsey: So we have to go back to this education thing.

Mick Wright: We have to find a way to do it, yes.

Samantha Harding: I definitely think that a behaviour-change campaign is absolutely relevant and absolutely needed. It is not the only solution. We need effective regulation and enforcement; we need effective provision of bins.

Q29 Mark Pawsey: What kind of regulation would you like?

Samantha Harding: I will come back to that. My point was that we also need effective bin provision. There is also the issue with education. As we saw with Keep Britain Tidy, when it was receiving about a £5 million grant from DEFRA, it would run very successful behaviour-change campaigns in local areas over a short-term period. They would introduce a campaign and it would work, but then the funding would stop so they would have to stop doing what they were doing in that area, and then their monitoring would show that the behaviour reverted—that it had not lasted long enough to bring about that change.

Q30 Mark Pawsey: Is this not something that schools should be doing as part of citizenship? Is it not part of being a good citizen, training

our youngsters to know where to put the packaging when they have finished with it?

Samantha Harding: The point I was trying to make is that there is an issue around the cost of delivering an effective national behaviour change at a local level. That has been prohibitive in the past, and we have sought to work with industry to overcome that, but there is still this issue around there not being enough money to do it properly.

Regarding the issue around education, we have a fantastic curriculum-integrated litter-campaign pack for primary schools. What everybody tells us is that the problem is that small kids will always talk about litter and they get the issue, but once they become teenagers other things happen and they have other pressures. Other peer pressures come in and that is the group that begins to litter.

What we have found really difficult—we would welcome any recommendations or guidance on how to deal with this—is how to engage effectively with secondary schools when they have so much pressure on them to deliver academically that it is very difficult to get in to even talk about some of these more social/behavioural issues.

Q31 Chair: Mr Monck, do you have a view as to what the problem is?

George Monck: Yes, I do. I would like to bring the Committee's attention to some work by the Social Market Foundation, a paper called "Creatures of Habit? The Art of Behavioural Change". It outlines a whole range of ways that one can change people's behaviour. The conclusion of this research is that, habitually, Government, both central and local, focuses only on one end of that range or one part of the spectrum. They mainly use financial incentives, so fining someone or sometimes incentives, and other things like making it easy for people to dispose of their litter by putting plenty of bins around.

However, as Mick has said, that is not sufficient in itself. There are things like nudging ideas, which I am sure you are all familiar with, and other ways of making it cool, for instance, for teenagers to put litter in the bin. Research shows that when they are in groups they do not put their litter in a bin, because it is macho just to chuck it down and make it look as if you don't care about it.

I would love to just read you a very quick and short letter from *The Times* from 10 days ago about nudging, because this, to me, sums up the sort of thinking, from slightly left field, that we need to employ. A lady from Dorchester writes and says, "The best way of dealing with litter that I have seen was a few years ago in a Dutch theme park. Talking litter bins in the shape of a nursery-rhyme character"—I am not

going to try to speak Dutch—"called out, 'Litter here,' and growled, 'Thank you very much,' when litter was thrown into their mouths. Every so often, instead of a thank you, a donation was met with a belch. Giggling children were pouncing on scraps of litter in order to feed the bins. The park was spotless".

Now that, to me, is getting to the nub of where we need to go.

Q32 Mark Pawsey: May I ask your view on operators? One of our other witnesses said that the operators were not doing as much as they used to, but there are some substantial food chains that send out a litter-picking squad to clean the area around their store. Do you sense that they are not doing as much as they used to and as much as they could do?

George Monck: No. You are talking about McDonald's in particular. They are leading the charge in terms of the fast-food operators. I do not know whether anyone else does what they do. I hope either they do or they are going to start doing so, because it sets a very good example. Somehow, though, they need to convert that into a message in-store for their customers not to litter. There has been some great work done in Braintree in Essex on that, which you may have heard about.

Q33 Mark Pawsey: Going back to the INCPEN research, which I know you are not very comfortable with, the biggest single item there that was found on sites was cigarette ends, at 30%. Are cigarette ends not a particular problem or, perhaps, even chewing-gum?

Samantha Harding: No, we do. At the Campaign to Protect Rural England we work in partnership—maybe I should have announced this at the beginning—with one of the big tobacco companies, Japan Tobacco International, seeking to make more provision of bins that are suitable for putting cigarettes out in. We have done a project in Middlewich that has seen a 70+% reduction in cigarette litter within that town.

Mark Pawsey: Tell us how that succeeded, then. How did that work?

Samantha Harding: That worked because we were able to work in partnership with the tobacco industry, which was able to give us the funding to then go out through the CPRE network to work with a voluntary group, the Middlewich Clean Team—a very dynamic group of people—who were then able to go to the PubWatch group, so it was all linking in with these local networks, who then put up cigarette bins in all the pubs and some of the betting shops in the town, using a local unemployed man in order to give him skills, which have helped him get a job.

The problem we have had is that we have gone to four or five local councils with that project and we have found that the street-scene team would love it, because the standalone bins with the stub plate, as I understand it, are about £350 each. That is a huge expense for them. They have not been able to take up the offer, because, as we understand it, local councils do not want to work with the tobacco industry. The people on the ground really want the project to go ahead.

Q34 Mark Pawsey: Hold on. Why will local authorities not work with the tobacco industry? If it keeps the place clean and tidy, surely everybody wins. What is the problem with that?

Samantha Harding: As I understand it—I am sure the tobacco industry would explain it more clearly than I will be able to—there is a directive that really focuses on the health issue of smoking and therefore councils cannot be seen to promote smoking in any way.

Mark Pawsey: That is something the representatives of the local authorities who are in our second panel may be able to help us with.

Samantha Harding: Yes, exactly. However, I certainly would support working with industry of any sort to reduce littering.

Q35 Chris Williamson: I want to touch on the adequacy of the legislation and its enforcement. The CPRE have said that the legislation is satisfactory; the issue is around enforcement. I wonder whether you could say a little bit more about that. Is there an even approach by local authorities? What is the issue there?

Samantha Harding: Our assessment of the legislation on the books, as it were, is that it is broadly fit for purpose. Our one issue has been almost like a certain loophole in the Environmental Protection Act around littering from vehicles, where councils have to prove precisely who threw the litter from the vehicle in order to be able to issue a fixed penalty notice.

I have been doing this job for six years, and when I arrived on the job there was already a body of about 150 councils who had come together to try to campaign at DEFRA to get that law changed, and it was only this year that there was an amendment to the Anti-social Behaviour, Crime and Policing Act, where provision was made that there could be new regulations so that councils could issue a penalty charge notice to the keeper of the vehicle.

That brings the legislation in line with the specific legislation within London and, hopefully, the person giving evidence from the Borough of Wandsworth will be able to talk to you more about that, because I understand that they were one of the two London boroughs that trialled the new legislation in London before it was rolled out to the others.

Q36 Chris Williamson: This is an extract from some evidence that we have received from my own local area. The local *Derby Telegraph*, in discussions with the local council, said this about the legislation, albeit in relation to fly-tipping predominantly. It is also relevant to littering as well. This is one of the concerns. They say, "The same level of proof is required to prosecute for fly-tipping as it is for murder. Council officers have no legal power to make a person speak to them on a litter or fly-tipping matter or to insist that they provide personal details". They go on to talk about rogue landlords in the city. I suspect this is a problem in other areas, possibly at the end of your street. You were talking about a bed centre. I have some images from Derby. It is shocking. I do not know where all this comes from. Anyway, they say, "Rogue landlords are telling tenants who are moving out of their properties to simply dump any rubbish left behind on to the streets, saying it is all right because the council will come to pick it up". They are calling for a law change far over and above what you are suggesting. They want to see property owners keep their land free from litter and waste and for that to be made a legal obligation. They want the burden of proof to prosecute for fly-tipping to be reduced from beyond reasonable doubt to the balance of probability, and they want to make it an offence for a person questioned by a council enforcement officer on a litter or fly-tipping matter to withhold their personal details. Now, you have said there is one loophole, but they go on to say there are other significant problems as well. I just wondered what your comments are on that evidence that we have received.

Samantha Harding: My only comment would have to be that that sounds very interesting. I do not know enough about that specific area to make a substantive comment.

Q37 Chris Williamson: This is in general. If you are trying to enforce a fixed-penalty notice and somebody says to you, "I am not giving you my name and address", there is no offence there, apparently, according to the evidence we have had. What do you do about that? What do we do about rogue landlords? Mick, do you have a comment? You worked in local government.

Mick Wright: Yes, I used to have a team of enforcement officers who reported to me. First of all, we found that really you could only take a prosecution if it was a local government officer who saw somebody doing something. The level of proof needed is that strong. Nevertheless, we used to enforce quite a lot of fixed-penalty notices. We did run into some issues and difficulties with people throwing cigarette ends and cigarette packets out of the windows of cars. There is no problem in finding their address usually, unless the car is unregistered or something.

Q38 Chris Williamson: Do you think these community protection notices help, then?

Mick Wright: That is difficult to say until you start enforcing it. The difficulty that, certainly, a lot of people find is that when you do start enforcing things like that, suddenly they say, "It was not a cigarette end; it was a sweet that one of my children threw out of the car, and this mistaken enforcement officer saw that and thought it was a cigarette end and that is terrible. I am going to the press."

Chris Williamson: Are you a bit sceptical about it, then?

Mick Wright: Yes, to be honest.

Q39 Chris Williamson: What extra powers are needed, then, to enable these things to become more effective?

Mick Wright: It probably needs a total look again at the whole issue about how you enforce litter fines and how you enforce fly-tipping.

Chris Williamson: What about what Derby City Council and the *Derby Telegraph* have suggested, making it an explicit offence to withhold your personal details? Would that help?

Mick Wright: It would assist the issue. I am sure of that. It is an attempt to move away from just being able to attach litter enforcement to vehicles, because obviously you have the vehicle registration to go on, and that is where perhaps councils have concentrated up until now. You can move away from that, if you have the right to ask somebody their name and address and so on.

Q40 Chris Williamson: What about making landowners responsible for littering or fly-tipping on their property? This is picking up on rogue landlords who are saying, "Just dump it. It will be fine. The council will pick it up for me." What do you think about that? What can we do about it?

Samantha Harding: It sounds like the rogue landlords that you are talking about are encouraging fly-tipping on public land. They are saying, "Just leave it on the streets." So in a way, they are not wrong to say that the council will pick it up, because the council have a legal responsibility to do so, but obviously, the point is that that is wrong, and that other people are paying for someone else's waste disposal.

Obviously, at CPRE we are particularly concerned about fly-tipping on private land. In the example I gave earlier, about the woman who was fly-tipped in Yorkshire, she would then have had to bear the cost of removing that packaging from her land. I cited in our response our work in Essex that showed that it was about £200 per clearance.

Q41 Chris Williamson: In your response to one of the earlier questions, you mentioned plastic bag litter. Do you think that the charges that are going to be imposed for bags will help?

Samantha Harding: Yes, I do. They have in Wales; they have in Northern Ireland. I see no reason why it would be any different in Scotland or England. CPRE is well documented for having some concerns about the current exemptions relating to franchises, small businesses and paper bags, but broadly, I think the scheme will be successful in reducing usage.

Chris Williamson: Does everybody else agree with that?

George Monck: Yes. As Sam says, past history in Wales and Northern Ireland shows that it is likely to work, so why should it not?

Q42 Chris Williamson: Will powers to fine vehicle owners for dropping litter from their vehicle help to deter that?

Samantha Harding: It might deter the individual, but the actual problem, as Mick has highlighted, is with enforcement. While I support the legislation being changed from something that councils say is unworkable, the London legislation and, now, the provision in the Anti-social Behaviour, Crime and Policing Act have decriminalised littering in the instance of littering from vehicles, so you only receive a civil penalty, but any other type of littering is still a criminal offence. I could throw it from my car and it is a civil penalty, but if I had got out and dropped it on the street it is a criminal offence. It has created an odd anomaly, which has not yet been resolved.

Mick Wright: Yes.

Q43 Chris Williamson: Finally, how should the legislation—we have touched on this as well—governing who should pay for the removal of fly-tipped material from private land be reformed?

Samantha Harding: Do you have any thoughts on that, Mick?

Mick Wright: It would be a very large additional burden for councils to have the responsibility to clear anything off private land. It extends not just to people's country estates—fly-tipping in the countryside. About 30% of the fly-tipping we have identified in an urban area like Luton is on private land. You consistently get people trying to report it to you and they are not particularly impressed when you keep saying, "I am afraid it is on private land and we can't do anything about it, as a waste department." There are things that other people can do. I am aware of the legislation, and that is very difficult to enforce as well, like putting a charge on the property and all the sorts of things that environmental health officers can do.

Q44 Chris Williamson: What could be done to reform the legislation? Should it be reformed in any way?

George Monck: The problem of leaving it as the responsibility of the landowner on private land means that the fly-tipper can keep on fly-tipping, because there is no way he is going to get caught, because no authority ever gets involved. It is simply the landowner who is expected, at the moment, to remove the fly-tipping and leave it at that. That is incredibly unfair on the landowner and it is making no effort towards changing the fly-tipper's behaviour.

Q45 Chris Williamson: What should be done? What should the change be? Should we make the effort to prosecute the fly-tipper?

George Monck: Mick will not like me for this, but at the moment there is no viable alternative to the local authority investigating it, trying to find the culprit and clearing it. Who else can do it other than the landowner?

Chris Williamson: How would you suggest that be paid for?

George Monck: At the moment, it would have to be paid for by the local council. Perhaps we should fine fly-tippers more, and that would pay for it.

Q46 Chair: That is not realistic, is it? With their current budgetary position, councils are not going to find extra money to go and clear up sites. What incentive would there be for the landowner, then?

George Monck: On the other hand, Mr Betts, on the comment I just made about fining the fly-tipper more, there has been a lot of talk in recent years about magistrates not taking fly-tipping seriously and imposing minimal fines on fly-tippers. That is certainly a focus that would be helpful.

Samantha Harding: Could I make an additional comment? It is not a panacea, but I have recently judged some awards for the Chartered Institution of Wastes Management and there was a fantastic case study from Glasgow, where there was a huge fly-tipping problem in a laneway that was between houses that backed on to each other. It was a really hideous, horrible problem. They managed to work in partnership with their local council and a local builder to create, essentially, a gated laneway, which they were then able to plant and create a safe space for the children and animals of those two particular rows of houses to play in. They got to know each other and they all paid in equally to make sure it happened. Obviously, not everybody's houses are configured that way, but there are examples of interesting practice out there, which could be shared.

Q47 John Pugh: You are all good voluntary sorts and you are all very much enthusiastic about clearing up and so on. In my constituency last week there was a group of people who call themselves Rubbish Friends, and they went out and very visibly and obviously cleared up places and spaces that the council had not adequately cleared up and reminded the public of their duty and all that sort of thing. What is the role of these groups, though? What difference do they make? Is it peripheral? Is it fundamental? Is it necessary?

George Monck: They could make a huge difference. Sam would agree with me, in that we know of a lot of groups out there who do fantastic work and bring about behaviour change at the grass roots in their community by setting a good example and showing people, "Look, you do not litter in this community; otherwise you have got us to answer to." Part of the challenge—

Q48 John Pugh: Just stopping you there, is their example different from the council coming by and professionally clearing up from time to time?

George Monck: Yes, because the council is a big authoritarian organisation and a lot of people think, "It is the council's job to clear the streets, so if we just chuck stuff down it is their job to clear it up," whereas if the local people are clearing it up, a lot of people think, "Perhaps I should not do this."

John Pugh: A moral effect is as good as a physical effect, if I can put it in those terms.

George Monck: Yes. The accusation, "It is the council's job," is one of the worst phrases we ever hear in the litter arena. Sam and I—and I am sure Mick too—are striving all the time to get the message over, "Look, it is not the council's job. It is everyone's responsibility to keep their community clean." We work in deprived areas in north-east and east London, and the people there report to us that going out litter-picking not only makes the community clean but makes them feel safer and stronger as a community as well, and that is so important.

I would love this Committee to be sending a message out to local authorities to support volunteer litter-picking groups more widely and more deeply. Some local authorities are fantastic at it; some are not so active. That is such an important part—that we have this movement coming up from the grass roots to get everyone.

Q49 John Pugh: If I could just stop you there, the council makes a great fuss about supporting a voluntary group who, in a sense, are doing something that the council might have done themselves had they the resource, the ability—

George Monck: I would disagree with that, because they would not be doing the council's job, which is regularly cleaning the streets. That is not what volunteer groups do, on the whole. They tend to look after areas that the council does not habitually clean up. No volunteer group would want to replicate what the council does; I would say that they would complement it.

Q50 John Pugh: Yes, right. It is just that one of my voluntary groups has cleaned up a very big and ill-tended roundabout, and I assumed that somebody had a statutory responsibility for keeping that clear eventually, even though nobody was. Does anybody else want to comment on that?

Mick Wright: The voluntary groups in Luton tend to be complementary to the council rather than undertake what the council undertake. Some of this private land is private back alleyways. They clear those up, and they have been very effective at doing that. One thing I put in my evidence is that they are very rarely self-supporting, in my experience. It does take the involvement of council officers to find people who are willing to do it, to lead, to equip them and to take away the rubbish of course—and that sort of thing. You do need a fair amount of support. There is nothing wrong with that; that is what councils should do.

Q51 John Pugh: They are alerting people to things that need to be done in the community and are not necessarily ordinarily done by the council. Are there any other ways in which you think the public could be better educated about litter or children could be better educated about litter at school?

Samantha Harding: Going back to the thing about fly-tipping, as I understand it, we all have a legal duty of care to know where our waste is being taken, so if someone comes along and says, "Hey, I see you have had your bathroom redone; let me take your old bathroom suite away for £50," I have a legal responsibility to know where that waste is going. I don't think very many people understand that. I don't know whether that would have an impact on people being less inclined to say—

John Pugh: Whose job is it to get that across? That is a valuable piece of information a citizen would want and would employ, but is it the council's job to tell people that?

Samantha Harding: That duty of care was introduced nationally, so maybe there is a duty of care on the Government Department that decided that was a good idea, to make sure that the people affected understand that there is that law in place.

Chair: Thank you very much for coming. I am still thinking about those talking litter bins. I presume they produce bilingual ones.

George Monck: A burp is fairly international, I think

Chair: Thank you very much indeed for coming to give evidence this afternoon. I appreciate it.

Panel 2 Questions [52-95]

Witnesses: **Sean Lawson**, Head of Environmental Services, Rugby Borough Council, and **Shaun Morley**, Head of Waste Management, London Borough of Wandsworth, gave evidence.

Q52 Chair: Thank you very much for joining us this afternoon. For the sake of our records, could you begin by saying who you are and the organisation you represent?

Shaun Morley: My name is Shaun Morley. I am the Head of Waste Management for the London Borough of Wandsworth.

Sean Lawson: I am Sean Lawson. I am Head of Environmental Services at Rugby Borough Council, but I am here representing the Warwickshire Waste Partnership, or trying to.

Q53 Chair: Thank you both for coming. Just to kick off, we talked to the previous witnesses about the Local Environmental Quality Survey of England. Do you think that represents a true picture of what is happening over a period of time and, in your areas, do you see a similar trend or pattern to what the survey reflects for the whole of the country?

Shaun Morley: Personally, I do not know whether it is representative of what is happening over the country. A lot of it is down to how the data is collected and reported. My own experience of working in three different local authorities is that sometimes the interpretation is not always put forward the same way. In one area you may have a high number of fly-tips and in another area you may have a low number of fly-tips, but, when you drive through, they are no different. A lot of it is to do with how the data is recorded, as to whether it is accurate or not.

Chair: That is recorded by local authorities.

Shaun Morley: Yes.

Sean Lawson: Probably, the LEQSE is more accurate than the old national indicator, when we all used to collect it individually, because

we all used to have our own interpretation of what they are. At least, because it is a national survey done by the single organisation, you should get more consistency in the assessments.

Some of the interesting things that have come out of the survey this time are around the types of litter that are being found, but also the correlations between crime, deprivation and how litter really is attracted to areas of deprivation and how it links to criminality. We often think litter is just a visual problem; it is a mess; the council should do something about it. We often do not associate it 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.

Q54 Chair: May I pick up that point about deprived communities with higher crime having higher levels of littering? Is that because the people in those areas create more litter or because people feel they can come from outside and dump it, because they are only poor areas, or is it because the council does not respond as rapidly to complaints? Perhaps they do not get as many complaints, so they do not go and clear up the areas as much.

Sean Lawson: I would suggest that it is a combination of all those things. There is no one simple, easy answer. In my view, there is an issue of the disconnection between people who live in areas now and the old-fashioned communities, neighbourhoods and the pride in those areas. Particularly in areas where you have high turnover in terms of transit populations, perhaps new and emerging communities coming in and moving through, they do not have an association to that historical area and therefore have the same care and pride. Therefore, they also do not realise necessarily who to contact about issues and complaints. We do not always hear the same feedback that we would do from a more established and wealthy community.

It is a whole combination, but they also look at, "This is how the area is treated. Therefore, that is how I will treat it." As a nation and as a civilisation, we are quite illiterate in terms of how we see it, so we follow the example. If the example in that area is, "Throw stuff on the floor and don't care," then I will throw stuff on the floor and not care, because that is what my neighbour does; that must be what we all do. So, we really do have to shift it back and say, "No, this is not acceptable".

Shaun Morley: I would agree. The issue is very complex, and there is a social element to it. In our own borough, we have two extremes. They both receive the same amount of resources, but there is almost an attitude of, "We don't really care too much in this area, so we are

not going to complain about it." We still are required to clean it up, but in another part of the borough that is much higher in terms of its social acceptability, they have more pride in the area, so they do not tend to fly-tip so much; they do not tend to litter as much, but they do complain more. There is a link between the three.

Q55 Chair: In terms of how you look at how you approach the problem, do you decide that you are going to put extra resources into the area with the highest problems or do you end up with a more reactive service and put the extra resources into the areas that complain the most?

Shaun Morley: We tend to put more resources into where we have the most problems, but we are more reactive in those areas as well. The better-quality areas do not need quite so much looking after; that is our experience.

Sean Lawson: I would agree. We need to put the resources where they are most needed and most likely to have an effect. Certainly, at one authority I used to work in I used to have complaints from a very wealthy area that they had not seen the street being swept. We would say, "Is it dirty?" They would reply, "That is not the point. I pay my council tax." But We need to educate those people that if it is not dirty we are not going to do it, because we have to put our attention where it is going to have greatest effect.

Q56 Chair: If someone said, "How much do you spend in different wards in your local authorities?" would you say, "We spend a different amount from one ward to another"? Would you keep that sort of record?

Shaun Morley: We do it on the frequencies that we are there, rather than the actual expenditure.

Q57 Mark Pawsey: I would like to ask about fly-tipping. We had a discussion earlier about the extent to which it has increased and the reasons. I know the Government statistics say there has been a 20% increase, but, Mr Lawson, in the Warwickshire Waste Partnership's evidence, you refer to a rise of almost 40% in fly-tipping incidents. Mr Morley, what is the situation in Wandsworth?

Shaun Morley: We have actually seen a decrease in fly-tipping, but I suspect that is because of the efforts that we put into the enforcement side of things. We have also introduced time bandings into our town centres where commercial can only be collected at a certain time of day. What we are finding is that, without that there, there will be bags out all day and there will be bags added to it from domestic properties.

It has made a big difference to our town centre and the amount of fly-tipping that we have.

Q58 Mark Pawsey: So by changing the way you do things, you have managed to reduce the incidence of fly-tipping. You are going in the opposite direction to the country as a whole and the massive 40% increase that Mr Lawson has. Why cannot Warwickshire Waste Partnership do the same as Wandsworth?

Sean Lawson: We are very different beasts. A metropolitan borough of London is much more densely populated and much more controlled with much more visibility. In the leafy suburbs of Warwickshire on the edge of Coventry and the metropolis around there, we do not have the same levels of visibility at times. We are finding artic loads of tyres dumped in lay-bys. A lot of it is commercial. We do investigate as much as we can, but usually it is a case of, "We don't know." We just find it there and there is no evidence, but we do track it down when we can.

Q59 Mark Pawsey: Very conveniently I have a press release in front of me issued by your district council about somebody being fined £150 after fly-tipping on farmland. That is tipping on private land.

Sean Lawson: Yes, indeed. It goes to the point you were talking about in the earlier session around that duty of care. It was the originator of the waste who had paid somebody cheaply to get rid of the waste. He did not know who he had paid, so it came back to him and he got done.

Q60 Mark Pawsey: Are your authority and Warwickshire successful in getting convictions for fly-tipping or was this a one-off?

Sean Lawson: No. I cannot talk for all of the Warwickshire partners, but certainly we—and we assist others—take a very rigorous approach to enforcement. We investigate all the complaints we get. Prosecution is only one tactic we have. We are not necessarily interested in just nicking people. We want to change behaviours.

Yes, it is great to have a headline saying that we got them, but I would rather change the behaviours of people and get people talking about it in the pub and in the car park. We will do civil debt; we will do fixed-penalty charges; we will do cautions; we will get them to clear it up; we will get them to issue restorative justice apologies; and ultimately, we will also nick people as well.

Q61 Mark Pawsey: But prosecutions are achievable. I wonder, therefore, if you might comment on why we have had evidence from the *Derby Telegraph* telling us that there have been no prosecutions for fly-

tipping in Derby in the past five years. Are there any lessons that you could give to Derby to help them deal with the problem and get some prosecutions? I have a broader question: why is good practice not being shared around local authorities? If it can be done in Warwickshire, why can it not be done in Derby?

Sean Lawson: A lot of it is down to resources and, to some degree, the effort that individual local authorities want to put in and their priorities. It would be very different for an area like Rugby Borough compared with a city authority with all their social care type issues in terms of where you put the pressure and the priorities.

I would take issue with a lot of things that were quoted in that article and say, "That is not true." Failing to give your name and address to a local authority officer is an offence of obstruction, but if you do not know who it is, how do you prosecute it? But that is where you can draw in the police. You need to be more linked in with your partner authorities and use them to assist you in your enforcement, but all of these things can be done. It is about whether you have the intent, the will and the resources to pursue them.

Q62 Mark Pawsey: Mr Morley, we heard in the last session that one of the issues that had given rise to more fly-tipping was the fact that tradesmen are now charged for getting rid of their waste. Why is that not a problem in Wandsworth or are you still finding tradesmen's waste deposited and you are just quicker at dealing with it?

Shaun Morley: I suspect there is an element of us dealing with it very quickly. We also do a number of exercises with the police and the highways people, and we do stop and search. The word gets around that if you are coming to Wandsworth and you think you are going to get away with fly-tipping somewhere, there is a good chance you are going to get caught.

We also take very seriously the collecting of evidence, so my colleagues in waste enforcement are very particular about how they put a case together, so that if somebody does not pay their fixed-penalty notice we will automatically go to court for a prosecution, and we always win, because the way that we collect our evidence is almost like a police statement in the way it is put together.

Q63 Mark Pawsey: In terms of the collection of evidence, can you tell us about the use of CCTV? I understand it is allowable in some circumstances but not in others. Can you explain the position to us?

Shaun Morley: It is the Regulation of Investigatory Powers Act evidence that requires the CCTV. Our experience is that it is not very effective. We have used it not necessarily for overt surveillance but

where a camera has been there and somebody has been seen fly-tipping. We have posted a picture of the person who has done it and asked people to come forward.

Mark Pawsey: Where did you post it?

Shaun Morley: We posted it where the crime happened. We have posted a picture; it has been up there, and we have posted it in the local newspaper, but nobody has ever come forward and said, "I know this person."

Q64 Mark Pawsey: Is it used more as a deterrent than a tool for prosecution?

Shaun Morley: Yes. Unless you get some really clear solid evidence, that is, a van that pulls up with the registration number on it and you see the people unloading the van, it is circumstantial evidence. You cannot do anything with it.

Q65 Mark Pawsey: I wondered if either of you two gentlemen could help us with the issue of tobacco companies not being able to sponsor or provide bins for cigarette butts. That came up in the previous session.

Shaun Morley: We have not pursued that. All of our bins do have areas where you can stub out cigarettes. We have catered for that element of the litter. At the moment we are working with Public Health on a campaign whereby if you get fined for dropping cigarette litter, there is an opportunity to go on a no-smoking programme.

Mark Pawsey: The impression I got from the previous evidence session was that there is some way in which local authorities are not willing to accept bins if they are provided by tobacco companies. Did I get that wrong?

Shaun Morley: I have never come across that.

Sean Lawson: It is just the ethical debate, isn't it? Local authorities are under that pressure. "We are trying to promote healthier lifestyles. Therefore, we should not be engaged with the devil incarnate, the tobacco companies." Personally, working with people like McDonald's in terms of fast-food litter and cigarette companies is how we will effect behavioural change, because they are their users. We need their users to effect the products.

Personally—this is not a statement on behalf of the Warwickshire Waste Partnership or Rugby Borough Council—I would not see a problem with it in the right circumstances.

Mark Pawsey: So there is no legal reason why they could not.

Shaun Morley: No, it is their decision.

Mark Pawsey: So a council could make the decision to accept an offer of additional bins, if made by the tobacco industry?

Sean Lawson: Yes.

Q66 David Heyes: I want to move us on to the problem of waste bins. I am guessing in both the authorities that you represent there are plenty of waste bins about, but they tend to overflow and they tend to be unsightly. They almost tend to be attractors for waste. How often do they get emptied? Is there a regular frequency that you can tell us about?

Shaun Morley: We have a frequency built into their contract so that they are emptied three or four times a day, but also within the contract, if it gets up to a certain level, even if it is not on that frequency, I would expect it to be emptied. Our bins very rarely overflow. Normally, if there is an overflow, it is because they have not been able to get to the bin because of roadworks or something similar.

David Heyes: Is that true, Mr Lawson?

Sean Lawson: We are a very different authority, so we will have bins that might only get emptied once a week or less frequently, depending on where they are. But we work on the same basis. If they are in high-footfall areas like the town centre, they would probably be emptied two to three times a day. Those in more isolated locations where we just have a bin present would be emptied maybe once a week or something like that. However, we will respond to them and try to get there before they overflow. But they do tend to be a target for litter rather than a repository—people think that as long as it is on the bin, next to the bin and near to the bin it is close enough. So I would not be a person who thinks, “If you have got a bin there, it will solve the problem.”

Q67 David Heyes: The frequencies are based on experience. Have the frequencies been reduced at all in recent times, perhaps due to financial pressures?

Sean Lawson: Certainly not from our perspective, no.

Shaun Morley: No, not the frequency of emptying the bins. One policy decision we have made in Wandsworth is that we do not have any litter bins in residential areas at all. We will only have them in high-footfall areas and town centres, for the very reason that Sean has just mentioned. If you put a litter bin there, somebody will put a bag of rubbish next to it. If it is not there, the bag of rubbish is less likely to appear.

Q68 David Heyes: Is there something that could be done to make the bins more attractive? We have heard about the comedy belching bins

in the Netherlands. It is a bit far-fetched, but is there something in revisiting the design, the capacity, the shape, the attractiveness or the general utility of the bins that we use?

Sean Lawson: Yes and no. It is not a panacea for everything. I am aware of the talking bins; I have seen some video clips on YouTube of a certain car manufacturer where they do it. We have a number of solar-powered bins that compact and e-mail us and tell us when they are full. They are great, but they are £5,000 a shot, so I am not going to have many of them.

Some fast-food outlets, who want to get people to use bins, now have basketball hoops at the back where you throw the rubbish at the backboard and it will drop into the bin, because they know people just toss it out of the car towards the bin, but this encourages people. Yes, schools use novelty creature type bins. These are all good things, but the ultimate thing is that you have to get people to change their behaviour and put stuff in the bin and want to do it. I don't think that the fact that it is black, gold or looks like Mickey Mouse really matters.

Q69 David Heyes: It is often the case, is it not? I have taken litter to a bin and been repelled by the thought of putting my hand near the bin, because it is a nasty, dirty, unattractive, apparently very unhealthy thing to touch.

Sean Lawson: It is much better if people take it home.

David Heyes: I cannot be unique. Has any thought been given to that issue?

Sean Lawson: Yes. Again, you try and keep them clean; you try to do those sorts of things, but they do take waste, they will take waste; they get birds. If they don't have lids on, birds and squirrels and whatever will take the litter out and spread it around.

It would be better, from my perspective, if I did not have to provide litter bins and empty them—if I could get the public to take litter home with them or dispose of it in the premises that they have generated the waste from—but that is probably a little bit too far-fetched.

Q70 David Heyes: How big a problem is this overflowing of litter bins? Do you have any assessment or data on it?

Shaun Morley: We don't consider it a particular problem, and we have a regular washing programme on our litter bins to make them look reasonably attractive—as attractive as a litter bin can be. We will replace tatty, dirty and damaged bins as quickly as possible. We don't consider it a big problem.

Q71 David Heyes: Is it not just that the bins are not big enough, generally?

Sean Lawson: How big a bin do you want? If you keep escalating the size of the bin, people will still put stuff on the floor. You still need to empty it. We tend to find that if you have it too big it is an impediment to the high street. If you have a smaller bin, you just need to empty it more frequently. As I said, these compaction bins are perhaps the way forward, but the cost of them at the minute is just horrific for you.

Q72 David Heyes: Do you know of any academic work that is going on to research these issues? There may be ways of reducing the cost of the very clever design you have that e-mails and tells you when it is full. Is there any intelligent work going on to develop that as an idea and promote it to bring the cost down, perhaps, to a more realistic figure? Can you point us to anywhere that is happening?

Sean Lawson: At the moment, it is the commercial cost of development and how it goes at the moment. If we can encourage more people to develop different styles so that we get more competition in the market, that would be great and it would drive the price down, but there is only a sole supplier worldwide so they can set the fee that they like.

Q73 David Heyes: You mentioned that you employ a contractor to do the work.

Shaun Morley: Yes.

David Heyes: How content are you that contractors always meet the terms of the contracts and do the frequencies that you lay down in your specifications? You have to be suspicious sometimes that they are looking to dodge doing that, make some cost savings and boost the profit on the contract. How do you deal with that?

Shaun Morley: A contractor will always look to do as little as possible for as much as possible. That is just the law of contracting. However, it becomes very evident very quickly if they are not doing what they should be doing. We have monitoring officers who keep an eye on the contractors all the time to make sure that the standards that we put in place in the specification are adhered to and the frequency and quality of work is as we expect it to be. If it is not, there are penalties that get imposed for them not doing the work as they should do.

Q74 David Heyes: One of the areas that the local government cuts are impacting on is precisely the monitoring officers. They are fairly expendable, are they not, because the public do not know about them and do not notice them? Has that become an issue for you at all?

Shaun Morley: We have had a reduction in the monitoring officers; it would be a lie to say that we have not done. Our contracts have grown up over the years, so we know exactly what is required, the frequencies that are required and the standards that can be achieved. So, as I said before, if there is any reduction in that standard we very quickly identify it. In addition to the monitoring officers, we have people phoning us up. They are our eyes and ears as well.

Q75 Chair: Do you have any fast-food shops or supermarkets that sponsor litter bins? Do you have any sponsorship agreements with them?

Shaun Morley: We have none so far. We have looked into it. In the past, there has always been an issue with planning consent to do it, but I don't know how that sits at the moment.

Sean Lawson: We are just installing some that will be paid for by a certain fast-food chain that has been talked about already, because they helped us. We had a community response. They were fed up with supermarket trolleys in the river and litter in this area. That chain had a restaurant nearby and they said, "We will come and help you clean it up." They were appalled by the amount of waste and said, "Can we sponsor litter bins?" and we said, "Yes, of course."

Q76 Chair: Will they do any physical cleaning up as well on a regular basis?

Sean Lawson: They do that on a daily basis.

Chair: That is not an agreement; they just do it.

Sean Lawson: Yes. They recognise their impact. What I would say is that there are two other fast-food chains in the same retail park that don't do it. That is the challenge.

Q77 Chair: I am just coming back to planning, because it is an interesting area that we have not really touched on. Have you talked to your planning departments about maybe, when you get an application for a fast-food shop, making it a condition of the planning permission that they put a litter bin outside and they clean the area up?

Sean Lawson: They will decline to do that, because there is alternative secondary legislation, so therefore you cannot put a planning condition on to that effect. If you want a litter bin, we can require that through the Environmental Protection Act or whatever, so they will say, "That is down to you. It is not a planning constraint," or that is what they should say.

Q78 Chris Williamson: I wanted to move on now to the best way to deal with chewing-gum litter. The LGA, as you may know, said a couple of days ago that the food industry, essentially, should pay for what the environment spokesperson at the LGA, Councillor Petet Box, has described as “a plague on our pavements”. I wondered what your thoughts were about the best ways of dealing with chewing-gum and what sorts of campaigns you have run locally that have been successful or otherwise to deal with this problem?

Sean Lawson: We have not run any campaigns ourselves on it. It is one of those things. To some degree, we have bigger challenges with litter than chewing-gum. Within the town centre of Rugby, we have a business improvement district, and one of their key drivers is cleanliness and addressing the chewing-gum staining in the immediate centre. It is not necessarily all of the area, but they have made a significant change.

Q79 Chris Williamson: You say you have bigger problems, but the Local Environmental Quality Survey of England says that chewing-gum litter is the second biggest incidence of littering in the country. A quarter of all littering incidence is chewing-gum.

Sean Lawson: One of the issues with that is that once it is on the pavement it never moves, so it always there and it just keeps growing, whereas cigarette ends at least will blow away and get swept up. Chewing-gum is welded to the surface. I do not disagree that it is very visible, but most of our residents would say they would rather that we attacked dog fouling and those sorts of things than they would do welded chewing-gum.

Chris Williamson: It is quite difficult to remove as well, is it not?

Sean Lawson: Yes.

Chris Williamson: What about you, Mr Morley?

Shaun Morley: We do not have a street-washing programme. The cost is significantly prohibitive.

Chris Williamson: So when chewing-gum is dropped, it stops there.

Shaun Morley: It stops there, yes. We have done cleaning in the past, and all you have instead of a black chewing-gum mark is a white spot where the chewing-gum was. Visually it does not look any better, even if you clean it off.

Q80 Chris Williamson: I was going to ask what the cost is of removing chewing-gum from public buildings, but you do not spend anything.

Shaun Morley: We do not spend any money on street washing at all and removing chewing gum.

Chris Williamson: You do not either.

Sean Lawson: The business improvement district does it. That was one of their delivery platforms when they were voted in.

Q81 Chris Williamson: If I can quote Councillor Peter Box as well, he says that “the UK Government gum industry is a multi-billion pound business, and we believe in the principle of the polluter pays”. That sounds reasonable, does it not? Would you agree with that? Should we be expecting, requiring or legislating to make the chewing-gum industry pay for this—this highly profitable, multi-billion pound industry that Councillor Box has referred to?

Shaun Morley: There has to be something from them to help clear it up, because it is not like sweeping up cigarette butts, which are a lot easier to deal with. Chewing-gum is a much more difficult product to deal with.

Q82 Chris Williamson: Some people have suggested a penny levy on a packet of chewing-gum and then hypothecating that to local authorities to deal with chewing-gum. What would your thoughts be on that?

Shaun Morley: It would be great if it worked.

Chris Williamson: Why would it not work?

Shaun Morley: A mechanism would need to be found.

Chris Williamson: There would need to be a mechanism to make sure the money came in.

Shaun Morley: Indeed, yes.

Chris Williamson: But what are your thoughts about that as a method?

Shaun Morley: As a principle it is great—as long as the money was ring-fenced.

Sean Lawson: I would not just necessarily draw this distinction with chewing-gum. You have smoking-related issues.

Chris Williamson: There could be another levy on cigarettes.

Sean Lawson: Those sorts of things that are primary—yes. Anything that helps us try to address it would be welcome, if people can fund it—give us an investment in doing it.

Q83 Chris Williamson: Would your evidence be, then, that that would be a sensible recommendation for the Committee to make: that there should be some levy imposed on chewing-gum manufacturers, cigarette manufacturers and fast-food outfits?

Sean Lawson: I would not dissuade you from that notion, yes.

Chris Williamson: But you would not recommend it.

Sean Lawson: I think you might have challenges with getting that one through.

Chris Williamson: That will be for us to do. What is your advice? What would your recommendation be? What would your evidence be to that effect?

Sean Lawson: I think that specific investment in mechanisms for removing gum and for providing appropriate receptacles for cigarette butts would make a major impact on how we can deliver those services.

Chris Williamson: Paid for by?

Sean Lawson: Paid for by the polluter, by the industry, or, ultimately, the people who chew chewing-gum or smoke—often they are both.

Chris Williamson: Would you agree with that?

Shaun Morley: I would agree with that entirely. As I said before, as long as that money is ring-fenced and is not going to get swallowed up into the whole budget somewhere else, then we have a targeted resource to deal with that problem.

Q84 Mark Pawsey: Could I just give you the counter-argument, which of course is that the polluter in this instance is a small number of individuals? Your proposal would therefore be to penalise everybody who behaves in a responsible way by making them pay an additional charge or, alternatively, levying it on the producer of the product, who of course is not the polluter.

Shaun Morley: That is the same argument that could be had for clearing up litter anyway. Everybody has to pay their council tax towards it, even though they may not do it.

Sean Lawson: It is the same for policing and criminals. That is the system of taxation, is it not?

Chair: You can sort that problem out when you get back to Rugby.

Q85 Simon Danczuk: Sean, could you explain to me how much you are proposing to levy on mattress manufacturers?

Sean Lawson: From a personal perspective, from our perspective or from the conversations earlier about fly-tipping of those sorts of products and whether local authorities—

Simon Danczuk: It is a serious question. Are you proposing that we impose a levy on mattress manufacturers?

Sean Lawson: Yes and no. My personal view on that would be, rather than have a levy on those products, to make take-back schemes mandatory and free of charge. At the moment, 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 of those materials, “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. I do n’t know what a mattress costs—£200? There could be another £5 fee to take it back. If you spend £200, you don’t notice it.

Q86 Simon Danczuk: Would it be the retailer that has to take it back?

Sean Lawson: Yes. That also supports the reuse industry.

Simon Danczuk: You are saying all furniture retailers have to take back furniture.

Sean Lawson: I also mean waste electrical goods and those sorts of things. When you are delivering those sorts of things, you should make it mandatory to take it back. They then have the ability to take the products so they are not getting damaged, and they can have better links with the reuse industry and really support those sorts of things, rather than it coming back and being left outside and getting wet.

Simon Danczuk: Do you agree with that?

Shaun Morley: To a degree, yes. Not all retailers are going to have the ability to take something back, but they could have a sponsor—that is, the local authority—do it on their behalf. I do not see a problem with that.

Simon Danczuk: They would then pay the local authority.

Sean Lawson: Yes, as long as the cost did not come on the local authority and it was embedded within the cost of the product when it was bought in the first place. It is similar to cars. I believe with cars there is a cost within it that looks after recycling, reuse and everything else. I cannot see why that cannot be with any product where there is an element of future disposal.

Q87 Simon Danczuk: Mr Morley, how often do you use the powers that London authorities have to issue penalty-charge notices to owners of vehicles that have thrown litter out? It is a bit different in London.

Shaun Morley: Yes. Obviously, we have the benefit of the London Local Authorities Act and, as was mentioned by previous colleagues, we have piloted that. It has been quite successful, in that we have used it to good effect. The enforcement guys have been very successful at it. They have got to understand the likely candidates who are going to throw something out of the window.

Simon Danczuk: They know what they look like.

Shaun Morley: They have a pattern. What we have found is that the legislation has not been in place properly for us to take it to its full conclusion. Because it is through PATAS—the Parking and Traffic Appeals Service—and it is a penalty-charge notice, there is a cycle of appeal, etc. and at the end of it, it is not in place. Yes, we have been quite successful and we have a payment rate of about 60%, but if we have to go to the next stage that mechanism is not in place to take it to its final conclusion.

Simon Danczuk: So some improvements are needed and, as a Committee, we need to learn what they are and make recommendations.

Shaun Morley: Yes.

Q88 Simon Danczuk: Would it be helpful to have this stronger power outside London as well as inside?

Sean Lawson: Yes, but not in the way that it is currently done. A previous speaker said this. Because you have decriminalised it and made it a civil matter in the same way you do parking charges, you lose a lot of the teeth and the effectiveness you have with the criminality. It does mean you ask, “Is it okay to litter from here, because it is not a criminal offence?”

I would still use it as a fixed-penalty criminal offence that we have all those tactics and powers for. We do still use it and we trace the owner. We have conversations with them and we will try to persuade them to admit the offence and take the fixed-penalty notice. We still do it. If they refuse to admit the offence, we will serve section 108 powers under the Environment Act and require them to give information to us. If, as they often do, they don’t, we do them for obstruction.

We still try to get the educative message out around, “Actually, this is not acceptable behaviour.” But it is a cumbersome way, because the legislation is not in place.

Q89 Simon Danczuk: This is a question to both of you. How do you work with the Highways Agency in terms of ensuring that motorway trunk roads are kept clean? Do you work with the Highways Agency at all?

Shaun Morley: We have Transport for London, so it is not quite the same. Yes, we work with them as well as we can, but there is always a bit of conflict about who is responsible, and the lines are not as clear as they could be in some instances.

Sean Lawson: We find it a nightmare.

Simon Danczuk: Why is that?

Sean Lawson: It is because they do not communicate with us. They produce a wonderful glossy strategy document that says how they will work with local authorities, but we get very little engagement. We find that there is a road closure on by travelling down the road. We could have done a lot of work.

We arrange with them to go out and do work when they have road closures on, and they don't turn up. I have two or three crews out there at midnight waiting to clean a highway and they are not there.

Simon Danczuk: They are just wasting council tax payers' money.

Sean Lawson: Yes. They just don't engage with us. It is not so much the Highways Agency, to be fair to them; it is probably their contractors. If there is an incident, they respond and we are left, but we have no control. They have everything else to do with the highway network in that respect except litter.

We have had guys find dead bodies, which is quite distressing. We have had guys who have been out for a full weekend litter-picking come back on the Monday morning and cry, because they don't know and they can't see where they have been, but the costs of doing those roads for us, if we need to apply a road closure, are horrific.

In a time of limited resources, where am I going to put it? Am I going to put it on an arterial road on the edge of Coventry or in the town centre? It is not a priority for us. We will go to the town centres, where our residents will see the impact we are having.

Q90 Simon Danczuk: There are real lessons there. Finally from me, have cuts to local government impacted on your work at all?

Shaun Morley: Not so far, no.

Simon Danczuk: You are all right. What about you?

Sean Lawson: Spending choices that our politicians have made always have an effect on us. Certainly in our authority and in most of the ones in Warwickshire, they have maintained the funding and resources in the

high-profile frontline services, which affect the votes that come out. Litter on the street is a big door-knocking issue.

Q91 Chris Williamson: On that point, you mentioned the Highways Agency. I know there are issues there, but presumably if you had more resources then you would not have to make those decisions about focusing in the town centre. Presumably, before the funding reductions you have had of late, there were more resources available to maybe go down arterial roads, were there—or have you never had the resources to do that?

Sean Lawson: There were never really the resources to do that. I think as we have worked—you learn lessons.

Chris Williamson: If it is not about resources, is it about the fact that there is lack of liaison or lack of co-operation? If you were able to get the Highways Agency to play ball, as it were, with your resources now would you be able to do that work?

Sean Lawson: I think we would still struggle with that. One of the issues we have is that the reduction in the Highways Agency's resources has an impact on what we do. They used to cut things like road verges three times a year, so they would apply road closures three times a year, and we could go in and clean the roads three times a year, work with them and reduce the issues of litter being chopped when it is cut. Now they do it once a year. We don't know. If we are trying to do it, the grass is longer and we can't see. There is a safety issue, because we are going to trip over stuff. It is about the combo. Personally, I would rather have nothing to do with Highways Agency roads and let them deal with litter as well, because they have full control.

Q92 Mark Pawsey: This is on the same point. Perhaps Mr Lawson can explain why it is so important to clear litter from the side of the road. How visible is litter at the side of the road?

Sean Lawson: It is extremely visible in certain locations. Depending on the time of year, the grass will grow and the vegetation will cover it and it is not as visible. Particularly if you are thundering down the road at 60 miles per hour, you do not necessarily notice it until you are stuck in a traffic jam or at a junction. They are the big issues, whereas in a town centre you walk and you are literally tripping over it.

Q93 David Heyes: In my part of the world, the trunk roads tend to be the gateways into the towns, and because they are not properly clean, they give a very bad first impression. That is an issue. However, I wonder who is at fault here. Can you help us to understand that? Is it

that the Highways Agency are under-resourced and do not put enough money into this, or is it that they are not enforcing the terms of the contracts they have with their subcontractors? Can you remember back to the time when the Highways Agency directly managed the roads themselves with a directly employed labour force? Has there been a deterioration in conditions since they moved to a client-contractor relationship? Can you throw any more light on that for us?

Sean Lawson: I am not sure that is the case. It is just that they have had funding restrictions placed upon them. They have prioritised their desires, and it has come round to things like the gritting of roads in winter, winter maintenance and filling potholes. On their list of competing priorities, litter clearance is probably not at the top.

Q94 David Heyes: We are probably pressing you too hard on an issue that is not your responsibility, but there is an area for us to explore as to whether this is the Highways Agency not specifying litter collection as part of a contract or, if it is specified, failing to enforce it. That is one for us to visit perhaps later in our inquiry.

Sean Lawson: On that point, it is quite clear. Where, as local authorities, we are involved in the litter collection on those principal trunk roads, it is not a contractual issue with the Highways Agency, because in law it is our responsibility. It is not that we are duplicating their activity. Motorways and a small number of other trunk roads are the responsibility of the Highways Agency.

It was interesting to read the submission from DCLG, which implied that the Highways Agency has the responsibility for all trunk roads. That is not the case. For the great majority of trunk roads, it falls to the local authorities. That is where we have some real challenges. As we have moved into an improved safety culture, the costs associated with doing litter-picking on those areas have just increased.

Chair: Would it be better, then, to transfer that responsibility on more of those trunk roads to the Highways Agency?

Sean Lawson: Yes, please.

Q95 Chair: To finish off, is there any one additional area that we have not mentioned where you would like to see a change that would help you with this issue?

Shaun Morley: The earlier witness, George Monck, mentioned the inconsistency of magistrates. I know the Sentencing Council did some work last year to get some consistency from magistrates in applying similar fines for similar offences, but our own experience is that if somebody turns up to court they tend to get less of a fine than if they

do not turn up to court. That cannot be right. It is almost like having a menu that you can pick from—"This is how much you are going to get fined if you do this, based on the level of offence and how difficult it is."

Sean Lawson: For me it would be trying to reconnect our communities with litter and the impact it has. You were talking about education, and schools do a huge amount of education already. It is about the wider education. I would like to see things like a concerted national day of action to do with litter. It would be across the whole country. Businesses would go out using their corporate social responsibility. Everybody would go out and say, "We are fed up with litter; we want to fix it," and that gets promoted in the way that we used to see—adverts on the television about littering and whatever.

We have to make littering as antisocial as drink-driving. It took a long time to get to where we are with drink-driving, and still 10% of people drink-drive. We have to make that same journey with littering, and the only way we do it is with concerted action led by people like you saying, "We have had enough of this. We are going to address it."

Chair: Thank you both very much for coming to give evidence to us this afternoon.