



Communities and Local Government Committee

Oral evidence: [Litter](#), HC 607
Tuesday 27 January 2015

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Evidence from witnesses:

Panel 1 (Questions 232-290)

[Keep Britain Tidy](#)

The Highways Agency

Panel 2 (Questions 291-338)

Department for Environment, Food and Rural Affairs

[Department for Communities and Local Government](#)

Watch the session

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

Panel 1 Questions [232-290]

Witnesses: **Phil Barton**, Chief Executive, Keep Britain Tidy, and **Tim Harbot**, Regional Divisional Director (Midlands), Network Delivery and Development Directorate, Highways Agency, gave evidence.

Q232 Chair: Good afternoon and welcome to this, our third and final evidence session in our inquiry into litter and fly-tipping. Before we begin, I will just ask members of the Committee if they will put on record any interests they have. I am a vice-president of the Local Government Association.

Chris Williamson: I have two members of staff who are elected members on Derby City Council.

Mrs Glindon: I have a member of staff who is a councillor and my husband is a councillor.

David Heyes: I have two members of staff who are councillors.

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

Mark Pawsey: I have two members of staff who are local councillors.

John Pugh: I have one member of staff who is a local councillor.

Q233 Chair: To begin with, could our witnesses say who they are and the organisation they are representing today?

Phil Barton: I am Philip Barton and I am from Keep Britain Tidy.

Tim Harbot: My name is Tim Harbot. I am from the Highways Agency.

Q234 Chair: Thank you both for coming this afternoon. To Keep Britain Tidy first, it is important we have some idea of the scale of the litter problem the country is facing. Could you just explain to us something about your annual litter survey and how it is carried out?

Phil Barton: Yes. We have been running the Local Environmental Quality Survey of England since 2000-01. It was designed in order to mirror the legislative requirements originating in the Environmental Protection Act 1990, and then illustrated in the Code of Practice on Litter and Refuse. Essentially, we take a statistically valid sample across the country and we carry out a survey in 54 local authority areas split by region. Within those areas, we have eight land uses and we carry out a statistically valid sample in each of those eight land uses. We carry out a total of 7,200 surveys a year and, in each of those areas, we go back three times a year, so that we allow for changes in the weather and in behaviours and activities throughout the year.

The methodology was originally developed in conjunction with the chief statistician of what was then the ODPM and was signed off by the Local Government Association and by the Audit Commission. Since then, it has been reviewed by an independent professor. It has been reviewed by Cello, a market research and statistical company, and most recently it has been reviewed by the DEFRA statistical service. We publish it annually. It is designed to give a nationally and regionally significant

result. The statistical standard is a 95% standard deviation, which we insist on; we aim for 99%.

In 2007 to 2009, we were commissioned by the Government to carry out the survey with the same methodology in every local authority in England, but that has only been done once and, at the moment, LEQSE cannot be taken down to a local authority level. It is only statistically valid at a regional level, and the methodology mirrors the legislation, so we look at standards of cleanliness A, B, C and D, but we have added a C-, a B- and a B+, so we have intermediary stages between the four, so we actually have seven. The only legally defined ones are the four—A, B, C and D.

In addition to carrying out the measurement of the package of issues, which as well as litter includes things like leaf fall and detritus, which is gravel and the like on the road, we also collect quite a lot of data about specific aspects of the local environmental quality, so the amount of graffiti, the state of street furniture, potholes, the state of the pavement and so on. That data set is essentially consistent, back to 2001. In the latest review of it we were able to amend the methodology, so that we now use the consistent output areas that are used by most other Government data sets, so we move from sub-sets of wards to output areas. Now we are able to compare it to other Government data sets. I could say more.

Chair: That is probably enough for the time being. We will move on to Mary.

Q235 Mrs Glindon: You said the country was divided into eight areas.

Phil Barton: Eight land use types.

Q236 Mrs Glindon: How do you identify which areas to include in your annual survey?

Phil Barton: Within each of the 54 local authority areas, we will include an equal number of each of those land uses. They are things like high-density housing, medium-density housing, low-density housing, town centres, industrial, residential and rural roads, highways, recreational areas and so on. We have a statistical methodology. The whole thing is governed—how we do our sampling and how we select our samples—by the statistical methodology that lies behind the survey. We have guidelines for how we go about doing that and the way in which we do it to include as far as is possible and to within the 95% certainty, but it is a random sample.

Q237 Mrs Glendon: What was your assessment of regional difference?

Phil Barton: It is fairly marginal. Remember the data comes from individual sites, but then it gets combined. The difference is the north is generally slightly worse than the south, and London is generally slightly worse than the rest of the south, but the differences are small numbers of percentage points. It is not that one is filthy and the other is a lot cleaner, and we do get variations year on year.

I think there has been discussion earlier about other means of measuring. We measure the presence or absence, which is how the legislation is framed. That is how the standards are set, so A means there is basically no litter there, D means it is unacceptable and you have stages in between. You can actually count and we have done that. You had INCPEN presenting at a previous session and they have commissioned us on four occasions to do that, at intervals. I am very happy to provide a note afterwards for the Committee, if that is helpful, but what is interesting is that, broadly, although the methodology is very different, what comes out on top and on the bottom, in terms of frequency and presence and absence, is really quite similar.

The exception is chewing gum. Chewing gum staining is not technically litter, because it has become part of the pavement, but obviously the staining is in effect a visual detriment. If you count the staining, you get a lot more, but you cannot really compare it to the rest, because we know that local authorities wash pavements for chewing gum a lot less than they pick up litter, because it is so expensive and difficult to do.

All of the systems that I have talked about measure how much litter is there on the ground, at the time the measurement is done. They do not actually measure the amount of littering that is taking place. Clearly, if you go along and measure a site that has just, 10 minutes before, been cleaned by the local authority, it is going to look quite different from one that has not been cleaned for three or four days, depending on what the cycle is. It is all quite difficult and there are pros and cons for each of the means of measurement. We believe that the LEQSE, particularly as it ties back into what is required for local authorities and other landowners to maintain their public spaces to that standard, is very much a statistically robust measurement for that.

The more specific you get, in terms of going down to a local level, the more expensive it becomes, but we do a lot of survey work for local authorities and their contractors. Many local authorities do their own survey work, because it is important to them to understand what is

going on at a micro level, if they are to manage their street scene as well and as efficiently as they possibly can.

Q238 Mrs Glindon: How would you improve the methodology you use so that local authorities could perhaps know where their resources could be targeted to achieve maximum impact?

Phil Barton: As I say, over two years, we surveyed to the same standard every single local authority in England, but instead of employing, as we do at the moment, five surveyors, we had 24 surveyors, and the costs of doing it are just substantially higher. When the Government had first the Best Value and then the National Indicators set, one of the indicators was based around LEQSE and many local authorities then either commissioned it themselves or carried it out themselves. We work with many of those and many still do it, but it is often modified now, because they are not held to a national standard. Many of them will, in one way or another, survey.

The issue is twofold. One is that the local authority clearly has now to decide for itself how it wants to collect the information it feels it needs to manage its street scene well. The second is that there is a pretty robust methodology available for them to do it and most of them have continued to use that, with minor variations.

Q239 Mark Pawsey: I am going to ask some questions about the cost of littering and fly-tipping. Perhaps, since we have not yet heard from Mr Harbot, I will start off by asking questions about the Highways Agency. The evidence that we have had so far is that litter levels have remained pretty static over 11 years, but there has been a substantial increase in the amounts of fly-tipping. What impact has that had on the work of the Highways Agency?

Tim Harbot: The reality of it is, from the agency's point of view, fly-tipping is not a particular problem to us and we think that is primarily because our network is quite heavily used. It is round about 3% of the entire road network, but it carries broadly a third of all traffic and two thirds of all freight, so it is very heavily used. The opportunities for fly-tipping are less, we believe.

We have had some incidents and generally we clear those up in accordance with the code of practice. There are occasionally hot spots. For instance, we had a hot spot on the M1/A1 link near Leeds where, for some reason, there was a balancing pond that attracted fly-tippers. We worked with Leeds City Council there to put up CCTV and that solved the problem. On some of our operational land, we occasionally get a problem with fly-tipping. Again, on the A19 we had a problem; principally the fencing and the gates were quite old. We put on some new gates, digi-locks and that sort of thing, and that solved that

problem. From a fly-tipping point of view, it is a problem, but it is not a significant problem in our terms.

Q240 Mark Pawsey: That is because the roads themselves are busy?

Tim Harbot: That would be my view, really. There is so much traffic it is difficult to pull up.

Q241 Mark Pawsey: Lots of traffic does not restrict littering, so tell us about your experiences of littering.

Tim Harbot: Littering is a serious problem. It looks unsightly; it presents a major problem for us. It is a safety hazard when it blows around and, of course, it is also a safety hazard for the road workers who have to go and pick it up. In general, it is quite hard to measure and figures go up and down, but we assume we pick up round about 200,000 to 250,000 bags of litter from the motorways of this country each year. I am sure the Committee is aware that we have a duty to pick up litter on the special roads, which are basically motorways. We do have a few A-roads that are mentioned specifically, but broadly we pick the litter on motorways; local authorities pick litter on the all-purpose trunk roads.

Q242 Mark Pawsey: You do cover trunk roads. In an evidence session in November, Mr Heyes in fact drew attention to the fact that many trunk roads are the gateways into our towns and cities. It is therefore pretty important that they are kept clean and present a good image. Do you accept that responsibility—that you can have an impact on how a town looks?

Tim Harbot: I certainly accept that the roads need to be kept in good condition and clean from litter, but the Environmental Protection Act is clear on who has the responsibility and the duty to pick up litter on different roads.

Q243 Mark Pawsey: You have referred to local authorities. I must, if I may, refer you to the evidence of Mr Lawson from Warwickshire Waste Partnership, who came to see us in November. When asked a question by Mr Danczuk, he said that dealing with the Highways Agency was “a nightmare”. Why should that be?

Tim Harbot: I do not know Mr Lawson, but he is entitled to his opinion. What can I say in answer to that? Fundamentally, as an agency we try very hard in relation to litter. We institute litter forums, whereby we write out to local authorities and invite them to come to sessions where we try to debate how we are going to do things better.

For instance, in the east midlands, we wrote out two years ago to 32 authorities. Only 20 came back to us. With those authorities we try to provide details of when we are doing road works, so, if they want to take advantage of such things as our traffic management to pick litter, they can do.

Q244 Mark Pawsey: Mr Lawson said that the Highways Agency does “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.” You do not recognise that picture at all?

Tim Harbot: We definitely produce documents.

Mark Pawsey: That is a nice glossy brochure, but do you engage with local authorities so that you can work with the local authority? I understand Mr Lawson has a particular issue with the A46 Coventry eastern bypass, and I am sure, as the manager responsible for the midlands, you are aware of the challenges of clearing a road such as that. The local authority has had to pick up the job of clearing that road because, in their view, the Highways Agency has not done it to an acceptable standard.

Tim Harbot: Again, if I could take the second part of that question first, it is clear what roads the agency has a duty to pick litter on and those roads for which we are responsible. That does not include the A46. That does not mean that we are not interested in it and we want to work with whomever to get that litter picked up.

In terms of Mr Lawson’s views about whether or not we engage, I would take a different view. We try very hard to engage. What has come out of the litter strategy is a forum, which actually Mr Barton here chairs, which involves a wide range of people with interest in litter, where we are trying to develop ideas that will help in terms of education to stop people dropping litter in the first place, but also practical ideas about how we can work with service areas to stop litter at slip roads, for example, which is a big problem. As I have said previously, we do seek to engage with local authorities and I have evidence here that shows how we approach local authorities to try to engage around this issue, because we know it is difficult for local authorities, and we are trying to make it easy by saying, “Actually, we have road works on. Come and use the traffic management if that suits.”

Q245 Mark Pawsey: Have you in recent years changed the frequency with which you clear litter from the side of trunk roads?

Tim Harbot: Can I just reiterate? We pick litter from the motorways and special roads, and a few trunk roads that are detailed. Generally for all-purpose trunk roads, the duty and responsibility lie with the local authority. In terms of our duty and our responsibilities on the roads we are responsible for, no, we have not changed the frequency with which we comply with the Act.

Q246 Mark Pawsey: A road would be picked as frequently now as it might have been 10 years ago?

Tim Harbot: Yes, we would try to—

Mark Pawsey: “Try to” or “we would”?

Tim Harbot: We always try to deal with litter to fulfil our obligations in terms of the Environmental Protection Act and in terms of dealing with the code of practice.

Q247 Mark Pawsey: If I may turn to Mr Barton, your evidence says that public sector land managers spend over £850 million a year maintaining local environment quality, although the Government says the figure is rather less. How do you account for the difference?

Phil Barton: It is notoriously difficult and it would be very hard to find a definitive figure for what it actually costs. We have looked at the returns that local authorities collectively make to the Department for Communities and Local Government, where the collective cost for street cleaning has actually fallen over the last two or three years. It was around £860 million; it is now down to the mid-£700 millions.

Clearly not all of that is litter and littering. In light of expecting the question, we looked at the best evidence that we could find more recently. There was a Scottish Government study that concluded that the annual cost of litter there was £53 million, and the population of England is about 10 times Scotland, so you could reasonably expect, if you extrapolate from that, that you are talking about something over £500 million as the direct cost of litter to local authorities, but of course there are a lot of other public bodies that also have responsibilities for litter. One of them is giving evidence beside me and there are then the NHS, Network Rail and a number of other public bodies. We are pretty confident, but we could not list you, pound by pound, that the total cost of litter in this country is approaching £1 billion. Remember, on top of that, we have the cost to private landowners, which is not collected anywhere at all. That is true both of fly-tipping and litter collection.

Q248 Mark Pawsey: We are particularly focusing on the public costs. Within your estimates, the Committee is particularly interested in the sum that you have come up with as an indirect cost of £526 million per year for mental health. Would you be able to give us some indication of how that figure has been arrived at?

Phil Barton: We have commissioned a piece of work to look at the indirect costs of litter. What we have been talking about so far is the direct cost of picking the stuff up. We know, for example, that there is a very close correlation between levels of crime and levels of litter, and local environmental quality. That is proven time and again. What we asked economic consultants to do was to look at the best available evidence from around the world and apply that as best they could to the English circumstances.

In terms of health, they have actually looked at studies from America, Australia and some European countries, and done their best to apply those to the English population and the English circumstances. As a result of this not being an exact science, throughout the report there is a range and, needless to say, what tends to be picked up is the top of the range. There is a range of costs to health in this country.

The one I have the best information on is the relationship between littering and poor environmental quality, and crime, where there is a properly randomised research study that was carried out in Massachusetts, where they looked at 34 crime hot spots in Massachusetts.

Mark Pawsey: That is great, but we are particularly interested in where the figure came from in mental health. It is a very large figure, a bigger figure than crime.

Phil Barton: There is a study in Scotland that estimates that the cost to the NHS in Scotland of poor local environmental quality is £53 million.

Mark Pawsey: It is not just litter then? There are other factors as well?

Phil Barton: It is almost impossible to separate those two out. That is one of the challenges we have.

Mark Pawsey: That is why we were wondering why you bothered.

Phil Barton: That is why we measure local environmental quality, of which litter is a key component. Litter on its own does not give you the full facts as to what a local area looks like, how it feels to be in, whether it feels safe and so on. Litter is a really important dimension,

which is why I am saying for the litter figure in Scotland only, isolated from everything else, the best estimate there is £53 million a year.

Q249 Simon Danczuk: Just a quick supplementary question: Tim, I am interested in Mr Lawson and his point that the Highways Agency is “a nightmare”. Were you aware of the point that Mr Lawson made prior to Mark Pawsey raising it with you?

Tim Harbot: The only time I was aware of that point was last week, when I was asked to come to this Committee and I was shown the evidence that Mr Lawson had laid before you.

Q250 Simon Danczuk: Have you contacted Mr Lawson to communicate with him?

Tim Harbot: I have spoken to my area manager and asked them to make special arrangements to go and see Mr Lawson.

Q251 Bob Blackman: I am very keen to establish the source that Mr Pawsey was referring to on this mental health issue. You are saying that the overall health effect in Scotland is some £52 million. Is that physical health or mental health?

Phil Barton: That is purely mental health.

Q252 Bob Blackman: What sorts of thing manifest themselves as mental health issues as a result of litter or fly-tipping? We need to be clear on what we are dealing with.

Phil Barton: The major things are lower-level depression—not to so much clinical depression, but lower-level depression.

Q253 Bob Blackman: We have to be very clear on this. There is a correlation between those conditions and fly-tipping and littering? There is data that we could look at?

Phil Barton: There is peer-reviewed evidence. I will provide it to you in writing after this. The other area is related to exercise and obesity. If people are afraid to go out or they are not prepared to let their children go out because of the poor quality of the environment and excess litter or fly-tipping—

Q254 Bob Blackman: I can understand a connection between crime and people not wanting to go out or letting their children out, but are we saying that there is direct evidence, which you will provide, of

parents and other people not going out because the area is littered or fly-tipped?

Phil Barton: There is peer-reviewed evidence to show that the amount of litter and fly-tipping is a factor—it is not the only thing, but it is a factor—in whether people will generally go out and use the area, feel comfortable there and let their children go out.

Q255 Bob Blackman: Just so we are clear as well, this is a study that has been done in Scotland? There is no equivalent in England, or is there?

Phil Barton: No.

Q256 Bob Blackman: I just want to be clear that what you have done is to extrapolate the figure for Scotland and say, “If that is true, then the figure for England is this.”

Phil Barton: We are looking at the best available evidence we can find from around the world.

Q257 Bob Blackman: You do not actually have any data or evidence to back up this £526 million figure?

Phil Barton: For England per se, not that I am aware of, but I will do you a note to give you the sources from which we have drawn that.

Q258 John Stevenson: Mr Barton, following on from this theme about litter and crime, the survey suggests or makes the link between environmental crime, or litter, and more serious crime. Can you explain the nature of that link between environmental crime and obviously more serious crime?

Phil Barton: What we know is that there is a very strong correlation between the amount of litter that is found and the amount of crime that takes place in an area. The question then becomes which is cause and which is effect. The strongest piece of evidence we have is not from this country, as I was beginning to say; it is from Massachusetts, where there is a very clearly and properly conducted random sample, where it is very clear from that that they took these 34 crime hot spots. Over a period of a year, they cleaned up half of them and not the other half. In that half, there was an almost 20% fall in calls to the police about crime in the area. There was a 26.8% fall in the amount of litter that was collected and there was no evidence that that was displaced to other areas.

Q259 John Stevenson: That is Massachusetts, America, a different culture and a different country. Is there the equivalent evidence here?

Phil Barton: In bringing this report together, one of the things we are really keen to do is get more research carried out in this country.

John Stevenson: You do not have the evidence to support that in the way that the American study does for America?

Phil Barton: Not to my knowledge. There is not a properly randomised study that has been done in this country.

Q260 John Stevenson: Also in your survey is the suggestion that there is a noticeable increase in fast-food litter. Is there any explanation for that?

Phil Barton: The number of outlets, as far as we are aware. We look at different litter types that are present and absent. Some have been falling, but fast-food litter is one that has been increasing over the last 15 years. If you look at both the number of outlets and social behaviour, in terms of eating on the go and so on, I am sure that is where one would find a lot of that increase.

Q261 John Stevenson: There has also been a suggestion that the design of litter bins can have an impact on litter as well. Would you go along with that? Do you think that is true?

Phil Barton: It can. There are various things that impact on behaviours and one of the things we have been trying to do, particularly in the last couple of years, is to focus on what we have called social innovation and to try to understand the behaviours of groups of people on the ground and how the area—the facilities that they are in—can be affected. We know, for example, that, if you have a lot of litter bins, in some circumstances it will decrease the amount of litter, but not in all. We also know that, if you have a lot of litter bins but they are not properly managed, they will generate more litter. If you have litter bins that are dirty and overflowing, it will encourage people to litter, rather than discourage them from littering.

Q262 John Stevenson: Do you think the design of litter bins has an impact?

Phil Barton: It is a factor and that is one of the things we are looking at. For example, in this country at the moment, virtually all our litter bins are black and designed to disappear into the surrounding environment. There has been some interesting work on the continent

in having them very bright colours and encouraging people to actually notice them. Again, that can have a result.

I also think we can do things in terms of how we use those bins. We have carried out recently, in Rochford in Essex, a trial with the local authority and the town centre. We made it known that, if you put your litter in a bin, it would increase an amount of up to £500 in each case, which would go to one of three local charities. That had the effect of reducing the amount of litter picked up from the street by just over 40%, over a three-month period, and it lasted some time after that. There are things one can do about the design and about the messaging, which definitely have a beneficial impact on littering behaviour.

Q263 Chris Williamson: If I focus on fly-tipping, the Government Statistical Service suggests that fly-tipping has increased by 20% over the last couple of years. I just wonder if you could give any thoughts as to why that is.

Phil Barton: Yes, that is clear, although we do not have evidence as to precisely why. The Government Statistical Service suggested that it might partly be different and better ways of reporting the problem. We think it is likely that a number of local authorities are now charging for bulky waste removal. In some local authorities, in particular for those without access to a car or the means to get bulky waste to civic amenity sites, the number of local civic amenity sites has reduced, as well in many local authority areas. We speculate that that might be one of the causes.

We feel that one of the other issues is that enforcement remains very difficult. Out of 500,000 actions—investigations of one sort or another that were taken—there were under 2,000 successful prosecution outcomes. We know from local authorities that it is expensive and difficult to prosecute, and they have difficulty collecting sufficient evidence to get the thing to stand up in court. Even when they do, sometimes the penalties are at the bottom end of the scale that is allowed, rather than the top. We do feel that, just as with litter, there may be scope for having a fixed-penalty notice for smaller fly-tipping rather than prosecutions—

Chair: We will come on to that in a minute.

Q264 Chris Williamson: Essentially what you are saying is a reduction in civic amenity sites, the introduction of charging and problems with enforcement.

Phil Barton: There is a supply and demand, we suspect, but those are the things that we would want to look at. It is very different to find systematic evidence.

Q265 Chris Williamson: Perhaps I could move on then. I think we have probably dealt with the point I was going to make to the Highways Agency representative, Mr Harbot, but I was a little surprised when you said you did not consider it a problem because, according to the statistics I have seen, 47% of fly-tipping incidents occur on the highway. You may be able to come back on that in a moment, when I ask this next question. I just wonder what you think should be done, then, to reduce the amount of household material that is fly-tipped, given the staggering cost and the impact that it has on the environment.

Phil Barton: There are a number of things that could be done. I started to mention one of them—fixed-penalty notices. Out of the total of fly-tipping, 84% of that was a small van or less and a significant number that fly-tipped were of a single black plastic bag or a single item. I think it should be much easier for a local authority to act against an individual or a householder. That is not to say that there are not really serious fly-tipping issues at the other end of the scale than at the lower level.

The second thing that would be well worth looking at is anybody who removes household waste needs to have a waste carrier licence. We should look at having some sort of waste carrier mark, a very clear and large logo, which has to be on a van, and then to educate the public that they need to use people who are not just cash-in-hand cowboys who are undercutting those who are disposing of people's waste properly and therefore paying landfill tax on it and so on.

Q266 Chris Williamson: Do you think landlords have any responsibility? One of the concerns that has been expressed is that the private rented sector has real problems, in that landlords—

Phil Barton: The street I live on has several student houses and, every July, there is stuff that they have encouraged people to put out on the street.

Chris Williamson: You mentioned a lack of amenity sites. You mentioned difficulties with enforcement.

Phil Barton: There is no doubt at all that litter and fly-tipping are more substantial problems in areas where there is high turnover of residents.

Q267 Chris Williamson: Do you think there should be some obligation or regulatory change making landlords more responsible?

Phil Barton: Where I would start from is making sure we use the legislation we have, because there is a real issue now about enforcement.

Q268 Chris Williamson: Do you think the enforcement legislation is adequate, because you were just saying enforcement is a problem?

Phil Barton: What I am saying is that there is enforcement legislation that is not used as well as it could be, but I do think avoiding having to prosecute in order to get any fly-tipping conviction, and yes, where there is evidence that a particular sector, which would be landlords and it would also be cowboy—I do not know what you would call them, really; I was going to call them builders. You have probably had it happen to you; they come and offer to take it away for a tenner. We have to raise awareness and the action of both landlords and householders about what they should be doing.

Q269 Chris Williamson: Do you think that the regulatory regime at the moment is sufficient to deal with these cowboys who come along and say, “We’ll get rid of your rubbish for a tenner,” and landlords? Do you think that the legislation and regulations are already adequate?

Phil Barton: They are adequate, but they are not well enough communicated and they are not well enforced. That is why I am saying that I think—

Q270 Chris Williamson: Who should communicate them then?

Phil Barton: As things stand at the moment, local authorities. As I have mentioned before, we need to have much clearer messaging. Most householders, if you talk to them, would not be aware that there was such a thing as a waste management licence, so we need to give responsible people the knowledge and the tools, and we have to enforce against the irresponsible people.

Q271 David Heyes: Just briefly to return to this question of the all-purpose trunk roads, is it the case, Mr Harbot, that you deal with potholes on all-purpose trunk roads? You change the lamps in the streetlights and you wash the signs down to make sure they are clear and visible, but you just leave the litter there because the law says it is not for you to pick it up? Would it not make sense to change the law to give you that total responsibility for all-purpose trunk roads?

Tim Harbot: Those are the facts of the matter at the moment for where the duties lie.

David Heyes: I understand that. You have been quite clear on that. Should the law be changed?

Tim Harbot: The one advantage of the current system is that it is very clear who is responsible and who has the duty.

David Heyes: It is not clear to local authorities or to members of the public, who see the litter there and do not know who is responsible for clearing it up.

Tim Harbot: Within the law, it is very clear who is responsible. When you change the law, there may be unintended consequences and, personally, I would quite like to work with local authorities—those that are struggling with litter clearance—more closely to try to help them deliver their responsibilities and duties in this regard. Actually, the Highways Agency wants to present a very good highway network estate. We would certainly be open to discussions around taking on responsibilities and duties, but of course that would need an increase in our resource funding to enable us to take them on. It would also need Ministers to make a decision that they wanted us to take that responsibility.

Q272 David Heyes: We have exhausted that issue now. The core issue here is that the penalties for littering are just completely inadequate. Should we not be upping the fines dramatically? Should the Government not be doing that? What about giving local councils the authority to set the level of fines and make use of the income from fines to offset some of the cost of dealing with litter? Perhaps both of you would give me a view on that.

Tim Harbot: Personally, I think anything that can be done to engage with local communities to stop them dropping litter in the first place and then providing more revenue from those who drop the litter to put back into the system to pick it up has to be a good thing. The agency does not have a position on that, but somehow the cost of litter picking is quite substantial and therefore we need to recover those moneys somehow.

Q273 David Heyes: Mr Barton, should we be hitting people in the pocket hard and using that money to put right the damage that the litter has caused?

Phil Barton: There are two things here. One is we have done quite a lot of work; we have done two surveys, as to what it is that primarily motivates people to litter or not to litter, and particularly those who are most likely to litter. What comes back from those surveys is that the biggest deterrent is the fear and expectation of being caught. The

amount is less significant in terms of how people see the issue than believing they would be caught. However, the amount that they might then be fined or prosecuted for is the next one underneath that.

We did a focus group recently with 12 young adults and they were not aware of the fixed-penalty notice for littering of £80. Their view was, "It's two nights out; it would stop us," but none of those 12 young people had ever come across somebody being prosecuted for littering. There is a real issue about enforcement and there is a big variation across local authorities in terms of how they take their enforcement duties.

There are a small number of authorities, and I think you have heard from one or two of them—you heard about the Essex work, for example—where it is taken very seriously and there are appropriate measures to roll that out, but it does require political commitment and it requires somebody locally to be prepared to stand up and take the flak, not just from the public, but also from some of the tabloid media, which will persecute a local authority for over-reacting to dropping a cigarette butt or whatever. It is difficult for local authorities, because they are caught between the devil and the deep blue sea, in that sense. Where there is a proper strategy, where it is well communicated to the public and where it sits alongside education and enforcement, we think that consistent enforcement is important and we think that there is a case for local authorities being able to set their own levels.

Q274 David Heyes: There is a danger that enforcement is going to become even more difficult as a result of the changes in the Anti-social Behaviour, Crime and Policing Act, which talk about making it a civil offence to drop litter from a vehicle. There is going to be a real enforcement issue with that. It has not been implemented yet.

Phil Barton: No, and we do not know yet, but clearly we would want that to be very carefully looked at and reviewed quickly, if it turns out it has any adverse impact on the ability to prosecute—well, not so much prosecute, but the ability to enforce. The other thing is it is made more difficult, so the changes in the RIPA regulations have made it more difficult for local authorities to collect the evidence that they need. Of course, that is a particular issue with littering from vehicles.

Q275 David Heyes: Has the Government been consulting you? Clearly you have concerns about how this can be enforced. The Government has not made the regulations yet; they have not been implemented. Have you been consulted about it?

Phil Barton: Not as yet, no.

Q276 Chair: Just on RIPA, if you have a particular point on that, about the problems with the legislation, can you drop us a note about it if you need to?

Phil Barton: I can do you a note. Just to say very quickly, it is difficult to collect evidence on fly-tipping and littering, because you have to be exactly where it is; you have to see it happen. Almost by definition, often if you are there, the fly-tipping will not happen because they will see you.

Chair: If you want to drop us a note about the particular complications that would be helpful.

Q277 Simon Danczuk: Just briefly, Phil, it is my view that Keep Britain Tidy once had a very high public profile. Now it is hardly heard of. Why is that?

Phil Barton: When it had a very high public profile in the 1970s and early 1980s, it was a public profile through Central Office of Information advertising. Keep Britain Tidy was the campaign that supported that, but there was very substantial Government investment through the COI and public service broadcasting. There was also a national anti-litter campaign in schools, which again was backed by the Education Department at the time. Keep Britain Tidy supported that in the community. What has also happened, in the last five years, is that we have lost our Government grant and, as of April just coming, there will be no financing coming to Keep Britain Tidy for its work from Government at all.

Q278 Simon Danczuk: Can I ask you, Phil, if you think the Government is letting down Keep Britain Tidy?

Phil Barton: I feel that the current Government has not put its weight behind—

Simon Danczuk: Is that a yes?

Phil Barton: Yes.

Q279 Simon Danczuk: Save some time. Let me ask you also—I will keep it brief—if there is a strategy for litter in England.

Phil Barton: No.

Q280 Simon Danczuk: Is that good or bad?

Phil Barton: I have come with a little wish list. One thing we would like to see is that there is Government leadership on this agenda.

Q281 Simon Danczuk: You do not think there currently is Government leadership?

Phil Barton: No.

Q282 Simon Danczuk: You do not think they are prioritising it?

Phil Barton: No. It has not proved possible for other sectors to provide that leadership. If the last four years have taught me anything, it is that neither Keep Britain Tidy, nor an industry group, nor local authorities have the ability to bring everyone together, because nobody on their own is going to solve this problem.

Q283 Simon Danczuk: You think it is the job of central Government to do that?

Phil Barton: We think it is the job of central Government and only they can do that. They do not have to do it all, but they have to bring people together. They have to say, "We expect you to do..."

Q284 John Stevenson: Mr Barton, we had at one of our sessions Giles Roca from the Tobacco Manufacturers Association, who informed the Committee that they had tried to engage with you, but you had refused to do so. You are a partly public funded organisation; do you not think you might have a duty to engage with everybody who might have an interest in how to deal with litter?

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

Q285 John Stevenson: Can I interrupt there? You are also receiving money from the taxpayer.

Phil Barton: Well, for the next two months.

Q286 John Stevenson: That is an important point; you are receiving money from the taxpayer. Do you not think you should be independently minded and that you should actually engage with the tobacco industry, which is willing to engage with you?

Phil Barton: We cannot do our job if local authorities will not work with us.

John Stevenson: Arguably you cannot do your job if you are not engaging with the tobacco industry either.

Phil Barton: If you look at this agenda and you look at the obligations, the law and the way in which the whole area of litter and fly-tipping works, it works through the local government system.

Q287 John Stevenson: Effectively, you feel you are being browbeaten by local government?

Phil Barton: I think we are the victims, if you like. Nobody is denying that smoking litter is a major issue, but the Department of Health has issued guidelines; the Department for Communities and Local Government, as I understand it, do not agree with those guidelines. DEFRA pulled out of the Love Where You Live campaign and Ministers would not sit in the same room as the tobacco industry. We are in a position where local government—not all, but some—is adopting a charter that says it will not work with such organisations.

Q288 John Stevenson: By “local government” do you mean local government associations?

Phil Barton: I mean individual authorities.

John Stevenson: So some authorities quite clearly are willing to engage?

Phil Barton: Yes, they are.

John Stevenson: Basically you are going with some authorities, but with other authorities—

Phil Barton: We cannot do our work unless we can work with local authorities.

John Stevenson: You can work with some authorities. You are being contradictory.

Phil Barton: If we cannot work with others, we could not do our work.

John Stevenson: You are choosing to work with some but not others. That is effectively what you are saying.

Phil Barton: No, it is not.

John Stevenson: You are, because you are choosing to work with some authorities that clearly do not want to be dealing with the tobacco industry, but there are some authorities that would happily deal with the tobacco industry.

Phil Barton: I have had no offer from a local authority to come and work with us on a tobacco-funded project. It is not a position we like to be in, when different Departments of central Government, local government and the tobacco industry—

Q289 John Stevenson: I am asking the questions here. Do you think you should be dealing with the tobacco industry, yes or no? You may not be able to, but do you feel you should be?

Phil Barton: They produce litter. They have a responsibility for it. They should be doing a lot more, and yes, we should, but we are not in a position where we can, as things stand.

Q290 Mark Pawsey: Mr Barton, it would be helpful to the Committee if we knew the sources of your funding. You mentioned that you were part-funded by Government and that that is now coming to an end. Could you tell us where the other funding comes from?

Phil Barton: Whereas in 2010-11 our turnover was around £11 million, this year it will be something under £4 million. Of that, about 70% comes from local government for services we deliver to them, of one sort or other. There are quite a lot of different services. About a further 20% comes from businesses, and the balance comes from a range of smaller sources.

One of the things we are now doing as a charity—it is interesting that we are giving evidence today with Government. You interviewed NGOs first time round. One of our issues is that Keep Britain Tidy is seen as the go-to organisation by everyone on these issues and, I believe, rightly so, but our status at the moment is that the work we do we can only do if we can persuade someone to pay for it. I am not complaining about that; I am making an observation. Regarding the questions about profile, which I was asked earlier, we have to put together the right sorts of financial alliance to allow that profile to happen. We do our level-best to do that. Our funding at the moment is 70%-odd local authority and about 20% from businesses.

Chair: Thank you very much indeed for coming in to give evidence this afternoon.

Panel 2 Questions [291-338]

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

Q291 Chair: Good afternoon, Ministers, and welcome to both of you. Perhaps, Mr Rogerson, just at the beginning, you could introduce your civil servant who is with you this afternoon as well.

Dan Rogerson: Absolutely. John Rea; give your exact title.

John Rea: Hello, I am John Rea. I work in DEFRA in the Resource Programme, and I am responsible for, among other things, local environment quality.

Q292 Chair: Thank you all for coming this afternoon. We have heard evidence already from a number of witnesses that litter levels are probably pretty constant, some might say constant at too high a level. Do we need some sort of national strategy or national plan? We just heard from Keep Britain Tidy that perhaps that was the sort of thing we had in the 1970s, but we do not have any more.

Dan Rogerson: What we have done is set out the standards that we would expect to see in the public realm for which local authorities are responsible. We make sure that they have the powers they need to take action against those who are causing the problem—who are dropping litter—and then what we aim to do is, wherever possible, pass on the costs of causing these problems to the people who are causing them.

Now, the approach that we have taken is to work with partners. You have heard now from Keep Britain Tidy; you have also heard in the past from other sectors that are connected, perhaps as the source of litter. That is not to say that those sectors themselves are causing the problems. It is obviously irresponsible use of the packaging or the products that they are connected with. We are engaged with those. In terms of setting out a strategy where we are instructing local authorities to act in a certain way, that is not the approach we have taken. We have tended to set out that framework, which is quite clear, and then local authorities and, for example, the Highways Agency will act on it.

Q293 Chair: I do not think anyone is suggesting “instruct”. I do not think that word has been used in evidence to us, but certainly lack of co-ordination and lack of pulling together were what Keep Britain Tidy was saying to us. They were saying the only body that can do that is central Government. I suppose I am old enough to remember the campaigns of the 1970s, that wastepaper basket and the dynamic of feeling that something was being done about it. We have lost that, have we not?

Dan Rogerson: As you have seen in the evidence you were just setting out, there is a pretty good standard across areas. People aspire to have a better standard and we want communities to work together with local authorities and others to deal with that, but we have not seen a problem that is getting dramatically worse, which is the key thing that might alert Government to look at a need to put more resources in that. As you will have heard from your many inquiries, local authorities and others are dealing with a situation where resources are restricted, so we have to make sure that what we do as Government is targeted. The things that we can do and that only Government can do are around regulation and making sure that that framework is right. When it comes to litter, we think that the tools are there for local authorities and others to be able to do it.

Q294 Chair: The answer is that Government does not think that they have to do anything different?

Kris Hopkins: I think I will have a go. The key thing about this is DEFRA have the lead, certainly as far as policy is concerned. That is the case, but the reality is that of most of the practical interventions to collect litter are done at a local level. It is local authorities that actually offer that. Rubbish is dropped by an individual. People’s expectations have probably changed since the 1970s as well. There is far more sense of public expectation and a greater public challenge out there as well. It is interesting, because we have done a couple of bits of trials and a piece of work we are going to launch soon actually. One of them is in Plymouth, where we have worked with Clean Up Britain. It is £19,500 of investment trying to find new ways in which we can engage the community and get them to take responsibility.

Going back to my old days as leader of a council, and you have probably heard this before, the message that cost is associated with picking up rubbish—I asked the question and it was £6 million a year we were spending on picking up litter—is actually quite a powerful message to send to individuals. Those irresponsible individuals out there who are dropping litter mean that resources, which are very limited at this moment in time but which could be spent, are taken

away from elderly people, books in libraries or a range of different services. Local awareness campaigns are really important.

We are going to launch a community clean-up event on the first day of spring, which we are going to announce later on in this week. I took over this particular portfolio. I wanted to try to give some emphasis to it. It is not about having a national strategy; it is about having a hook from which local communities can actually get involved. I intend to go and pick some rubbish up on that day and I am sure you will as well. It is about how we all, as citizens, can make sure that our place is clean and offer some leadership to individuals who are not being as good a citizen as they could be.

Chair: Very cynically, Minister, probably every candidate standing for election will be out there picking up litter, so that is probably a very good time to have the event.

Dan Rogerson: There is one other area where we can help to bring people together, which is to work with these industries. Chewing gum is a particular issue. Local authorities spend a great deal of money on cleaning up chewing gum. Just a week or so ago, I was chairing a chewing gum action group with officials, with members from KBT and also from the industry itself, to talk about what they could do and to work with the industry on what they could do to tackle that particular problem. There are things that we could do. If Government was not taking a role there, then some of that work would not happen. Similarly with food packaging, we have offered and said that we will work with that sector to bring partners together to talk about what they could do to help solve the problem.

Q295 Chair: Is this one of those issues where different Government Departments have got a bit of responsibility for a bit of the overall policy and, between you, you do not actually really get a dynamic drive, because no one is in the driving seat? You are all telling each other how to do it?

Dan Rogerson: It is a DEFRA lead on this issue.

Chair: You are responsible.

Dan Rogerson: Yes, quite right, but Kris Hopkins here, as you have heard, cares a lot about this, because he cares what councils do and the services they offer their constituents. Naturally, as in a range of issues, local government will be at the front end of delivering on those issues.

Q296 Chair: One of the big problem increases—litter may have stayed relatively constant as an issue—is fly-tipping, which certainly has gone up in the last year or so. One of the things that has been said to us is that it could be a product of local authorities no longer providing free collection services. Should local authorities be providing free collection services? Should they be prioritising it? Should you, as a Minister, be telling them that that is what they have to do? The Secretary of State says the bins ought to be emptied every week, so do you say fly-tipping ought to be stopped by bulky refuse collection being free?

Dan Rogerson: Kris Hopkins's predecessor as Minister took a view on that and discussed that issue with me. Councils clearly are looking for ways in which they can prioritise the services they are offering locally, but we have seen examples of concern among local communities about charging schemes coming in. It is clear that, if there are issues where people are using it on a commercial basis and seeking to use what should be there for households to dispose of waste, it is absolutely right that councils take steps to prevent that from happening. Where it comes to charging, then we would want to look at the evidence base here about whether that is having an impact and potentially causing fly-tipping. What I would say is, as fly-tipping is criminal activity, a lot of it happens on a more organised basis and is undertaken by people who are seeking to get involved in the waste sector and not—

Chair: Actually, Keep Britain Tidy just told us that most of it was single plastic bags.

Dan Rogerson: We are taking action on the issue of plastic bags—

Chair: No, black plastic bags for fly-tipping, not just the odd carrier bag.

Dan Rogerson: Even then some of that could be gathered up and disposed of. We need to look carefully at this before we seek to make those sorts of correlation.

Kris Hopkins: At the end of the day, we want to make sure that every single authority enables an individual to tip their rubbish without tax and we have to put procedures in place to ensure that happens. We will announce in a very short time interventions to stop local authorities that may be minded to introduce that.

Q297 Chair: Explain that. I think you have lost me there.

Kris Hopkins: There are some authorities out there, at this moment in time, that want to charge individuals to dump their rubbish at their local authority.

Chair: Do you mean charge at the actual dumping site?

Kris Hopkins: Absolutely, and we want to make sure that they do not have to do that. It is not the council's fault if a reckless individual goes out in their vehicle and abandons rubbish. What is important is the fact that, if we find an individual who has done that activity, we pursue them. The evidence is that, up to last year, just over 800,000 people dropped rubbish—fly-tipped—and just over 500,000 people were pursued by local authorities and either had actions brought against them or were taken to court, as a consequence of that.

Chair: We will come on to enforcement.

Q298 Bob Blackman: Can I just follow up on that? A lot of local authorities are currently looking at charging directly for collecting waste—for example, garden waste and potentially beyond that. Has the Government got a view on that particular subject?

Kris Hopkins: We do not want to charge. We do not think the public should be charged on that basis.

Q299 Mark Pawsey: One of the things the Committee is quite interested in is understanding the magnitude of the problem and the cost of dealing with it. We have just taken evidence from Keep Britain Tidy, which estimates that public sector land managers spend £850 million a year keeping public spaces clean and tidy. Over and above that, they identify indirect costs associated with litter, such as £526 million for mental health, £348 million for crime and £70 million for litter-refuse-type fires. Does the Government recognise those figures?

Kris Hopkins: There are a couple of things there. I do not know those latter figures; I have not seen the evidence associated with that. I want to be generous here: somebody either has a decimal point in the wrong place or we need to be a bit more rigorous about the challenge for some of those figures. One of the claims was that the amount of rubbish being dropped was greater than the total household waste collection in the UK. I do not believe, although there are reckless individuals out there, that they are actually dropping more litter than the total waste collection in the UK. In fact, if you add up all the street cleaning and cleansing facilities, they total some £850 million, which is less than the £1 billion that they talk about. Again, I do not think the figures are quite right.

The point they make that there are reckless individuals who are actually putting a burden on taxpayers and local authorities, by their individual actions, is absolutely right. The idea that they and we challenge those individuals, who are taking resources away from people and ensuring that people are having to pay greater tax as a consequence to actually clean up, is absolutely right. Although I

disagree with some of the figures that are out there, the sentiment about individuals taking responsibility and really making sure we point a finger and go in pursuit of those is really right.

Q300 Mark Pawsey: Minister, you do accept the principle that, if people do drop litter around an area, it can affect the quality of life of the residents who live in that particular area?

Kris Hopkins: Absolutely. Good citizens living in an area are having their life blighted as a consequence of individual reckless people.

Q301 Mark Pawsey: Do you accept, Minister, that the areas where the litter is likely to happen are more likely to be those with greater unemployment, deprivation and lack of social cohesion? What steps should be taken to deal with littering in those problem areas and should there be additional funding available?

Kris Hopkins: There have been some comments in some of your previous representations. First, I do not believe that people who live in poorer areas are more inclined to drop litter or want to live in a dirty place. My experience of living in a town like Keighley, which has areas of deprivation, is that those citizens who are living there do not want to live in that dirty place. People have tarnished their home and their street. There is a responsibility of councils, but also community leaders—councillors—to offer some leadership, create ways in which they can clean that up and make their place a proud place to live again. Although there may be issues with people passing through an area dropping litter, it is reaching a point where it is very hard for individuals who want to live in a good, clean place to feel that they can have an impact by being a good citizen. It takes more of an intervention by—

Q302 Mark Pawsey: Minister, there is a very strong motivation, particularly in areas of high levels of owner occupation. There was a report that came out—I think it was reported in the *Daily Mail* on 18 January—showing that living in a neighbourhood scattered with rubbish can hit property prices by almost 12%, so there is a big incentive. If people are in a large area of rented accommodation, they do not benefit from the increase in property values. You could argue that there is a counter-productive trend here, which is that, if property values are lower, then rents will be lower, so there is almost an incentive for an area to remain rather untidy. Do you go along with that and agree with that?

Kris Hopkins: No, I do not. I was responsible for social housing in Bradford. There are some really big estates there, and I do not believe anybody on those estates was prepared to live in a messy place, where their children were going to live, where their grandparents were going to walk and all the rest of it. They did not want dog muck on the

streets or rubbish to be about. They wanted to live in a good place and they deserve to live in that good place as well.

Dan Rogerson: You need to be very careful about drawing conclusions about two things that might coincide, in some cases, but do not necessarily have that sort of causal relationship. For example, if some of those areas with low property prices are in areas where there are a lot of people passing through all the time, just because of the nature of how that settlement is set out, then it may be nothing whatever to do with people who are living there; it is people passing through who are dropping that litter.

Q303 Mark Pawsey: They are the kind of people who are less likely to have pride in their local environment if they are only in the area for a short time.

Dan Rogerson: We would all say as local politicians that, if you engage with your constituents; it does not matter who they are, they want to feel better about the area. They want to get involved and, quite often, as part of these community clean-ups, you will find a range of people from all sorts of tenure, with all sorts of length of history in that community, who want to pitch in and be part of it. I think we would have to be very careful about drawing anything from that.

Kris Hopkins: Can I also make an observation that, in a place like London, much accommodation is private rented now and that is the long-term home of individuals? Many of us probably rent a property, rather than own it, in London. Do I actually feel less committed to make sure that the place where I live down here on a rented basis should be less clean than where I live at home? Of course I do not. Good citizens—people who want to make a contribution—want their place to be clean and tidy. It does not matter whether you rent it or own the house. It is pride in your place and there is a civic responsibility to make sure it is right as well. There is also a civic responsibility to challenge some of the people who may be your peers around you who are not behaving appropriately.

Q304 Bob Blackman: Minister, the cigarette-related litter—be it cigarette stubs, tobacco packets and other rubbish—is, generally speaking, regarded as being among the most significant and most frequently littered items. The tobacco industry presented to us evidence suggesting that Keep Britain Tidy and local authorities will not work with the tobacco industry, because of the local government declaration on tobacco control. What is your attitude to that failure to work together?

Dan Rogerson: There are a number of ways you can deal with that industry. First, we tax tobacco and that is one way that you can pull

money into the system to help deal with things. That is an issue for the Treasury about how that money is spent. What I would say is, in terms of the impact it makes on local communities, there are powers that are available for local authorities and others to deal with particular locations, so that they can impose a community protection notice on an individual who is causing a problem or on a business that is causing a problem. There are powers there to deal with that.

Q305 Bob Blackman: I am looking specifically at the tobacco industry saying, “We want to work with local authorities to clean up the area,” and local authorities saying, “No, because of this particular declaration.” Did you have a view on that?

Kris Hopkins: To give you an idea of the scale, 30% of street rubbish is the fag packet, the butt end, the match and so on, so it is related to the industry. Our Department’s position is that we encourage local authorities to have that engagement. To put this into context, I have had a couple of members of my family die from smoking; I am an ex-smoker myself. If there was a vote tomorrow, I would ban it. This is not about some nice PR stunt for the tobacco industry. This is about individuals’ choices, who obviously have some addiction, to a very dangerous product. The by-product is costing good citizens an awful amount of money to pick it up and it is making a mess on their streets. There is an incentive there for local authorities to have a conversation, because those manufacturers of this vile product are damaging their local environment. This is not about a nice positive PR stunt for these individual companies; this is about making sure that they make a contribution to put right the wrongs as a consequence of their product.

Q306 Bob Blackman: Just moving on then, obviously the ban on smoking in public places has been highly successful and is something I think everyone strongly supports, but there is a problem because now people smoke outside those buildings and you get a collection of litter all around those buildings. Do you think that all these public buildings in particular—not private-owned but public buildings—should have suitable receptacles in which people can dispose of their butt ends and other tobacco-related litter?

Dan Rogerson: I would not be in favour of the approach of forcing all buildings to do that. As I have said, there are methods that can be used if there is a problem and a stronger message needs to be given to a business about how that is managed in front of its property.

Bob Blackman: Business is one thing, because that is a different issue. I am talking about publicly-owned buildings.

Dan Rogerson: Publicly-owned buildings function, to all intents and purposes, in the same way as businesses, in terms of their responsibility for their employees and any other people who are using their building. A lot of them, in many cases, will provide designated smoking areas that are not necessarily at the front of the building. For example, if they have done that, what we do not then want to do is compel them to have something at the front of their building, just because we have said that everybody has to have one. That means they are encouraging smoking at the front of their building.

Q307 Bob Blackman: If they are declaring an area, "Okay, smoke here," they put the receptacles there so you can get rid of your tobacco-related products—should they have that facility installed?

Dan Rogerson: Most responsible managers of buildings, if they are designating a smoking area, will provide some means of getting rid of that litter, as part of that area. To clarify what you are saying, what you are talking about is places where the designated area is at the front of that building? People have got into the habit of doing that. Should there be at the front of every public building somewhere people can dispose? It is getting too specific for us to do that, but clearly the message that we would send out is that, if there is a designated area, you should provide somewhere to get rid of that, not saying, "It must be on the front of every building."

Q308 Bob Blackman: I am a very avid anti-smoker, but smokers will say, "If we just dump the lit fag end in a normal litter bin, the likelihood is that you will get a fire." If you have a proper receptacle for that purpose, that deals with that issue. Most public buildings, in my recollection, do not have such facilities.

Kris Hopkins: We are putting a burden upon the public purse again for the habits of an individual. Actually, the idea of them being sat outside a public building—I have a pub in my main street, where I get crowds of individuals having a fag outside, quite often at school opening or going-home time. I know DCLG had to put a sign on the front of its building telling smokers not to smoke there. Why would you want to participate in such a vile anti-social behaviour in the face of our customers and our citizens, in a public building? Why would we want to put an ashtray outside, so it gives them an incentive to go and congregate outside that? They have a responsibility. They have a habit and we need to discourage them from participating in that. We can do that by taxing them and, hopefully at one point, banning it. I am quite opinionated about cigarettes. Why would you want to spend public money incentivising people to place a receptacle outside a public building?

Q309 Bob Blackman: I am with you on cigarettes, but the issue is the issue, which is that the butts are put on the ground and people put their foot on them. They remain there and then someone has to clean up and there is a cost to the public purse of cleaning up. Should the tobacco industry fund these bins outside public buildings? They can pay for them directly; it is a direct cost to them. They could fund that.

Kris Hopkins: You are facilitating a habit there. Certainly as sponsors they would be very enthusiastic, I am sure, about putting their cigarette receptacle outside and a nice PR stunt as well it will be for them. At the end of the day, it is against the law to drop litter and, if you do drop that and you are doing it in a persistent way, we can go in pursuit of you or local councils can. They can fine an individual for that kind of behaviour. If an individual company failed to maintain the property outside, then there are powers within local government to go in pursuit of that company and I am sure there will be a challenge to public offices or buildings as well, if they create a space that publicly littered an area as a consequence of the choices that they made.

Q310 Chair: Just to follow up, Minister, you said that local authorities should be engaging with the Tobacco Manufacturers Association to deal with this issue. Precisely how would that engagement result in something happening?

Kris Hopkins: To be quite honest with you, that conversation needs to be within the local authority. They have a responsibility. I am sure from a PR point of view they would like to participate as well but, at the end of the day, it is about how we extract some money out of them.

Q311 Chair: To do what with?

Kris Hopkins: To pay for the clean-up associated with it.

Chair: They just give money to the local authority to go and clean up.

Kris Hopkins: Some 30% of the street litter that they are picking up at the moment is cigarette related. We failed to say earlier on that there is a consultation going on, at this moment in time, about the levies that could be put against the tobacco industry. We have written to the Treasury asking them to consider that one of the burdens associated with this habit is picking up and cleansing as a consequence of it. The Treasury may want to consider how they may want to place a levy upon the tobacco companies to compensate for that.

Q312 Chair: Is that something that is being considered now?

Kris Hopkins: We have written and we are waiting for Treasury's response.

Q313 Chair: Fair enough. Is there not a difference of view here? We just heard from Keep Britain Tidy, a few minutes ago, that DEFRA Ministers will not meet with the tobacco industry on these matters. CLG is saying to the local government, "Go and meet," but DEFRA Ministers will not meet and Department of Health Ministers will not meet either.

Dan Rogerson: There is a different set of issues here.

Chair: There is a difference of view, is there not? You must have some differences.

Dan Rogerson: As a Government, us going and meeting the industry centrally, talking and facilitating things, is very different from a particular local problem.

Q314 Chair: You will not meet with the tobacco industry, will you, as DEFRA Ministers? You will not meet.

Dan Rogerson: I have no desire to meet with them.

Chair: You do not want to meet. That is policy.

Dan Rogerson: The relationship through levies and taxes on the industry—

Chair: The Minister beside you is saying to local government, "Go and meet," and you will not meet with them either.

Dan Rogerson: The relationship that we have as central Government through the industry and the money that comes through—

Kris Hopkins: I will go on his behalf.

Dan Rogerson: It may be quite an interesting conversation—I will have to hear that one—between Kris and the industry. We have to be careful about facilitating that behaviour as well and also changing that public debate around smoking. We have moved it to a point where it is not as acceptable generally. That is a better place to be and I think we would agree that that is where we want to be.

Chair: DEFRA Ministers will not meet with the tobacco industry, will they?

Dan Rogerson: I have no plans to meet with the tobacco industry.

Q315 John Stevenson: The Government is quite happy to meet with the whisky industry or the alcohol industry, which is a drug, so why not meet with the tobacco industry?

Dan Rogerson: I have no plans to meet with them.

John Stevenson: They are both legal.

Dan Rogerson: Yes, they are but, as I say, I have no plans to meet with the industry to talk about these issues at the moment.

Kris Hopkins: I will just point out that I have never had the opportunity to meet with the whisky industry, but I am more than willing to participate.

Q316 John Stevenson: It just seems a huge inconsistency in Government.

Dan Rogerson: I do not think that is the case at all. There is a particular issue around smoking.

John Stevenson: There is a big issue about alcoholism and alcohol, and Government meets with the alcohol industry, so why does it not meet with the tobacco industry?

Dan Rogerson: This has been a Government policy that has been set over a long period.

Chair: Let us move on. Chris.

Q317 Chris Williamson: I just want to move on then to the cost of the fines, the penalties, and whether they are a sufficient deterrent. We heard some evidence from witnesses who suggested that the fine in Massachusetts was \$10,000. The fixed penalty here is £80. Do you think there is some scope to increase the fixed penalty as a deterrent?

Dan Rogerson: We would have to have a strong evidence base that that would have that effect before you vary it.

Q318 Chris Williamson: Do you think the present £80 fixed penalty is a deterrent?

Dan Rogerson: It is quite a costly activity. If you are going to carry on dropping litter, if you are saying that an individual would pay the £80 and then carry on dropping it the next day at risk of getting caught again, I suspect that that would not be the case.

Chris Williamson: The problem is that not that many people are being served.

Dan Rogerson: If you go a magistrate's court, it could be a much higher figure, so there is always that as a back-up power. Were there to be a particular individual who was causing a problem, a different sanction—going to court—could be used instead. I have not seen any evidence put up to me as Minister that this is a problem. There are other issues around social attitude and so on where we need to make progress but, when it comes to the penalties, there is no evidence that that is at a level that causes a problem.

Q319 Chris Williamson: You, Minister, talked about avoiding a burden on the public purse as a consequence of the anti-social behaviour of some people who indulge in things like smoking and other aspects—maybe the fast-food industry, chewing gum and so on—and drop their litter, and it then falls to the public purse to pick it up. I wonder what your thoughts therefore are on hypothecating fixed-penalty fines and whether you would support a hypothecated levy on packs of chewing gum to be then redistributed to local authorities to enable them to deal with the consequences of the litter and the detritus that are caused by these industries.

Kris Hopkins: There are a couple of things. First of all, just to go back on the fines, they are all part of the same deterrent associated with it. The band is £40 to £80, and £75 is the average at this moment in time, as far as the fine is concerned. To give you an idea of scale, 30,000 fines have been issued. Some 5,500 have ended up in the magistrate's court and that average then climbs to £140, because the maximum fine is £2,500. That is a significant fine that somebody would have to pay.

Q320 Chris Williamson: Do you think people are genuinely deterred, because I see lots of examples of people just carelessly abandoning litter left, right and centre, and they do not seem to be bothered about the fear of a fine?

Kris Hopkins: I agree. It is interesting. I would make a comparison with some of the people who have refused to pay road tax or get car insurance. Going back to my time in Bradford, one of the biggest insurance costs in the country was associated with Bradford; lots of people were driving around without car insurance, and that was having a huge effect on car users. One of the things we did was set out a series of means of identifying those individuals. I personally enjoyed feeding the car into the car crusher, with a film crew sat next to it. It was a fair old deterrent. We need to make examples of the individuals, because we have to turn it into a taboo, as far as behaviour is concerned.

Q321 Chris Williamson: Local authorities should be more vigorous, you think.

Kris Hopkins: I think it is about making sure that people understand that there is a consequence from their actions. In Bradford, many of my staff used to cringe at the back. I would go round and challenge individuals who had just thrown their can on the floor and I would like local leaders to be able to do that and make examples. In my constituency, I have different groups that go out there and do that. They really do have chats to young kids and talk to scout groups. We were talking about pride in place earlier on. That only comes with people understanding what their role is and keeping it that way.

Q322 Chris Williamson: If you had hypothecated fines for local authorities and perhaps a hypothecated levy on chewing gum and fast-food companies, could that not go some way towards helping local authorities to do the sort of work that you have suggested would be very valuable and help to reduce the amount of litter and detritus that are actually caused?

Kris Hopkins: The problem is that, if you create a revenue-raising activity, the judgment about when you are actually fining people becomes overtaken by the desire to secure more cash. These are significant fines if they go to the full extreme—£2,500 is a lot of money. Actually, it is about the challenge to that behaviour. It is about making sure that there is a public shame associated with it as well, if you get into that situation. The idea of using these fines for revenue is a position that I know the Department is absolutely against.

Q323 Chris Williamson: What about levies on the products?

Kris Hopkins: You have heard us talk already about cigarettes. That letter is out there and we are very enthusiastic, because there are other issues associated with that product. For things like chewing gum, I have actively said in the past that I did not support a tax associated with that. What is important is the fact that there are new products out there and new ways of treating it. The product itself being biodegradable is really important and there are ways of generating that product.

Q324 Chris Williamson: Finally, what about making retailers, fast-food outlets and so on responsible for keeping their perimeter, the street scene in the immediate proximity to their shops? Some already do this. Would you favour that?

Dan Rogerson: I would not be in favour of making it some sort of statute. A lot of retail businesses are small businesses; we have to be proportionate in what we do there. They already contribute and pay

charges through business rates and so on. However, if there are local schemes in which they can participate, I would very much welcome that.

Chris Williamson: You would encourage it?

Dan Rogerson: Yes, we would encourage them to get involved, absolutely, if they want to. It would be wrong for us to mandate that.

Chris Williamson: It is not an obligation?

Dan Rogerson: No, not an obligation.

Q325 Chair: Should councils have the power to be able to do that if they want to?

Kris Hopkins: There are two things. You are not going to be a very good retailer if you do not keep the front of your shop right. If you do not, there is a very good chance that people on the rest of the street might collar you. Again, the local council, councillor or people there will want to live on a decent street. If it was me and I had a constantly messy place, I would not be afraid to go knock on their door.

Q326 Chris Williamson: There are plenty of examples locally, where you have small fast-food outlets and you get wrappers dropped, but also grease that stains the pavement and they do not contribute to cleaning that. The local authority has to pick up that cost.

Kris Hopkins: One of the facts that we were briefed about, and it is much maligned as a company, was McDonald's has an active policy about going out there and making sure the 100 metres outside their shops are right. From a reputational point of view that is a powerful message for us to recognise. Actually, if you are a responsible retailer, people know that you are outside the front with a brush, cleaning up. People notice that: "You care about your place and that is a place where I want to go and spend my money."

Dan Rogerson: To come back quickly on Mr Williamson's earlier question about levies and charges, we do have voluntary schemes where industries make a contribution. I talked about discussions with the chewing gum industry, where they make a contribution to pieces of work that have been carried out, and some examples by Keep Britain Tidy on their behalf to look at ways in which the problem can be tackled. We can certainly continue those discussions to make sure that the amount that they contribute to those schemes reflects the impact it is having on the local environment. In some other countries, for example, they have made bigger contributions. That is certainly

something of which we are aware and that will be part of our discussions in the future.

Q327 David Heyes: I live around 2 miles from the nearest McDonald's, which is just the distance it takes to consume the burger and throw the debris out of a window, so my area suffers from that problem. Quite honestly, Kris, I agree with you; they would go in the car crusher if I could catch the people who were doing that. Actually, I should say, referring back to what we were talking about earlier, that has a bad effect on my mental health. It makes me really angry. There is a mental health cost in this. The fact is, though, that the law would allow us to do that. The Clean Neighbourhoods and Environment Act would allow the seizing of vehicles from which litter had been disposed. It has just never been implemented. Have you looked at it? Do you have plans to implement it? Is it something you can do before the election, because it would be welcome if you did?

Dan Rogerson: There are issues around fly-tipping. You may be aware that this is something that has been discussed through the passage of a recent Act. I look to Mr Rea to remind me of the title of the Act, but we can come back to that. It was debated very strongly in the House of Lords and there was an amendment that was accepted to make sure that the misdemeanour is attached to the car and the owner of the car, rather than having to prove the individual responsible as the one who actually littered. We are now looking at how that can be implemented and what contribution that could make. It has been the situation in London for some time, but not outside London, so we are now looking at what a difference that could make.

Q328 David Heyes: No Government is innocent on this, because that Act has been in place since 2005 and, 10 years later, it has just not been implemented. What is the hold-up? What is the problem with it?

John Rea: The Act that we were specifically talking about there was the Anti-social Behaviour Act from last year, but you are talking about Clean Neighbourhoods.

David Heyes: I am talking about the Clean Neighbourhoods and Environment Act 2005, which gives, in the most extreme cases, car-crushing powers.

John Rea: We have certainly been consulting on introducing vehicle seizure regulations or strengthening vehicle seizure regulations for fly-tipping offences. That is something for which we still hope to introduce a statutory instrument in this Parliament.

Q329 David Heyes: You are referring to the Anti-social Behaviour, Crime and Policing Act. That is last year's Act and that again has not been implemented across the country. In fact that has downgraded the act of littering. It used to be a criminal offence if you do it from a car; it is now a civil offence—

Dan Rogerson: That is so you can give civil penalties, which would be quicker.

David Heyes: It has still not been implemented. It makes things easier, you say, but it has still not been implemented.

Dan Rogerson: We have to make sure that, in implementing it, we get it right, so that is why we are looking at the difference it might be able to make and looking at the evidence base.

John Rea: An important point is that it is not going to be decriminalised, because it is the opportunity for a fixed-penalty notice for the registered keeper of the vehicle. They could still be taken to court and, certainly if they do not pay, they will be taken to court.

Q330 David Heyes: Who do you anticipate will enforce that Act if you do implement it?

John Rea: That would be for litter authorities.

David Heyes: Not the police?

John Rea: The police would be able to, yes.

Q331 David Heyes: Can we just go back to something we were talking about with our previous witnesses? There seems to be a difficult relationship between the Highways Agency and many local authorities about where the demarcation is for litter picking. It is very clear that, for motorways and major trunk roads, it is the Highways Agency's responsibility but, for all-purpose trunk roads, many of which form the gateways to the communities that we represent, there is a lack of clarity about it. The Highways Agency is responsible for cutting the grass, fixing the streetlights and washing the signs down, but they do not pick the litter. That is down to local authorities. Clearly there is an anomaly here that needs to be addressed. The result is that, because of the anomaly, the most prestigious bits of our roads are left in a sad-looking state.

Dan Rogerson: I have heard that this has been given in evidence to you and it is one of the issues that you are interested in as a Committee, Mr Betts. I am keen that we look at what your report comes up with on that evidence base. Certainly in my time as Minister, I have had a number of meetings with representatives from the Local Government Association across a range of environmental issues and it

is not something that has been put in front of me as something that they are particularly concerned about.

Clearly if it is an issue that they are worried about and that has been raised with you, then we will look to what you come forward with in the report and consider that as to whether we think it needs clarification. To be honest, it should not take a huge amount of effort for a local authority, if there is an issue in their patch, to talk to the Highways Agency and sort it out without Ministers having to get involved and deal with that. If there is an issue and it requires it, then we will look at what needs to be done.

Kris Hopkins: I know there is a piece of work being undertaken by the Highways Agency to see where they can be flexible and address some of those anomalies where it is more sensible for them to participate in that activity. I know there are issues around making sure staff are safe and when road works are being done. It is just a clarity about that. To be quite honest with you, we have some well paid and very clever people who work in local authorities. It does not take much more than a phone call to try to find a solution.

You are right: if it is a gateway to your city or your town, then local leaders, I am sure, will take responsibility for making sure the mechanism that sorts out that spot will be sorted. If it requires Ministers to intervene, then it will do, but it would be a bit of a shame if people who have taken on an elected position, who have considerable power and with considerable resource about them, and the ability to pick up a phone and have a chat, cannot solve it. It would be a bit sad.

Q332 David Heyes: It requires a change in the law. That is the key point here.

Kris Hopkins: I do not think it does, actually. I think it requires good communication.

Q333 Chair: It does seem a bit of a nonsense that you have the Highways Agency cutting the grass and the local authority picking the litter up from the same grass, probably in the wrong order.

Kris Hopkins: Again, that might need a phone call and a bit of probing.

Q334 Simon Danczuk: Minister Rogerson, how high up your list of priorities is dealing with litter?

Dan Rogerson: The quality of the environment is obviously a high priority for us.

Simon Danczuk: Is it in your top five?

Dan Rogerson: Is it explicitly in the top five when compared to animal health or the other issues that we are dealing with, no, but improving the quality of environment is one of our top priorities for DEFRA, yes.

Simon Danczuk: Is dealing with litter in your top 10 priorities?

Dan Rogerson: If it is an issue in the environment, then clearly it is, because improving the quality of the environment is one of our top priorities.

Simon Danczuk: Where would you put it in the list out of one to 10?

Dan Rogerson: If we separated out every single activity for which DEFRA was responsible, you could have a list of thousands, so what we do is talk about grouping those together.

Simon Danczuk: It is in the thousands then? It is certainly in there?

Dan Rogerson: What I have said is that improving the quality of the environment is one of our top priorities, and this would be one of its aspects, which is why we have done work on it and why we are engaging, as I have set out, with industry over it.

Simon Danczuk: You cannot say where it is as a priority?

Dan Rogerson: We set out very clearly the framework that local authorities work within. That is the priority for the work we have in this area and then obviously, as Kris Hopkins has said, local authorities then need to deal with their responsibilities to deliver that.

Kris Hopkins: You can call me Kris now, by the way.

Dan Rogerson: It is for the record.

Q335 Simon Danczuk: I think we have all agreed from this evidence session that it is really about behaviour change. There is a small minority of people who cause a lot of litter. I am particularly interested in Kris's evidence, in terms of the local approach that you see where you are, where you have people going out telling people not to drop litter and trying to change behaviour by speaking to them. Is this "dad's army" approach to behaviour change really what is required? Is that going to work, do you think?

Kris Hopkins: It is an interesting way of putting it. There are a couple of things. Going back on to the priority bit, the good thing about being

a Minister is you have overall responsibility for your portfolio, but the good news is both of us have very capable individuals whose first priority is to drive out those outcomes. There are people out there who see this as their principal job.

It is not a dad's army. I am sure many of you have been councillors and worked in those sorts of communities and, actually, a safe, clean environment is one of the key issues that people care about. From a distant position in Whitehall, a diktat telling people what they can do and what they cannot do is unlikely to have a significant impact on it. Enabling people to actually take control themselves and having to demonstrate their pride in their community and their place, the challenge that they can put in, the laws and the fines that can be put against persistent abusers of that place is the right thing to do. They need to have confidence that the mechanisms are right to be able to do it. I am sure neighbourhood forums, parish council meetings, every single one, if you talked about what their top priority was, litter and their environmental place was nearly always one of their key priorities, if not the key priority.

Q336 Simon Danczuk: Just before I bring in Minister Rogerson, just a final point really: this Government has talked a lot about the need to nudge people to change their behaviour. Why does the Government not embrace a national programme, suggested by Keep Britain Tidy, to really hammer home the need for that small minority of people to change their behaviour? Why do you not have a national initiative that pushes that message?

Dan Rogerson: One thing Keep Britain Tidy has done and we have funded some work—

Simon Danczuk: You stop funding them in two months' time.

Dan Rogerson: We funded some work recently with them looking at what local authorities are doing well. They have awards every year to share best practice and highlight things that have worked very well in those areas. We need to take those schemes that have worked and make sure, by working with the Local Government Association and others, that that information is there, so that other people can benefit from that learning.

Q337 Mark Pawsey: I have one final question to Dan, which is that the Government is about to introduce a plastic bag levy that will come into place later on this year. I understand that that is a device to reduce consumption rather than littering. Does the Minister agree with

INCPEN that there is no correlation between the number of bags used and the amount that get littered?

Dan Rogerson: There will be a number of factors but, clearly, if you have reduced the number of bags out there, then there are fewer of them to end up in that environment. It is also why the Government has commissioned research on biodegradability of bags to see if there are products—at the moment, we have not yet had one—that could be exempt from that charge in order to encourage the use of those so that, if they do find their way into the environment because of irresponsible use of those bags, they would degrade and not cause a long-lasting problem.

Mark Pawsey: That is a separate issue. Is the intention of the levy not to reduce the amount of littering? Do you agree with INCPEN?

Dan Rogerson: The intention of the levy is to reduce the use of those single-use plastic bags and there are a number of benefits about carbon that you are avoiding. Litter is one of those issues as well.

Mark Pawsey: You do not accept the premise of INCPEN?

Dan Rogerson: It is one of the outcomes we hope will be delivered. We have all seen how long those bags last and how annoying they are for the environment. If there is a value attached to them and people do decide to pay and use those bags, and then reuse them for other uses in a better way, then that has to be much better.

Q338 Chair: Finally, it is interesting going back to your suggested levy, still to be agreed by the Treasury, on tobacco products. Presumably, if that is directly related to the fact that those products form quite a large part of litter, the money collected from the levy would go back to local authorities to enable them to help collect that litter.

Kris Hopkins: That is the purpose of writing our letter. At the end of the day, I am writing it because I know there is a huge burden upon local authorities. I have asked the question and I would like to see a positive incentive for local authorities. Just for clarity, the organisation that does not think it will have an impact on plastic bags of course is the manufacturer of plastic bags organisation, is it not?

Mark Pawsey: It is a body representing the manufacturers.

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