

**1. Written evidence submitted on behalf of the Warwickshire Waste Partnership, which is comprised of the 6 local Authorities in Warwickshire, namely North Warwickshire Borough Council, Nuneaton & Bedworth Borough Council, Rugby Borough Council, Stratford upon Avon District Council, Warwick District Council and Warwickshire County Council.**

2. The collective Councils within the Warwickshire Waste partnership are pleased to see that Government is again reviewing the issues of litter and fly-tipping as these are problems that blight all of our communities and have a significant impact on all of us. We have tried to use the recommended format for responses to inquiries.

**3. Executive Summary of key points**

4. Despite repeated efforts litter authorities are unable to establish effective partnerships, co-ordination and communication with the Highways Authority and their contractors.
5. The costs associated with litter removal and implementing safe methods of working on trunk roads is disproportionately expensive for district & borough councils.
6. The variation of response time / standards for other land owners and statutory bodies causes confusion and dissatisfaction to the public. As the land is usually visible or accessible to the public, they direct their irritation at the litter authority.
7. The law currently prevents effective enforcement action to be taken against littering from vehicles.
8. The existing balance of regulation is adding costs to legitimate operators but is not a sufficient deterrent to illegal operators as they have a very low real risk of being caught.
9. The public and communities are increasingly intolerant about their environments being spoiled by littering, fly-tipping of waste and other environmental crimes. There are opportunities to mobilise this feeling to rebuild communities and pride in where people live.

10. Consider the creation of a “duty to co-operate” placed upon all statutory and enforcement agencies to address waste matters in an area.
11. There is a need for investment into a co-ordinated national campaign to address litter and fly tipping
12. We have tried to structure our response by taking the 4 specific questions that were posed in the introduction to the inquiry.

**13. What problems do litter and fly-tipping create for local communities - is the situation improving or deteriorating?**

14. In parts of the county, our councils have seen a rise of almost 40% in the number of reported fly tipping incidents, so there is clear evidence that the situation is deteriorating significantly. A significant volume of this is commercial waste arising from businesses in Coventry that is being exported over our borders, where the more rural nature of Warwickshire makes the illegal dumping easier.
15. There is plenty of research from many august bodies including Tidy Britain Group that clearly evidences the negative social, economic and environmental impact of litter and fly tipping has on communities. The presence of litter etc. to create a lower local environmental quality also has a negative impact on health and wellbeing, as it deters people from spending time outside, socialising and interacting as a community. In addition areas blighted by litter are also more likely to have higher rates of crime; this may also be associated to relative levels of indices of deprivation and socio-economics.
16. When assessing the impact of fly tipping, the group that is often overlooked but significantly affected, are the vast majority of legitimate traders that comply with the legal requirements around their waste. The costs of compliance add to their overheads and provide a significant commercial advantage to the unscrupulous and illegal operators.
17. It is too early to know if the revised sentencing guidelines will have any deterrent effect on the criminal element, however unless collectively all enforcement agencies and partners put more resources in to “catch and convict” activities it will never have the opportunity to make an impact.

**18. How effective are the actions of those responsible for managing waste in the local environment? What more should local councils, the Environment Agency, and Government funded bodies such as WRAP do?**

19. It is always easy to say that councils should do more and for the vast majority of the population this is the default position. Litter is seen as the council's problem. The mantra often repeated to us along the lines of "Councils don't provide enough bins, or in the right locations", "they restrict what and how waste can be disposed of in our bins", "they don't let us dump it at local household waste sites – so what do they expect", and, "they don't pick up the litter often enough".
20. Local authorities currently spend in the region of £1 Billion per annum clearing waste. This level of expenditure could easily be doubled, we could have litter bins on every lamp column and street corner and there would still be a visible problem of litter and fly tipping in and around our communities.
21. The challenge for us all is to try to shift the focus of the discussion away, in parts, from what councils etc. could or should do and on to the aspect of personal responsibility. It is an individual that drops the litter or fly tips and until we all as a society take the responsibility of challenging littering behaviours, we permit these vandals to destroy our local environments.
22. The quotation "The only thing necessary for the triumph of evil is for good men to do nothing", comes to mind as an analogy for solving this societal problem.
23. The Partnership considers that currently there is a significant structural problem around the effectiveness of those with land management responsibilities for litter that is damaging the environmental and public confidence in our individual and collective efforts to address litter.
24. The current framework allows various bodies significantly different periods and standards. These are often in areas adjacent to areas where councils have responsibilities. This frequently allows the other land managers, like Network Rail, utility companies and private owners, to provide an on-going reservoir of litter to repeatedly be blown on to the areas of land where councils have responsibility, shorter responses times and higher standards. This results in the repeated treatment of the symptoms rather than tackling the cause.
25. The public do not understand the distinction and councils get the complaints, while the areas in question continue to act as a magnet for more litter and fly-tipping on neighbouring land (which we usually have to clean) and can be a source of immense frustration as our usual powers under the Environmental

Protection Act or Environment Act do not apply to many of the statutory undertakers.

26. There is no requirement for adjoining land managers to co-operate, so it is extremely difficult to effectively manage the “public” street scene to a high quality. This disconnection results in the inability to cleanse a defined geographical area effectively, as there is often a reservoir of litter and waste left to contaminate the clean area almost immediately.
27. Although national land managers like the Highways Agency make frequent policy statements emphasising their willingness to participate in partnership working, in our experiences these do not translate in to real action on the ground. The “local” contacts are at best in a regional centre remote from our communities and the nominated contact (if one can be identified), perhaps with some justification, sees this type of activity as a low priority.
28. There are a host of practical issues that makes our ability to address litter on highways, especially trunk roads, ineffective. It is accepted that we all must ensure the safety of both road users and our operatives; however for litter authorities like those in Warwickshire, this has a significant and disproportionate cost.
29. The average cost for Road Traffic Management of one full lane closure is around £1500 (per day). Closures in one form or another are essential for most sweeping and litter picking operations across the network within our area and the HA Contractors we work alongside rightly insist on their use.
30. Recently one of our councils cleansed an 11 mile section (5.5 each way) of the A46 on the edge of Coventry. This exercise took 5 operatives 17 days to complete (A resource bill of 85 operative days); the amount of litter and waste collected was around 6 tonnes. The costs for this were around £22,000 or £2,000 per mile.
31. When this operation had been completed all councils in Warwickshire received a letter from the Highways Agency contractors threatening court action under the Environmental Protection Act in relation to litter clearance. When this was challenged, the response was that they (the contractor) had not inspected any areas and these letters were “just standard letters”. Whilst we have requested to meet with the Highways Agency and their contractors after these letters in order to try to develop an effective working relationship, there has been no response to us.
32. For many councils faced with tough spending choices, it is understandable that many will elect to spend their limited resources where they have most visible impact and value for money. This will be in the communities where their residents live and work rather than along busy trunk roads, where their impact is short lived and probably largely unnoticed.

33. The reduction in Highway Authorities' resources for activities like verge cutting has reduced the opportunity for regular and/or routine planned lane closures. For example, on parts of the A5, there used to be three full lane closures a year on lane ones & two, east and westbound. This area now only gets one full closures per annum.
34. In addition to the problems of access caused by the reduction in the grass cutting frequencies, there is the knock-on impact of the overgrown verges becoming too hazardous to litter pick. Previously, when the frequency and standard of verge maintenance was higher, the Council was able to litter pick the highway verges adjacent to lane one without associated lane closures.
35. Since the Highways Agency contractors have reduced the quantity of cuts it has created health and safety issues for our workers on foot because of trip hazards due to the length of vegetation and reduced visibility of the ground surface. This, in turn, has led to increased amounts of litter being shredded when the verges are finally cut.
36. If it was possible to co-ordinate joint working where there are lane closures on our part of the network then much more effective use of resources could be achieved. We have all even rescheduled our cleansing operatives to work alongside Highways Agency contractors through the night when we are given sufficient notice of such closures. However, it is increasing uncommon for us to be consulted and asked to share the benefit of the planned lane closures.
37. One practical solution to improving these issues would to transfer the responsibility for litter and detritus on all trunk roads to the Highways Authority. They have responsibility for all other matters on these roads and would remove this disproportionate burden from local authorities.
38. The additional costs of regulation placed upon legitimate business and local authorities by EU and UK waste compliance frameworks create practical challenges to legitimate businesses and increase the competitive advantage to the unscrupulous ones. There needs to be a more effective investment into enforcement action to show legitimate business that those operating outside of the law will actually be caught and convicted.
39. These local enforcement partnerships do happen but to be effective these arrangements and requirements to co-operate need to be more formalised.
40. One other area of practical difficulty in areas where there is, or has been, significant development is in respect to unadopted land. This is an issue within housing and commercial developments where the public have access, yet the land remains in private ownership. This situation can exist for many years due to some the complexities around land and highway adoption processes and costs. Currently it is wholly a matter for the developer to determine if or when they wish to have land adopted.

41. This situation can result in high profile and highly populated areas not benefiting from council cleansing services and no litter bin provision, unless the developer works with the local council on such matters.

**42. Does the current statute, regulation and guidance set an effective framework to minimise litter and fly-tipping. What, if any, further changes are required?**

43. There is a significant administrative burden on local councils imposed by the requirements to populate national data systems such as waste data flow and fly capture. These offer very little practical benefit to ourselves, but absorb relatively high levels of resource that has to be diverted away from addressing the practical issues on the ground.

44. One of the biggest impacts that would enable a step change in challenging littering behaviours would be to make the registered keeper of a vehicle responsible for littering behaviours from the vehicle. Currently, if we wish to undertake any enforcement action for litter from a vehicle we must be able to prove beyond all reasonable doubt that a specific individual actually committed the offence.

45. For offences involving a moving vehicle this is practically impossible, however, it is easy and simple to trace the registered keeper. Currently, if the keeper declines to admit liability or identify the offender then there is little more that perhaps can be achieved. Although it may be argued that just contacting the keeper might result in a behavioural change from one or more individuals.

46. In the absence of actual legislation to facilitate the keeper to provide this information, it is possible to resort to the requirement to provide information under Section 108 of the Environment Act 1995. This can effectively mean that the keeper could be prosecuted for obstruction if they do not identify the offender. However this is quite resource intensive and rarely undertaken.

47. A practical route to improve our ability to address litter from vehicles would be to require (or at least “strongly encourage” voluntary action) to print vehicle registration details on all drive through and fuel receipts. The receipts are often discarded with the contents of the branded take-away packaging. This simple step would make it very easy to trace the origin of the discarded packaging. If this was then supported by enhancing the connection for responsibility to the registered keepers [as outlined above] there would be, we believe a significant reduction in the amount of fast food litter discarded in inappropriate ways.

**48. What roles do and should the private citizen and campaign and action groups have in tackling litter?**

49. Our citizens are increasingly intolerant about their environments being spoiled by waste and other environmental crimes. We know this from the increasing number of reports that we receive directly about such matters, from feedback from elected representatives (Councillors and MPs) and local community meetings.
50. One of the single biggest issues is related to local environmental quality crimes such as litter, fly tipping and dog fouling. Whilst we endeavour to try to keep our streets and open spaces as free from litter etc. as is practicable, it is impossible to maintain all land in an immaculate condition all of the time.
51. This is an issue of public behaviour, where a minority of individuals despoil and deface our green and pleasant land to the detriment and annoyance of the many. We all have many members of staff that are out and about in our areas taking enforcement action for these sorts of offences, however our staff cannot be in all places at all times. In total an average local district / borough council perhaps employees around 300 to 500 people, yet we probably have over 100,000 residents – we need everyone to take an active interest.
52. We will all encourage our citizens to play a more active role in assisting us by being vigilant and report offences and offenders to us. By doing this we can begin to address the behaviours of the mindless minority and where we have evidence we will need to take action.
53. If we can harness this interest then there are opportunities to re-engage and rebuild communities and foster pride in where people live.
54. As we stated earlier, it is all too easy to point the finger of responsibility to one or more agency, but none of these actually cause the problem. It is important that through organisations like the Tidy Britain Group, WRAP and Lets do it UK that we develop a co-ordinated national campaign to address the behaviours of the individuals towards litter and fly tipping.
55. “Let’s do it” is an international movement which in other parts of Europe has been able to evidence unprecedented levels of community engagement and involvement in improving local environments with sustained long term reductions in littering and fly tipping as a result. The UK movement is still developing and perhaps if all of these like-minded organisations were able to produce a national consolidated message, perhaps through the various funding streams from Defra, then perhaps we can harness public engagement on this important issue.