

Where Are We Now? A Reflection on Sixty Years of Keeping England Tidy

This is our Home:
Evidence Paper One
(Of Four Papers)

March 2010



About Keep Britain Tidy

Keep Britain Tidy is an environmental charity working to achieve cleaner, greener places for everyone. We campaign in England against litter and neglect, providing advice and leading others by inspiring practical action and better policy. With our origins in the 1950s anti-litter campaigns, we now focus on the range of issues affecting where people live including fly-tipping, fly-posting, graffiti, antisocial behaviour and abandoned vehicles. We run programmes such as Eco-Schools, Blue Flag and Quality Coast Awards for beaches, and the Green Flag for parks to demonstrate practical action. We are part funded through Government and other income is secured through training, consultancy and sponsorship. For more information on how you can make a change visit www.keepbritaintidy.org.

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Introduction

This paper is the first of a set of four evidence papers which support Keep Britain Tidy's document *This is our home – A manifesto for a cleaner England*. The evidence papers may be read in isolation or as a series of supporting evidence papers which provides the evidence base for the challenges and key principles for delivering change. They can all be found at www.keepbritaintidy.org/ourhome.

Each paper includes recommendations drawn from the evidence base which support the delivery of the headline challenges outlined in *This is our home*. In order to allow the reader to understand the full range of recommendations, whether they read one or all four evidence papers, the full list of recommendations is included following the executive summary of each evidence paper.

The approach adopted in undertaking the manifesto research utilised the principles of Rapid Evidence Assessment (Butler *et al*, 2009). A primary literature review of both hard and electronic materials was undertaken and utilising a snowball approach this led the research team to secondary materials cited in the primary literature. The key themes from the manifesto were subsequently developed on the outcomes of this literature review in tandem with the output of a special plenary at the 2009 Cleaner, Safer, Greener Conference in Brighton which asked delegates to discuss their key issues regarding local environmental quality. The key themes were then tested with key stakeholders identified at the outset of the project from the public, private and third sector through a variety of stakeholder events including three *manifesto conversation* seminars and internal Keep Britain Tidy seminars.

Executive Summary

The fight against littering began with the Campaign for the Protection of Rural England (CPRE) and Women's Institute raising the issue of litter problems at beauty spots such as the Lake District prior to the Second World War. This was followed by the establishment of the Keep Britain Tidy Group in 1954 and from the 1970s onwards an increasing focus on campaigns and legislation including the landmark Environmental Protection Act in 1990. The last decade has seen littering linked with a wider local environmental quality agenda and how it can impact on quality of life and antisocial behaviour.

Local environmental quality matters to local people and this has been demonstrated in survey after survey and more recently through the first results from the new place survey. The rise of liveability in the early part of the noughties led to a plethora of policy initiatives from across government through the *Living Places* series of papers which eventually led to the creation of the Clean Neighbourhoods and Environment Act (CNEA) in 2005. Whilst the CNEA did lead to an increase in the range of powers to local authorities, four years on from its introduction, there are questions as to whether local authorities are fully utilising these powers.

Recent results from the national Local Environmental Quality Survey of England suggest that local environmental quality standards have reached a plateau. There remain recurring challenges, however, in areas including industrial areas, high density housing, footpaths and alley ways. Smoking related litter remains the most problematic litter type. This overall plateau is against a backdrop of societal changes over the last 30 years including increases in the amount of waste we throw away to the rise of fast food and more recently the indoor smoking ban. It is difficult to compare the state of England today against other countries due to different methodologies but there is merit in developing systems which will allow this in the future.

Recommendations

Evidence Paper One: Where Are We Now? A Reflection on Sixty Years of Keeping England Tidy

Recommendation 1: Government should review the legislative framework surrounding litter in aquatic environments.

Recommendation 2: Government should review the legislative framework surrounding littering from vehicles and the potential for introducing a penalty point on driving licences for littering offences.

Recommendation 3: Keep Britain Tidy should review worldwide best practice to identify alternative survey methods to provide comparative data on absolute litter levels in order to compare litter levels in England with other countries.

Recommendation 4: Keep Britain Tidy to review worldwide best practice to identify the proportion of unintentional and deliberate littering in England.

Evidence Paper Two: Making the Links – The Importance of Cleaner, Greener Places

Recommendation 5: Research should be conducted to determine the relationship between local environmental quality and health impacts.

Recommendation 6: A gold standard award should be developed for the best managed places following the recommendations of *World Class Places*.

Recommendation 7: Statutory litter appraisals should be introduced for significant development projects.

Recommendation 8: Drive up standards of local environmental management by housing providers, if necessary through legislation.

Recommendation 9: The coalescing of National Indicators around a Quality of Place framework should be considered by Government as proposed in *World Class Places*.

Evidence Paper Three: Delivering Improved Local Environmental Quality

Recommendation 10: Local authorities, Primary Care Trusts and schools should work together to implement clean school routes in order to encourage walking and reduce littering behaviour by school children.

Recommendation 11: Long-term evaluations of environmental education programmes are required in order to empirically assess their long-term impact on pro environmental behaviours (particularly around littering).

Recommendation 12: Further research is required to better understand the effectiveness of longer-term campaigns on the public's values, norms and behaviours regarding littering.

Recommendation 13: Further research is required to understand the role of bin design and location on usage levels by the public to improve their effectiveness.

Recommendation 14: That Government commissions further research into the potential effectiveness of PET refillables with a long-term view of introducing a deposit scheme for this and other materials that aids reductions in litter.

Recommendation 15: Commission research to determine the correlation between enforcement and litter reduction and the effectiveness of the fixed penalty notice system on deterring littering behaviour.

Recommendation 16: Further research into the media's reaction to using enforcement as a deterrent against littering and any consequential links to the public's reaction and behaviour.

Recommendation 17: Ensure local authorities have confidence in the court system by ensuring Magistrates understand the full implications of crimes relating to the public realm when hearing cases and sentencing offenders.

Evidence Paper Four: Taking the Lead – Inspiring Cleaner, Greener Places

Recommendation 18: Keep Britain Tidy will investigate the viability of an institute of local environmental quality officers with other relevant professional institutes and training organisations in order to improve skills in the local environmental quality sector.

Recommendation 19: Keep Britain Tidy and other environmental organisations to work together to support the establishment of a network of Green Academies in England to deliver the next generation of environmental professionals.

An Age Old Problem

Litter has existed since the dawn of the industrial revolution whilst graffiti has existed since earliest recorded time. The last 100 years has seen the fight move from a focus on just litter to a more holistic approach which Keep Britain Tidy refers to as local environmental quality¹.

Jack (2005) identifies three distinct phases in the fight against litter in the 20th century:

1. Pre-Second World War
2. The 1950s
3. The 1970s

The story of the emergence of litter as a social problem can be traced back to the emergence of the industrial economy in the 20th century. It is reported that litter was removed from the street along with horse dung in the 19th century. However, the developing industrial economy reduced reliance on horses for transportation and, as a result, uncontrolled and uncollected litter previously collected along with horse dung built up in ever increasing volumes (Jack, 2005).

From the early 1930s the Campaign for the Protection of Rural England (CPRE) were concerned with the emergence of litter at beauty spots. This was due to developments in transportation which increased the number of people from industrial cities visiting places such as the Lake District and Peak District (Jack, 2005). The Women's Institute were also active supporters of anti-litter initiatives, but in a propagandist manner which alienated rather than encouraged visitors to dispose of litter responsibly. One story tells how visitors travelling to a beauty spot by bus attempted to knock over anti-littering signs by throwing rubbish at them and Women's Institute members (Jack, 2005).

The second phase began with the launch of the first national anti-littering campaigns at the Festival of Britain in 1951 which saw the launch of the Keep Britain Tidy logo at a cost of £700 (The Times, 1951). This was followed in 1954 by the inauguration of a

¹ We define local environmental quality as being the physical condition of the local environment to which the public has access or which they can see, whether publicly or privately owned – relating to general appearance as well as the management and maintenance standards which are evident.

campaign to establish the Keep Britain Tidy Group. The Women's Institute worked with the Central Office of Information with the aim of preserving the countryside against desecration. Essentially a refinement of previously failed campaigns, the emergence of the Keep Britain Tidy Group took place in tandem with the development of a new enthusiasm at local government level for litter abatement programmes (Jack, 2005).

As branding and packaging of consumer goods increased in the 1950s and 1960s, local authorities found themselves increasingly involved in tackling litter as the assumed moral authority of parents, teachers and employers was seen as waning (Jack, 2005). Some local authorities took on their new role with relish and early interventions appear almost contemporary in their nature – ranging from anti-litter weeks and clean-up drives using techniques from withdrawing street cleansing services for a week to recruiting local women to espouse the importance of disposing of litter responsibly (Jack, 2005).

It was also during the 1960s that academia began to consider the themes of dirt and cleanliness as a discourse. Mary Douglas (1966) is credited with introducing the topic of dirt and cleanliness to a wider academic readership. Douglas defines dirt as matter out of place and argues that cleanliness and contamination, pollution and prohibition are part of a classification system used by all cultures to police boundaries (Campkin and Cox, 2007). Douglas reiterates this view in the final edition of her landmark book *Purity and Danger* in which she argues that everyone universally finds dirt 'offensive' (Douglas, 1966). This definition, it is argued, helps us to better understand the processes by which places are kept in an orderly state through street cleansing and the special, symbolic and physical 'sanitization' processes associated with gentrification and driven by flows of capital (Campkin, 2007). Campkin further notes that dirt is equivalent to shifting categories of disorder, ambiguity, anomaly and impurity which causes anxiety by disrupting the 'normal' ordered relation through which we understand the world.

A Litter Act was proposed during the early 1950s and received widespread support – in particular the use of fines. However, the legislation was overly complex and was not supported by Parliament as the rights of an individual to drop litter were viewed as more important than the right of an individual to walk down clean streets (Jack, 2005). In 1958 the first Litter Act was introduced.

It is noted that since the 1950s, the status and importance of the concept of cleansing has fallen as a result of less time being available to undertake cleansing activity. As a consequence, cleansing activity has increasingly been cost driven as opposed to driven by quality (ENCAMS, 2004).

The third phase, from the 1970s onwards, saw the growing proliferation of litter being tied to wider environmental issues such as deforestation and pollution. This period saw litter being viewed as more of a waste problem, with the role of producers and packaging being central to attempts to reduce the amount of littering (Jack, 2009). This has been followed by a move in recent years from the propaganda campaign approach used to deter littering since the 1930s through to a personalisation of litter onto the individual to take responsibility through targeted campaigns. This has been reflected in the market segmentation approach to campaigning utilised by Keep Britain Tidy since 2002 (for more details see evidence paper three). The legislative framework was also developed during this third phase with the introduction of the Refuse Disposal (Amenity) Act 1978 for tackling abandoned vehicles and the Litter Act 1983, followed by the Environmental Protection Act 1990 which, for the first time, made it an offence to drop litter and introduced a legislative framework for the issuing of fines and fixed penalty notices. It also placed a duty on relevant bodies to keep relevant land clear of litter and refuse and revised fly-tipping legislation (Environmental Protection Act, 1990).

It could well be argued that during the past decade we have entered a fourth phase in which littering is viewed as part of a wider body of evidence around local environmental quality. This can be defined as being the physical condition of the local environment to which the public has access or which they can see, whether publicly or privately owned and relates both to general appearance as well as to the management and maintenance standards which are evident. This definition looks at how littering (in addition to other local environmental quality measures such as graffiti and fly-posting) can impact on quality of life, social exclusion, antisocial behaviour and, in the last couple of years, the health agenda. The New Local Government Network (2009) defines these wider definitions through a concept of '*street scene*' and is seen as referring to the external public living spaces that we see and use every day, such as streets, parks, open spaces and transport infrastructure. Street scene services include: litter/street cleaning; refuse collection; dog fouling; vandalism; roads and pavements; antisocial behaviour; fly-tipping; litter bins; footpaths and pavements; and public conveniences. This widening of the local

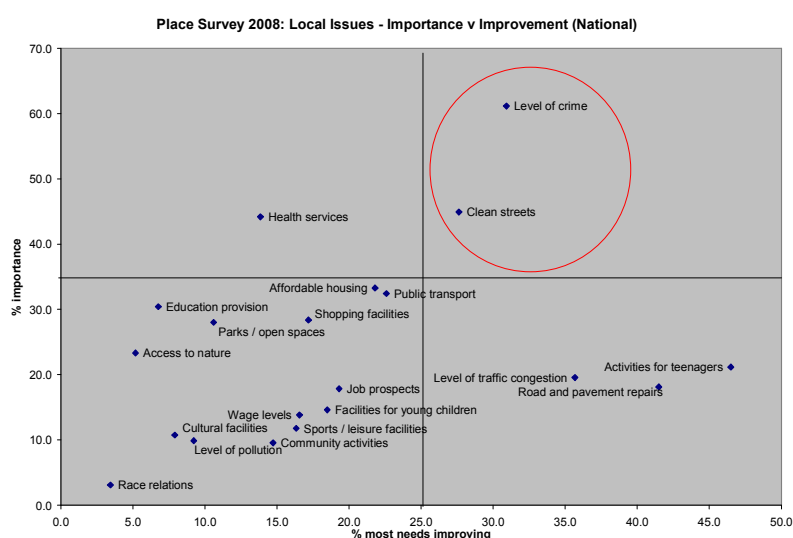
environmental quality agenda from just litter occurred during the late 1990s and early 2000s in tandem with a plethora of policy reviews around the importance of high quality local places. These initiatives included *Towards an Urban Renaissance* by the Urban Task Force which looked at the role of design and urban regeneration (Office of the Deputy Prime Minister (ODPM), 1999) and the *Green Spaces, Better Places* report by the Urban Green Spaces Task Force which undertook a wide ranging review of the state of green spaces (Department for Transport, Local Government and the Regions (DTLR), 2002).

Why Does Local Environmental Quality Matter?

Throughout the 2000s clean streets and local environmental quality issues have remained an important concern for the public. This importance has been recently underlined in the first results from the new *Place Survey*. Questions one and two of the *Place Survey 2008* list a series of local issues and ask respondents to select five of the issues they think are the most important in 'making somewhere a good place to live'. Next they selected five of the same issues which they think are most in need of improvement. Thus, the issues that rate highly for both importance and need for improvement can be regarded as particular priorities to be tackled.

Nationally, the highest priority issues according to Keep Britain Tidy's analysis of the *Place Survey* are levels of crime and having clean streets (Figure 1). Having clean streets was one of the most important issues for 45% of respondents and over a quarter (28%) said it was one of the issues most in need of improvement.

Figure 1: Priority issues from the Place Survey 2008



The results of the *Place Survey* underline a number of public perception surveys which have underlined the importance of local environmental quality for the public. In 2002, research noted that over half of the people surveyed would be willing to pay extra council tax per year to improve their local area and that general cleanliness was the issue respondents would most like to change about their local area (CABE, 2002). Research by MORI in 2002 also flagged up the public's concerns regarding local environmental quality issues. When asked what makes a good place to live the public stated crime (56%), health (39%) and decent housing (37%) as a priority at the expense of place and quality of life issues which were ranked much lower: clean streets (24%), access to nature (17%) and open spaces (16%). However, priorities for improvement focused much more on place and quality of life issues such as clean streets than issues such as education and health (MORI, 2002).

These studies usefully chart the beginnings of the concept of liveability in public policy discourse which is that which is viewed through every person's eyes (such as clean streets) rather than health and education which tends to be received second-hand through the media. It is commented that liveability concentrates on '*the public realm and the built environment, in terms of both observed outcomes and citizens' perceptions of their local urban environment*' (Department for Communities and Local Government (DCLG), 2006: p15). Liveability is defined by DCLG (2006: p8) as being '*about how easy a place is to use and how safe it feels. It is about creating – and maintaining – a sense of place by creating an environment that is both interesting and enjoyable*'.

The result of this public concern saw the development of a range of policy initiatives to tackle wider liveability issues and seek policy and legislative solutions through what would eventually become the Clean Neighbourhoods and Environment Act 2005² (CNEA). The starting point for the production of the CNEA 2005 and associated actions across Government was a speech by Tony Blair in 2001 in which he stated:

'We need stronger local communities and an improved quality of life. Streets where parents feel safe to let their children walk to school. Where people want to use the parks. Where graffiti, vandalism, litter and dereliction is not tolerated.' (Tony Blair, Prime Minister, Croydon, 2001).

This was followed by an inter-departmental review – as part of the 2002 Spending Review – of policies, funding streams and targets that had an impact on the public realm. The first published step of this process was the production of the White Paper *Living Places – Cleaner, Safer, Greener* in 2002 by the then Office of the Deputy Prime Minister (ODPM) in collaboration with other government departments. *Living Places* not only drew on the inter-departmental review but on the work undertaken following the Urban White Paper and also comprised the government's response to the final report of the Urban Green Spaces Taskforce - *Green Spaces, Better Places*.

Living Places reviewed the main policies for each government department which had a bearing on the public realm, considered the importance of green spaces and put forward proposals for further government action in this area. It identified the following four challenges to achieving high quality public spaces (ODPM 2002):

- Public space is not a single definable service
- Local environmental problems can feed off each other
- Problems need to be tackled where they are worst
- Circumstances can change quickly

The work of the Urban Green Spaces Taskforce and inter-departmental review identified five components for success in delivering high quality public spaces (ODPM, 2002).

² Hereafter referred to as CNEA 2005.

The five components were:

1. Leadership – vital for profile and allocating resources
2. Partnership – important for managing the distribution of ownership and responsibilities regarding the public realm
3. Community involvement – crucial for developing ownership and providing long-term sustainability
4. Quality and innovation – can focus minds on design issues and can achieve good value
5. Communicating ideas – through both listening and providing information via through community consultation

Living Places concluded with a five-year action plan to improve structures, legislation, policies and funding in order to raise local environmental quality standards and to meet commitments relating to green spaces. The action plan identified four key areas which included: getting the basics right (reviewing legislation and policy frameworks); tackling the problems of deprived areas (targeting of resources); tackling the needs of urban green parks and open spaces (the establishment of CAFE Space amongst other things) and communicating ideas and promoting best practice (raising awareness of public space issues).

Living Places provided a useful reference point in time for current activities and an agenda for future actions to improve public spaces. However, following its publication the various delivery actions quickly diffused across government departments and agencies, although the glue of the inter-Ministerial group and the subsequent Public Service Agreement 8 maintained some of the links made in the White Paper. It is important to note that the five components for success in delivering improved public spaces recognised in the White Paper are equally as valid in 2010 and beyond as they were in 2002. The role of Public Service Agreement 8 – Liveability is recognised for focusing investment and attention on liveability concerns through national indicators. However, it is recognised that liveability is as much about perception as it is about observed outcomes (DCLG, 2006). PSA 8 came to an end in early 2009.

Legislative Development – From Living Places to the Clean Neighbourhood & Environment Act 2005

The Department for Environment, Food and Rural Affairs (Defra) published a consultation paper entitled *Living Places – Powers, Rights and Responsibilities* at the same time as the *Living Places – Cleaner, Safer, Greener* White Paper. This paper reviewed the legislative framework for providing and maintaining clean and safe public spaces following consultation with other government departments and key service providers. These discussions led to the paper concluding that the legislative framework of powers, duties and guidance relating to public spaces was failing to improve or maintain acceptable standards (Defra, 2002). Three main causes of this situation were identified (Defra 2002: p2):

- Confusion and misunderstanding creating an institutional barrier within and between service providers that promotes fragmentation and prevents co-ordinated and timely action
- Public unawareness of rights and responsibilities
- Prosecutions are costly and the sentences are variable

These causes recognised the problem that statutory responsibilities for public spaces lie with a number of different public bodies and responsibilities extend to commercial and private spaces and to citizens to act considerately within their own space (Defra, 2002).

In order to tackle these causes the paper announced five policy objectives. These were:

1. Realignment and extension of duties and powers to those public bodies with the greatest incentive for making improvements
2. More robust and flexible powers for duty bodies to meet their responsibilities and to recover the costs of doing so
3. Reinforce local authorities strategic responsibility in statute to ensure more co-ordinated service delivery

4. Improved mechanisms for aggrieved persons to obtain redress
5. Improving communication: clearer guidance, working relationships and sharing of best practice

The consultation paper concluded that the biggest barrier to an improved public realm was the failure of any one body to provide a strategic lead. It is suggested that implicit in the legal framework and people's expectations is the strategic role of the local authority in managing the safety and cleanliness of the majority of public spaces. However, this may not always be well defined in statute (Defra, 2002). It was intended that the strategic responsibility of local authorities would be the underlying principle by which the rationalisation of the legislative framework proposed would be delivered (Defra, 2002). The importance of the strategic responsibility of local authorities was also referred to in the final recommendations of the Urban Task Force with regards to the whole urban environment (ODPM, 1999).

The importance of a strategic view was also noted at the Committee Stage of the Clean Neighbourhoods and Environment Bill and by the Environmental Audit Committee. *'The Environmental Audit Committee report also recommended that "war on local environmental blight has to be mainstreamed within local authorities." It is essential that it becomes a mainstream issue. It should not be something that we deal with after we have dealt with everything else.'* (Sue Doughty MP, House of Commons, 2005a Col. 16).

There were 254 responses to the *Living Places* consultation with the vast majority received from local authorities (41%), followed by societies and associations (28%) and public sector bodies (16%) (Defra, 2003). Stakeholders were also consulted through regional seminars which attracted over 300 delegates. Overall, there was strong support for the changes proposed in the consultation although the costs associated with utilising the new powers were of general concern (Table 1) (Defra, 2003). The majority of the 27 proposals were put forward for development through the Clean Neighbourhoods and Environment Bill but proposals regarding the sale of aerosol paints and extending the ability to issue fixed penalty notices beyond littering and dog offences were included in the 2003 Antisocial Behaviour Act.

Table 1: Living Places – Powers, Rights and Responsibilities – Proposals and responses (Defra, 2003)

Proposal	Response
Extending the right to fixed penalty notices to non local authority employees	Training implications
Defining gum as litter	Role of chewing gum manufacturers in contributing to the cost of clearance through a national education campaign as a preventative measure
Defacement Removal Notices	Costs to utility companies of keeping utility boxes clear of graffiti can cost up to £1m per annum
Extending the litter duty to aquatic environments	Majority of respondents supported statutory route but concerns over health and safety and potential cost
	Strong support for local authorities to intervene on all land including Crown and statutory undertakers
	Highlight the use of the Town and Country Planning Act 1990 s.215-219 to tackle private land adversely affecting the amenity of an area and that it can apply to litter and refuse
Strategic guidance document	Use of clearer guidance and good practice through a strategic document which received the most favourable feedback
General feedback on proposals	<ul style="list-style-type: none"> • Magistrates not always awarding heavy enough fines and '<i>Costing the Earth – Guidance for sentencers</i>' not being widely known • The importance of political will in determining the level of enforcement activity undertaken and resources allocated towards it • The importance of education, campaigns and communication

The importance of training regarding the issuing of fixed penalty notices (highlighted in Table 1) was also picked up during the Committee stage of the Clean Neighbourhoods and Environment Bill. *'...there needs to be appropriate training for those issuing fixed penalty notices. It needs to be appropriate to the activities being undertaken and the locality of the work. There will be big differences throughout the country.'* (Alun Michael, Minister for Rural Affairs and Local Environmental Quality, House of Commons, 2005b, Col.69). The retention of fixed penalty notice receipts by local authorities was also viewed as *'fundraising measures, but as making a contribution to local authorities' enforcement costs in problem areas.'* (Alun Michael, Minister for Rural Affairs and Local Environmental Quality, House of Commons, 2005b, Col.72).

The issue of gum (highlighted in Table 1) was also heavily debated during the second reading of the Clean Neighbourhoods and Environment Bill and an amendment was proposed which would make the Secretary of State *'consult with litter authorities and other persons and bodies as appropriate regarding – (a) the most effective methods for removing discarded chewing gum and the remains of discarded chewing gum, and (b) how producers and consumers may be made jointly responsible for the disposal of discarded chewing gum and the remains of discarded chewing gum and shall publish the results of that consultation.'* (House of Commons, 2005c: Col. 50). The amendment was defeated by 268 votes to 120. Other ideas discussed during the second reading included a gum levy of one penny on each pack of chewing gum which would be fed back to local authorities. This was based on evidence from a survey of the 33 London Boroughs by the London Assembly Liberal Democrat Group which stated that 81% of people believe that chewing gum companies should concentrate on developing biodegradable gum and 53% didn't believe fines would reduce the amount of chewing gum discarded. It also stated that London Underground spent £2m a year and councils £2.3m per year on cleaning up gum (Sue Doughty MP, House of Commons, 2005, Col. 56-57c).

Clean Neighbourhoods and Environment Bill Consultation

The Clean Neighbourhoods consultation was launched in July 2004 and the Bill was published in December of that year. The consultation put forward 35 proposals and a total of 533 responses were received. Once again, local authorities were the highest group of respondents (35%) followed by members of the public (28.5%) and parish

councils (15%). Litter related proposals were particularly well supported and businesses flagged up concerns regarding potential cleaning costs for utility boxes defaced by graffiti and fly-posting (Defra, 2004a).

Amongst other things the consultation responses highlighted:

- The issue of free literature distributed on private land
- The role gum manufacturers have to play through producer responsibility – the range of options included gum levy, restriction of gum sales, campaigns and the production biodegradable gum
- Making special event licences include street clean up provisions – considered as being under provisions of the Licensing Act 2003
- Extending fixed penalty notice issuing powers to other bodies – it was decided not to proceed with a proposal to enable the Secretary of State to extend provision to other agencies

The mainstreaming of local environmental quality

During the Committee stages of the Clean Neighbourhoods and Environment Bill, there was a continuous theme throughout the debate on the importance of the Bill in mainstreaming local environmental quality issues and the role of government in defending the quality of life for all.

'We must be more proactive in defending the quality of life, not only of those who speak up on their own behalf, but of those who feel it is a lost cause. They do not pick up the phone because they think that it is all a foregone conclusion. Disillusionment with politicians is identifiable in those areas. People say, "Nothing will ever be done." Councils must respond to the concerns in such areas because they should be seen to be effective there as well.' (Sue Doughty MP, House of Commons, 2005a: Col. 15).

Furthermore, it was noted that the quality of the environment must move from being: *'An issue only at election time. It matters between elections, at times when people do not necessarily exercise their voice and they rely on their elected representatives and the statutory bodies to deal with such matters on their behalf. Otherwise, there is endless disillusionment, as nobody does anything except when there is an election'*. (Sue Doughty MP, House of Commons, 2005a: Col. 16).

The purpose of the Clean Neighbourhoods and Environment Bill and the *Living Places* White Paper is best summed in its second reading by Colin Burgon MP (House of Commons 2005c: Col. 110). '*Underpinning the Bill is the attempt to make a cultural shift in our society, whereby values of respect and responsibility for personal and shared property lead to a decrease in antisocial behaviour.*'

The subsequent Full Regulatory Impact Assessment of the CNEA Bill (Defra, 2004b) noted that in the majority of cases the measures provide additional powers, rather than duties and it was expected that local authorities will only use these powers where there is a net benefit in doing so. The overall net benefit of these powers was viewed as being reliant on how the relevant bodies take advantage of them and how strategic they are in their use and how well they engage in partnership approaches. It was also noted that it is imperative that government communicates the purpose and potential benefits of these new measures (Defra, 2004b).

The Full Regulatory Impact Assessment of the CNEA identified a cost of between £450,000 and £750,000 for the extension of free literature controls against benefits of between £187,000 to £750,000 through reduced cleaning costs (Defra, 2004b). The transfer of costs for the collection of abandoned shopping trolleys was put at £800,000 per annum from local authorities to supermarkets (Defra, 2004b). Deliberate vehicle arson was estimated at £230m in 2004 in terms of clean up and removal which it was noted would have most benefit in more deprived and urban areas along with free literature and fly-posting provisions. The Full Regulatory Impact Assessment and draft CNEA 2005 guidance identified a number of ongoing monitoring functions to assess the impact of the CNEA 2005 including the use of BV199 to measure the impact of Street Litter Control Notices, free literature distribution powers, and fly-posting notices (Defra, 2004b; Defra 2006).

CNEA – five years on...

The discussions at our manifesto consultation events and at a special plenary of the 2008 Cleaner, Safer, Greener Conference in Brighton supports a view that the CNEA 2005 did lead to an improvement in the range of powers available to local authorities. However, the overall impression is one of missed opportunity. Almost four years on from the implementation of the CNEA 2005, there are still questions as to whether local authorities are fully utilising these new powers and it is unclear whether public

space management is a strategic consideration by the majority of local authorities. Despite these concerns, the take up of the CNEA has been far more effective than the implementation of the Environmental Protection Act (EPA) 1990 based on the annual ENCAMS survey of the implementation of the EPA (ENCAMS, 1994, 1995, 1996). Nine years after the introduction of the EPA, 74% of local authorities had not issued a fixed penalty notice for littering and only 22% had adopted a fixed penalty notice system (ENCAMS, 1999). Furthermore, by 1999 between 3-4% of local authorities had issued or set a Litter Control Area, Litter Control Order or Street Litter Control Notice whilst only 24% of local authorities had adopted a schedule regarding abandoned trolleys.

A review of the take up of CNEA powers in 2007 suggests that 77% of local authorities were using litter powers and 79% had issued a fixed penalty notice (ENCAMS, 2007). Litter Control Notices and Street Litter Control Notices have been adopted by 30% and 27% of local authorities respectively, whilst 25% have adopted a schedule regarding abandoned trolleys although 56% of local authorities had partnership agreements in place (ENCAMS, 2007).

Since the introduction of the CNEA it is apparent through our research that gaps remain in the legislation, particularly around the issues of aquatic litter and litter from vehicles.

The extension of the litter duty to aquatic environments was strongly supported during the consultation phase of the CNEA although concerns exist regarding health and safety and potential cost implications were raised. The issue of aquatic litter was discussed during our manifesto consultation events and at a special plenary of the 2009 Cleaner, Safer, Greener Conference in Brighton, and we believe it is appropriate that the legislative framework needs to be reviewed to address the impact of litter once it has entered aquatic environments.

Recommendation 1: Government should review the legislative framework surrounding litter in aquatic environments.

There is also a gap with regards to the issuing of fixed penalty notices to members of the public who litter from vehicles. This is because the current legislative framework does not allow the owner of the vehicle to be issued with a fixed penalty notice when the identity of the person littering from a vehicle is unclear. This issue was discussed

at the manifesto conversation events and at a special plenary at the 2009 Cleaner, Safer, Greener Conference in Brighton, and a vehicle litter-related seminar held by Keep Britain Tidy in Birmingham in 2009. We believe the legislative framework needs to be reviewed in order to address this loophole and would further support the introduction of a penalty point on driving licences for littering offences as market research conducted by Keep Britain Tidy in 2009 clearly shows that the most effective deterrents to those drivers admitting to littering from their vehicle are the probability of being caught and the severity of the resultant penalty.

Although we found no research regarding the impact of litter from vehicles on accident statistics in the UK, statistics do exist internationally. A survey in Utah, USA determined that almost 80% of drivers have encountered road debris causing them to swerve from their intended path; 8% of drivers have been involved in an accident caused by road debris; and 47% of drivers have had their vehicle damaged by road side debris (Dan Jones & Associates, 2008). It is estimated that road debris is conservatively estimated to be responsible for 80 to 90 fatalities and 25,000 crashes on American roads each year (Forbes, 2003). The Mont Blanc Tunnel fire between France and Italy is referred to as the most tragic incident involving roadside litter. The cause of the fire was reportedly a discarded cigarette which entered the engine component of a truck and lit the paper air filter on fire. The disaster resulted in the deaths of 39 people and more than \$1bn of losses to the region and resulted in the tunnel being closed for three years for repairs and upgrading (Leistikow *et al*, 2000).

Recommendation 2: Government should review the legislative framework surrounding littering from vehicles and the potential for introducing a penalty point on driving licences for littering offences.

Where Are We Today?

One of the outcomes from the review of local environmental quality policy in the early 2000s was the establishment of the Local Environmental Quality Survey of England (LEQSE), which has been undertaken on behalf of Defra by Keep Britain Tidy on an annual rolling basis since 2001 to provide a picture of local environmental quality in England. The first few years of the LEQSE showed an increasingly positive picture, but more recent results have shown a plateau in local environmental quality with a number of the 33 indicators measured in the survey as either remaining the same year on year or changing by only one SQI³. The LEQSE has revealed that there are certain public spaces that have been regularly shown to be more littered. Industrial areas, high density housing and footpaths and alley ways continue to have poor local environmental quality year on year (Keep Britain Tidy, 2010). These problems are long standing as high density housing areas and industrial areas were found to be the dirtiest in a survey undertaken almost 20 years ago (Tidy Britain Group, 1993).

Smoking related litter has remained the most prevalent litter type for the last four years, being present on 76% of sites surveyed in the latest LEQSE survey (Keep Britain Tidy, 2010). This is closely followed by confectionery (present on 64% of sites surveyed), non-alcoholic drinks related (present on 51% of sites surveyed), snack packaging and alcoholic drinks related (present on 22% of sites surveyed) and fast food related (present on 21% of sites surveyed) (Keep Britain Tidy, 2010). This composition of litter types has remained constant for a number of years now.

Dog fouling remains one of the biggest changes apparent from the LEQSE since the survey started and is explained by a societal shift in attitudes towards dog fouling following the ENCAMS campaign around dog litter in 2002. This compares to a 1993 survey which revealed dog fouling was present on one in six sites (Tidy Britain Group, 1993). However, the most recent LEQSE survey suggests a slight increase in the incidences of dog fouling. This slight increase is still below 2003 levels, but there is a reported increase in the amount of bagged dog fouling. This suggests that whilst messages regarding dog fouling have been taken on board by the majority of dog

³ A Standard Quality Interval (SQI) is the unit of measurement used in the LEQSE and represents an interval (measured in terms of quality, rather than time) over which an observant person can reliably detect that a difference in the standard of an aspect of the visible environment has occurred (ENCAMS, 2009).

owners, there remains work to do regarding the appropriate disposal of bagged dog fouling once it has been removed.

Whilst the LEQSE measures the presence or absence of litter items on each survey site, a survey conducted on behalf of the Industry Council for Packaging and the Environment (INCPEN) measured the frequency of litter types. This research found that gum staining was the most frequently found litter type⁴ (78%) followed by cigarette ends (20%), sweet wrappers, smoking related litter, 3D gum and soft drink containers (all 0.4%) (INCPEN, 2009). Compared to previous surveys gum has increased (69% to 78%) whilst sweet wrappers (0.9% to 0.4%) and cigarette ends decreased in the composition of litter found (although absolute numbers of cigarette ends increased) (INCPEN, 2009).

Another national survey which has been undertaken by volunteers since 1994 on an annual basis is the Marine Conservation Society's Beachwatch Report which is based on the results of an annual clean up day typically taking place in September every year. In 2008, 5,219 volunteers examined a total of 374 beaches along 175.7km of coastline in the United Kingdom (Marine Conservation Society, 2009). The survey found an average of 2,195 items per kilometre which is reported as an increase of 110% compared to 1994 levels (Marine Conservation Society, 2009). The most prevalent litter type is plastic litter (60%) and the main source of litter is public litter contributing between 32% and 55% of the total litter within in each UK country (Marine Conservation Society, 2009).

The findings from the three surveys described above need to be put in the context of wider societal changes over the last 20 to 30 years. The amount of household waste produced as a measure of kilograms per person per year increased from 397 in 1983/4 to 507 by 2007/8 (Defra, 2007). INCPEN (2009) remarks that people's busy lifestyles often make fast food and takeaway drinks the preferred option. This view is supported by empirical research undertaken by the Local Data Company (2009) which states that the number of fast food outlets has increased by 8.2% (up to 1,456 outlets) in 2008/9, compared with other retail and leisure sectors which have seen a closure rate of over 10%. This is further supported by a recent branded litter survey which revealed that fast food litter brands were the most prevalent litter type (33%). McDonalds (14%), Greggs and Wrigley (both 8%) made the most significant

⁴ Although stained gum is not classed as litter by the Code of Practice on Litter and Refuse (Defra, 2006).

contributions to the litter stream, followed by Starbucks and unidentified fish and chips/kebab/pizza litter (both 2%) in the top ten most littered brands (Keep Britain Tidy, 2010).

The long-term impact of the indoor smoking ban is still to be determined but circumstantial evidence from local authorities suggests smoking related litter problems have increased around pubs, clubs and restaurants. In places such as Australia, Scotland, Ireland and America where indoor no-smoking policies have been in existence longer there are reports of increased cigarette litter (R.W. Beck, 2007).

The increase in segmented waste collection through separate waste and recycling collection may also have had an impact on litter levels over the last 20 years. R.W. Beck (2007) argues that recycling programs which proliferated between 1988 and 1994 in the USA have created twice the number of vehicles collecting materials from residential areas. Therefore, there is now double the potential to litter negligently. A review of 31 American litter surveys from 1986 found that 65% of litter was deliberate while 36% was unintentional. Therefore, it is argued that a drop in overall littering in the USA is masking a suspected increase in unintentional litter over the past 15 years which suggests that litter education strategies may have been successful in reducing deliberate litter that is greater than one square inch (therefore excluding the majority of cigarette ends) and therefore future emphasis should focus on unintentional litter (R.W. Beck, 2007).

The Institute of Applied Research (IAR) methodology defines accidental litter as *'materials or products that are usually seen being deposited unintentionally, such as vehicle debris from accidents or wear, material that falls from loaded vehicles...It includes items that spill from overloaded or tipped trashcans and items dropped or left behind unintentionally by persons'* R.W. Beck, 2007:pp3-3). Deliberate litter on the other hand is defined as *'material or products that are usually seen being thrown, dropped, discarded or left behind intentionally in inappropriate locations'* R.W. Beck, 2007:pp3-3). This can include snack food wrappers, takeaway food packaging and beverage containers.

Whilst there are difficulties in identifying accidental and deliberate litter it would seem prudent to utilise this approach in future surveys of England to investigate the impact of the increase in household recycling schemes on litter levels in England.

Recommendation 3: Keep Britain Tidy should review worldwide best practice to identify the levels of unintentional littering in England compared to deliberate littering.

International comparisons

R.W. Beck, (2007) assessed 30 litter surveys undertaken in the USA between 1989 and 2006, 12 of which used a comparable methodology developed by IAR. The approach uses stratified random sampling to visually count the total number of littered items (one inch or greater in size) on eight different roadway land types. The most frequently littered items in America were: snack wrappers (13%), miscellaneous paper (12.1%) and plastic (12%) (R.W. Beck, 2007). R.W. Beck notes that multiple litter studies have shown that when counting litter on a per item basis, cigarette butts comprise the number one littered item in America. In Texas an estimated 130m cigarette butts accumulate on highways each year (Texas Department of Transportation, 2005). However, there is evidence that littering as a whole has dropped in the USA (R.W. Beck, 2007). It is suggested that the littering rate over the last 30 years has been decreasing at an average rate of about 2% per year (R.W. Beck, 2007). However, this does not apply to cigarette litter which is not counted in most surveys as most of it tends to be less than one square inch.

Keep Australia Beautiful, with support from the Australian government, undertakes a litter survey twice a year over 983 sites across eight land types referred to as the National Litter Index. The 2008/9 results revealed an overall decrease in littering trends with 63 items per 1,000m², compared with 68 items per 1,000m² in 2007/8 (Keep Australia Beautiful, 2009). The most littered sites were industrial locations, retail, industrial and shopping areas. Highway sites contributed a significant proportion of the overall volume total. The most frequently identified litter item was cigarette butts (Keep Australia Beautiful, 2009). An Australian survey of branded litter objects revealed that non-alcoholic beverage containers and packaging represented the largest proportion of branded litter objects identified (21%) followed by alcoholic beverage containers and packaging (19.5%). Coca-Cola (9.96%) and McDonald's (9.85%) made the most significant contributions to the litter stream. Highway sites contributed the highest proportion of branded litter and material analysis of the litter identified the majority of litter items were paper/paperboard (39%) or plastic (31.3%) (Keep Australia Beautiful, 2008).

It is suggested that the LEQSE survey is the most comprehensive monitoring system in the world. However, until other countries adopt a system similar to LEQSE, it is difficult to compare and contrast the results of national monitoring systems as the LEQSE only measures the presence or absence of litter types as opposed to absolute numbers (ENCAMS, 2004). The LEQSE survey includes 12,540 survey sites. This is considerably more than the 983 sites surveyed for the Australian National Litter Index and an average of 112 sites for each IAR based state visible litter surveys (R.W. Beck 2007; Keep Australia Beautiful, 2009).

Given the difficulties in comparing the performance of England against other countries it would seem prudent to develop alternative numeric measures to provide comparative data on absolute litter levels in addition to the presence or absence of litter on a site.

Recommendation 4: Keep Britain Tidy to review worldwide best practice to identify the proportion of unintentional and deliberate littering in England .

Contact Information

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