

Statutory litter enforcement guidance in England: Advisory Committee of Packaging's response to the consultation

24/4/2024

1. Your present guidance gives the overwhelming impression that enforcement, ie fining litterers, is the proportional response. **We think this gives the wrong message** as enforcement is only one element of a complex picture and set of drivers and dilutes your overall objective of minimising and eliminating litter. Your enforcement guidance should sit within, as one part of, your overall guidance on litter.
2. **There are 3 main reasons for litter.** First, manufacturers and retailers of cigarettes, vapes, chewing gum, chocolates, fast food, sandwiches, soft drinks, beer and the like sell products that implicitly enable a section of their consumers to litter. Second, some of these consumers – **probably not more than 5-10% of consumers – litter**, rather than disposing of properly in bins. Third, litter and waste collection facilities are often not widely enough available and can be poorly maintained, and many public areas, roadsides, etc are highly polluted with legacy litter giving these consumers the impression that littering is OK. Litter begets litter; clean surroundings and those with bins have fewer spots where consumers litter.
3. Each of these reasons has to be addressed in a coordinated fashion to reduce and minimise litter sustainably. Lessons can be drawn from how dog-poo which was common litter in the 1980s was managed. Enforcement was only one part of the mix. Dog training improved such that dog sellers and retailers treat dog-poo litter as one major part of training. Most dog owners and walkers have dog-poo bags and collect dog-poo in those to deposit properly in bins. Waste authorities provide bins in dog walking spots and routes. Enforcement is the cherry on this well-baked cake.
4. Thus, we recommend the following:
 - (i) **Manufacturers and retailers** of cigarettes and other smoking products, vapes, chewing gum, chocolates, fast food, sandwiches, soft drinks, beer and the like **should fund consumer communication campaigns** and pay for litter prevention and clean up, eg, through Extended Producer Responsibility.
 - (ii) **There should be a well-funded and coordinated national consumer education and communication campaign on litter prevention** and training so that today's litter is treated like yesterday's dog-poo.
 - (iii) **Waste authorities should provide more and more bins and ensure they are well maintained** to give the impression of clean surroundings so that litter-spots are minimised. They should also encourage more work by volunteer litter collection armies that exist in numerous places as well as other activities such as the litter

Olympics in Japan (SpoGomi) – won by Britishers incidentally – so that a new discipline of litter-poo a la dog-poo comes about in time.

(iv) **Enforcement powers should be on top of all this to be used only as a cherry on the cake.** Waste authorities should be given the autonomy to levy fines up to any amount or penalties up to any type as long as they are “reasonable” and “proportional”. This additional activity could be funded through the levy on producers and retailers in 4(i). These decisions should be local and would be subject to regulation by ombudsmen or courts as other local decisions. Revenue or benefits derived from enforcement by waste authorities should again be allowed to be used as per local autonomy. As long as the use was legal and environment-related it should not matter, eg, that an authority has put money into volunteer litter collectors or bins or Olympics or manufacturer or retailer campaigns or training or related communication.

(v) Each waste authority should be asked to produce a brief evaluation of its efforts and performance as per the guidance annually, so that it and others could learn and guidance in the future could improve.