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OFFICIAL REPORT

Sixth Delegated Legislation Committee

DRAFT LITTERING FROM VEHICLES OUTSIDE
LONDON (KEEPERS: CIVIL PENALTIES)
REGULATIONS 2018

Wednesday 31 January 2018

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

- | | |
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| † Allan, Lucy (<i>Telford</i>) (Con) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Bridgen, Andrew (<i>North West Leicestershire</i>) (Con) | † Pow, Rebecca (<i>Taunton Deane</i>) (Con) |
| † Coffey, Dr Thérèse (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) | † Powell, Lucy (<i>Manchester Central</i>) (Lab/Co-op) |
| † Davies, Mims (<i>Eastleigh</i>) (Con) | † Seely, Mr Bob (<i>Isle of Wight</i>) (Con) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Shah, Naz (<i>Bradford West</i>) (Lab) |
| † Drew, Dr David (<i>Stroud</i>) (Lab/Co-op) | † Walker, Thelma (<i>Colne Valley</i>) (Lab) |
| † Ford, Vicky (<i>Chelmsford</i>) (Con) | † West, Catherine (<i>Hornsey and Wood Green</i>) (Lab) |
| † Johnson, Dr Caroline (<i>Sleaford and North Hykeham</i>) (Con) | Yohanna Sallberg, <i>Committee Clerk</i> |
| † Martin, Sandy (<i>Ipswich</i>) (Lab) | |
| † Percy, Andrew (<i>Brigg and Goole</i>) (Con) | † attended the Committee |

Sixth Delegated Legislation Committee

Wednesday 31 January 2018

[MR LAURENCE ROBERTSON *in the Chair*]

Draft Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

8.55 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I beg to move,

That the Committee has considered the draft Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

It is a pleasure to serve under your chairmanship, Mr Robertson. I am sure that hon. Members will agree that littering is lazy and irresponsible. Time is running out for litter louts. Roadside litter is particularly problematic. Clearing it from the side of busy roads is a dangerous and expensive job for councils and their employees, and for the legions of voluntary litter pickers who do our communities proud. It also costs a lot of money, and those funds could be better used to provide the range of important services that we rely on our councils to deliver.

Following the first ever litter strategy, which we published last April, we are bringing forward the regulations, as promised, which will make it easier to take action against people throwing litter from vehicles. Littering is a criminal offence, but when litter is thrown from a vehicle it can be hard for council enforcement officers to identify the offender with sufficient certainty to issue a criminal sanction. We have listened to local authorities, which have told us how difficult they find it to take enforcement action against those who throw litter from vehicles.

The purpose of the regulations is to make it easier for councils to take enforcement action to tackle littering from vehicles, by removing the need to identify the litterer and holding the “keeper” of the vehicle responsible. The statutory instrument confers a power on district councils in England, outside London, to require the keeper of a vehicle to pay a fixed civil penalty if there is reason to believe that a littering offence has been committed from the vehicle.

In this context, the term “district council” includes any metropolitan, borough, unitary or other district councils, including the Council of the Isles of Scilly, which has the statutory duty to collect litter—such an authority is also known as the litter authority. I should point out that London borough councils already have similar powers, but I was surprised to learn that Wandsworth is the only borough council to use them. I encourage other London boroughs to include the use of those powers in their armoury for tackling litter on London’s streets and roadways.

Lucy Powell (Manchester Central) (Lab/Co-op): I agree fully with the sentiment behind the regulations, but does the Minister agree that perhaps one reason why many councils that have the powers have not yet

used them is that, given the huge scale of local government cuts, they lack the resources to enforce the measures as they would like to, particularly on littering?

Dr Coffey: The amount of money spent by councils on tackling the issue could well be used in different ways. We are sending a strong message that powers will be available for councils to use if they wish. Fines can be used, of course, to improve all sorts of refuse, recycling and collection services, to make sure that the focus is on keeping streets clean.

Enforcement officers have to be satisfied to the civil standard of proof—the balance of probabilities—that litter was thrown from the vehicle in question. A penalty notice is a civil fine, which, unlike a criminal penalty, does not carry the risk of a criminal prosecution, and therefore does not require the offence to be proved to a criminal standard of proof. The penalty amount payable is set by the litter authority, and must be the same as the amount of any fixed penalty for littering in the area. Hon. Members will be aware of our recent regulations, under which penalty limits will rise and which are intended to have a deterrent effect. Those new levels are reflected in the statutory instrument.

Vicky Ford (Chelmsford) (Con): In my constituency there is often praise for our clean city centre and parks, but I also get complaints about litter beside verges, particularly down dual carriageways such as the A12. Does the Minister agree that the regulations will encourage motorists to chuck less litter out of cars? Clearly when litter is at the side of motorways and dual carriageways it can only have come from vehicles, as there are no pedestrians. Are the regulations a measure to help everyone have a cleaner environment?

Dr Coffey: There is certainly a clear message in raising the issue that councils will have powers to do that. For our highways, and particularly our strategic road network, Highways England has an arrangement with the litter authority, whereby the litter authority is still responsible for clearing the litter from that side. It is perfectly possible for councils to work closely with Highways England once they have these powers, to use the camera footage that will be available to try to tackle and identify those who litter. The key thing we want to do is deter the behaviour in the first place.

Naz Shah (Bradford West) (Lab): What do the Government propose to do for taxi drivers? If a passenger throws litter out the back of a car, will the taxi driver be fined, or will they try to find the passenger?

Dr Coffey: The hon. Lady has pre-empted part of my explanation of the draft regulations, which specifically includes that point. Let me first finish the point I was making about the process of issuing fines.

The process for issuing the penalty notice and the payment and appeals process are akin to those for other penalty notices levied by councils, such as parking tickets. A number of grounds for making representations deal with circumstances in which the person was not the keeper of the vehicle at the time, for example because the vehicle had been sold, stolen or was hired to somebody else. In addition, public service vehicles, including buses,

taxis and private hire vehicles, are exempt from liability of a civil penalty notice if the offence is committed by a passenger.

To answer the hon. Lady's point, I suggest that if there was appropriate evidence to show that the litter was tossed from the driver's window in a taxi, I would expect there to be reasonable grounds to believe that it was the driver of the vehicle. If the litter came from different windows, there would be good grounds to accept that that would be a passenger.

Thelma Walker (Colne Valley) (Lab): Do the Government have any plans to introduce other measures in support of the draft regulations, for instance educational resources for drivers on the economic, environmental and societal effects of littering, or a campaign bringing this to life for all road users?

Dr Coffey: We work closely with a number of organisations, and we push litter education programmes. I am very fond of something that the official Government comms do not like: I am prone to using the hashtag #dontbeatosser, which is a slogan that came from Australia and was adopted by my local radio station, BBC Suffolk—I think some people have different thoughts about what it might mean. I am quite keen to escalate the activities, which is why we are working closely with organisations such as Keep Britain Tidy.

Mr Bob Seely (Isle of Wight) (Con): My hon. Friend may be aware that we tried #dontbeatosser on the Isle of Wight, but the Campaign to Protect Rural England felt that we were a little too genteel for that. Excuse my ignorance about this—I am new to this place and to Delegated Legislation Committees—but what is the process by which councils are informed of these decisions that are taken in Parliament? What does she expect councils to do and how active should they be in getting that message out? Clearly, as she says, this is about public information.

Dr Coffey: Councils have been asking us for the opportunity to have these powers. Our estimate is that about one third of councils are minded to take them out. The point is that we are giving the councils the powers to do that. I encourage my hon. Friend to go back to the Isle of Wight and proclaim that from 1 April, if both Houses of Parliament agree, the council will be able to have these powers, and drivers should look carefully, consider their local environments and recognise that other people may be watching them to make sure they do the right thing. At the end of the day, we have to have the kind of behaviour—I think we do generally—where littering becomes unacceptable. We need to keep reinforcing that with positive powers and messaging.

Andrew Bridgen (North West Leicestershire) (Con): Can the Minister clarify something? If a driver is informed that litter has come from his vehicle, but it is clear that it was not thrown from his window, and he does not know or is unwilling to divulge who threw it, who will be fined?

Dr Coffey: The draft regulations specifically make it the responsibility of the “keeper of a vehicle”. I will not pretend to be a transport lawyer, but it is the registered keeper of the vehicle; one never knows exactly who

buys a car and who its registered keeper is. I do not want to go down a cul-de-sac—literally—on that concept. *[Interruption.]* I have just been passed a note by one of my officials. I should make it clear to the Committee, and to anybody who is listening, that only Parliamentary Private Secretaries are allowed to pass notes to Ministers. I apologise to you, Mr Robertson, and to the Committee for that.

In conclusion, by giving councils the additional power to take action, we believe that the draft regulations will operate as a greater deterrent to those who might be tempted to litter and will reduce the build-up of litter on our roadsides and verges. They demonstrate our commitment to reducing litter and littering behaviour. I commend the draft regulations to the Committee.

9.5 am

Dr David Drew (Stroud) (Lab/Co-op): I am delighted to serve under your chairmanship, Mr Robertson. I welcome the Minister to her place—I also welcome the civil servant to his place; maybe he will give the answers.

This is an interesting, if not worrying, topic. I am a little surprised that we have been through the whole of the Minister's speech, not to mention the draft regulations and the explanatory notes, but not yet had a number. This is quite a worrying issue, and the number of incidents is increasing. I was involved in the passage of the Clean Neighbourhoods and Environment Act 2005, through which the previous Labour Government put this into primary legislation.

Catherine West (Hornsey and Wood Green) (Lab): Does my hon. Friend agree that this proposal would be particularly beneficial for our waterways? A lot of the rubbish that people throw out of cars ends up in our waterways, canals and rivers, and even blocks up drainage—it goes right down to that level.

Dr Drew: As the proud possessor in my constituency of the Gloucester and Sharpness canal and, hopefully one day, the completed Stroudwater canal, I totally agree.

Let us put some numbers to this, to give some context for why it is important. In 2016-17 local authorities in England dealt with more than 1 million incidents of fly-tipping—I will use that term because no one else has, and because it was referred to as fly-tipping in the 2005 Act—which was a 7% increase on the previous year. Two thirds of incidents of fly-tipping involved household waste, and the total number of incidents increased by 8% from 2015-16.

There is a consistent relationship between where people tip and how much they tip. Clearly, most of that takes place on our highways—some half of all incidents—and again, that is increasing. Sadly, quite a lot is tipped. That is something I will ask the Minister about. I am a little bit confused by what we mean by littering. If I truck up in my four-by-four and chuck four used tyres in the nearest layby, is that littering or is that covered by some other legislation?

That is the nature of what this is. It is not just chance, although clearly people chuck things out of their car windows. A lot of this is people getting rid of things that sadly they would otherwise be charged for. I know a little bit about this because, as you will know, Mr Robertson, in the good old days Stroud did not

[Dr Drew]

charge for the disposing of large items, so the good people of Gloucester used to come and dump them in Stroud. We now charge for them, so there is no reason for people to dump them in Stroud anymore. However, it is an issue, because people will dispose of rubbish, and unless they are prevented from doing so, or fined when they are caught, this will grow.

It is estimated that the cost of clearing fly-tipped waste in 2016-17 was £57.7 million, which is not an inconsiderable sum. Local authorities carried out 474,000 enforcement actions, costing about £16 million. That is staggering, because we think it is difficult to follow up fly-tipping, but there is actually a lot more action by local authorities, which cost some £900,000.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): Does the hon. Gentleman agree that the problem is not only expensive and unsightly, but very harmful to our environment and the wildlife that lives along the roadsides?

Dr Drew: Of course, that is one of the problems. As my hon. Friend the Member for Hornsey and Wood Green said, rubbish ends up in waterways or being swallowed by animals, and we know the consequences. There is a big financial pressure on local authorities, which is why in the consultation they are asking not necessarily for greater powers, but for the fines to be more conversant with a proper process for dealing with the problem.

Lucy Powell: Is it therefore my hon. Friend's calculation that there is a net cost to local authorities of enforcing it, that there will not be profits for local authorities from issuing fines, and that they will spend more on administering it and identifying people than they will get back from any fines?

Dr Drew: Of course, that is a problem we must dwell on: if the cost of trying to pursue someone is much greater than the benefit in fines, most local authorities will give up. The figures do not show the actual number of cases, because many local authorities will find them difficult to pursue.

Mr Seely: It is going to be very difficult to enforce this anyway, because the problem is that we will have "he said" or "she said", versus somebody else saying, "I saw somebody throw something out of the car," which then they deny. It is about social pressure. A lot of it is not necessarily about enforcement through the law, but a sense of social enforcement; chucking litter out of cars should be seen to be wrong. It will not affect everybody, and it will not change everyone's behaviour, but this law simply being enacted should change some people's behaviour, which would have a positive result. Does the hon. Gentleman agree that it is not just about cost?

Dr Drew: Of course it is about changing behaviour and attitudes, but we have to punish people who are blatantly getting rid of something that they should dispose of in another way. That is why I use the word "fly-tipping". It is about not just the casual removal of stuff from cars, but people doing it in a much more organised way.

In a nutshell, we are looking not just at passing a new regulatory instrument, but at how it will be enforced and funded. We are really looking at the complexity of the waste sector, which is an important part of the issue, and at what is hidden and disguised, because it is not being pursued. In due course we will have to look at primary legislation, because waste is now a very important, and very political, area.

Sandy Martin (Ipswich) (Lab): Does my hon. Friend agree that this is about not just how it is enforced, but who it is enforced by? We are talking about not just specific waste enforcement officers, but all sorts of other officers, who may or may not have been available in the past, who will no longer be available. For instance, in the area around Ipswich all the countryside officers are losing their jobs because the county council has stopped funding the countryside service. They are the sort of people who might have been able to enforce the regulation in the past, but their role no longer exists because of local authority cuts.

Dr Drew: My hon. Friend makes a very fair point. Clearly, local authorities are, in a sense, hit in every which way. They are losing staff, so their eyes and ears are diminishing. It is expensive to pursue such cases. They can fine more, but they still have to go through processes that, as I will say in a minute when I talk specifically about the order, possibly lead to appeal, which would result in even more expense and possibly not getting any money back if they lost.

The Local Government Association largely welcomes this development, and sees it as very important. It estimates that the problem is costing councils £57 million a year—money that is not spent on elderly persons' services, education, homelessness, and other issues. Councils would always take a zero-tolerance view, but I reiterate that they do not necessarily have the means to pursue it. Litter is also a particular problem on roads, and the highway authorities are at a loss to know how they can deal with this environmental hazard. Councils wish the process for taking people to court, if that is the result, to be expedited—this is a fining process, but people might go to court in a more major case of littering or fly-tipping—because that process is what costs the money.

Keep Britain Tidy also has its threepenny-worth on this issue, while welcoming the measure. To give an idea of the scale, Keep Britain Tidy estimates that 150,000 sacks of litter are collected by contractors each year—that is 411 sacks every day, or 83 bags per mile of Highways England motorway network. We are talking about a scale problem and, at £40 a bag, that is the same as mending a pothole. That also gives us an idea of why we do not mend enough potholes—as you know, Mr Robertson, in Gloucestershire we had some problem with potholes. As we have discussed, we are not talking about a futile exercise of making the place look tidy; this is about damage to wildlife, our water courses and the rest.

To finish on the figures, however, because they are important, it is estimated that 82% of main roads have cigarette litter. We have not mentioned cigarettes yet, but they are a predominant problem. Sixty-seven per cent. of main roads have confectionary or sweet packaging or wrappers on them, 62% have soft drinks litter on them—cans, bottles and cartons—and 50% have fast-food

packaging on them. We sometimes wonder why those who sell such things do not pay a price, given that they are at least partly responsible for the litter.

Perhaps the most worrying figure of the lot is that about one in seven drivers readily admits to throwing things out of the car window. That is a lot of people. For heavy goods vehicle drivers, that figure rises to one in five, but we will pass on from that quickly. The problem, dare I say it, tends to be a male one, and people who smoke tend to be more likely to throw things out of the window. That is some background to a scale problem.

The secondary legislation is important, but in future we may have to look at the need to toughen the primary legislation, which is now more than 10 years out of date. This statutory instrument is entirely dependent on the 2005 Act. I have some specifics for the Minister to respond to. I am a little confused about why London is different. Perhaps London is always different, but the draft regulations exclude London, so it would be useful to know what the situation in London is. Is it better because it is different, or are the draft regulations catching up with London?

On the orders being served against people, I am a little confused about the relationship between the police and the local authorities. I understand that local authorities have to follow things up, but if the police catch someone throwing something out or, more particularly, if someone sees a person going to a lay-by, so the police come along and catch the person, what is the relationship between the criminal and civil law? That would be useful to know.

Dr Johnson: Is not one of the advantages of the measure, under which the civil burden of proof has to be met when someone throws litter from a vehicle, that people need not throw litter in front of a police car in order to be caught? Dash-cam footage from members of the public could be submitted to the council as proof. That will have a huge deterrent effect, because people never know who is behind them or who will do what with such evidence.

Dr Drew: I understand that, and that is important, but what I am intimating is that we are talking about not merely people throwing things out of vehicles casually, but people who are very organised in how they dispose of their litter. It is likely that a farmer would ring the police to say, "Someone is tipping lots of stuff on to my field." Whether the police get there in time is another matter, but the important thing is that it could involve police action.

Lucy Allan (Telford) (Con): The hon. Gentleman is making an interesting speech. He keeps referring to fly-tipping has but also said that one in seven drivers throws litter from their car. Presumably this measure aims to remedy that. In my constituency, we have slip roads off the M54 on which there is a huge issue with litter from cars, in particular around the service station on junction 6. I would be grateful if he confirmed that that is what this legislation will tackle, not fly-tipping.

Dr Drew: I would welcome the Minister explaining that; we are still the Opposition, though we can but dream. The regulations do not mention fly-tipping, but I do not know what the difference would be.

Dr Coffey: Just to be clear, fly-tipping and littering are separate matters, covered by separated regulations.

Dr Drew: But that is the problem, because one person's fly-tipping is another person's disposing of litter.

Hon. Members: No, it's not!

Dr Drew: Hon. Members ought to come to my part of the world, where people disposing of things from vehicles—*[Interruption.]* Please tell me what the difference is between someone who is casually throwing litter—

Vicky Ford rose—

Dr Drew: Oh, we will have experts now!

Vicky Ford: In my part of the world, there is an issue with fly-tipping. There is an issue with individuals taking large vehicles and dumping very large quantities of rubbish, sometimes builders' rubbish, on to agricultural land. That is fly-tipping, and the fines for it should be way in excess of the £100 for chucking a bit of rubbish out of a car. This piece of legislation, which I have read, deals with litter. In my understanding, that is a very different subject, and I thank the Minister for clarifying that.

Dr Drew: I am sorry to disagree, but they are very much the same issue. The way in which people dispose of rubbish has been made worse, and it is sad that local authorities do not necessarily offer a full range of services now. I would argue—the Minister can clarify this—that while we are largely talking about litter that is casually thrown out of vehicles, the overlap with fly-tipping is a growing and worrying problem, from the numbers I have given.

Andrew Bridgen: Does the hon. Gentleman not concede that fly-tipping is when someone parks a car, goes and gets rubbish out, and throws it down at the side of the road? This legislation is to do with litter being thrown out the window of a vehicle, stationary or moving.

Dr Drew: I think that is a moot point. At the end of the day, it is clear that we have a growing problem of people disposing of litter in various ways. If the Minister wants to say that this is clearly not about fly-tipping in any way at all, she can clarify that when summing up. I am making the point that sadly there are many more people who casually tip things from their car. It might be their cigarette ends, but is that fly-tipping or is it casually removing things from their vehicle? That is what is going on out there, and it is costing a large amount of money to deal with it.

Sandy Martin: Does my hon. Friend agree that there is nothing in the statutory instrument that identifies the dimensions of what is thrown out of the window? Some vehicles have quite large windows, and substantial quantities of stuff could be thrown out of them.

Mr Seely rose—

Dr Drew: I will give way finally to the hon. Gentleman, and then I will move on and try to get through this debate on this measure.

Mr Seely: Has the hon. Gentleman ever tried chucking a large plastic bag out of a moving car? It is a difficult thing to do. I understand his point that fly-tipping and chucking out a sweet wrapper are both, *sui generis*,

[Mr Seely]

chucking stuff out of a car, but as my hon. Friend the Member for North West Leicestershire said, there is a significant difference between unloading 15 fridges and leaving them in a field and throwing a McDonald's out while driving. Those are very different things, and I understood this debate to be about the latter, not the former.

The Chair: Order. I think we have had quite a discussion about the meaning of these regulations. The Minister is probably best placed to explain it more fully when she gets back to her feet. These are the draft littering from vehicles regulations. Having had that debate, perhaps we could move on.

Dr Drew: I look forward to hearing the Minister's response. Perhaps we will be back here with another statutory instrument to consider the relationship between fly-tipping and littering. However, I will say no more on that, and I will not take any more interventions on it.

I am intrigued to know why, under one part of the regulations, Plymouth City Council has a specific exemption. My hon. Friend the Member for Plymouth, Sutton and Devonport is sitting behind me; we were both quite intrigued to read that. The appeal process is still quite difficult to understand, particularly given that, as the hon. Member for North West Leicestershire identified, the keeper of a vehicle is not necessarily the person who has littered from it. How will that work under the regulations? I would be very grateful if the Minister could clarify that.

I am always intrigued by who an adjudicator is and how they are chosen. The regulations refer to that process, but it would be good to understand what sort of person adjudicates when there is a dispute over rubbish that is disposed of in this way. If someone has littered and they are driving on behalf of a business, it is not totally clear to me what the responsibility of the business is. It looks as though the littering is the responsibility of the individual, but there could be the additional problem of the business either taking action against that individual or, more particularly, condoning what they have done. I would be grateful if the Minister could say how the regulations operate in that regard.

On the costs, the consultation is very interesting, because it effectively urges the Government to go further faster, by introducing higher fines and providing more resources to follow up the introduction of these regulations. It would be useful to know what the Government intend to do to help those local authorities that have responded to this issue and intend to take it seriously.

Regarding rental companies, I cannot see what would happen if someone rented a car and was caught throwing litter from it. They are not the keeper of the car, and they may not have been seen throwing the litter; somebody may have seen the litter coming from the car. The hire car company will then be blamed, rather than the individual. How will that issue be pursued? There are also dash-cams. The regulations say that video evidence can be used, but are dash-cams likely to be the way in which we can crack down on this issue? I ask that because eventually we have to stop people littering, given the scale of the problem. We had the argument earlier, but littering is a much bigger problem than these

regulations perhaps make us think. Is that how we see this going? Will the regulations make sure that people are prevented from littering, given the scale of the problem?

I welcome all the contributions today. These regulations are one of those statutory instruments that address what seems to be a very minimalistic, almost minor, issue, but the scale of this—the figures involved, which I have given to the Committee—shows that this is a big, growing problem, so the Government have to address it. They may do so initially through these regulations, but there are arguments about how we determine how litter gets out of a car and into the countryside, making it look worse. In time, another clean neighbourhood Act may be demanded, because the current one is clearly not working as well as it could.

9.29 am

Dr Coffey: The draft regulations have obviously exercised hon. Members. I will not say that a lot of rubbish has been spoken. Far from it; searching questions have been asked, and I shall be pleased to try to provide some illumination.

It is true that the powers granted by the regulations extend from those in the Clean Neighbourhoods and Environment Act 2005, but that Act amended and clarified the Environmental Protection Act 1990. It identified smoking-related detritus as litter and gave councils further powers. The draft regulations set out the relevant primary legislation that authorises them.

As I mentioned, fly-tipping is a different legal offence. Councils already have separate powers to issue penalties or prosecute for fly-tipping, including powers to seize vehicles. The Environment Agency has thanked us for granting those powers, which certainly act as a huge deterrent. Littering is defined in section 87 of the Environmental Protection Act, while under the statutory code of practice on litter and refuse, any discarded item larger than one black bag should be considered fly-tipping.

A question was asked about the police and criminal enforcement. Frankly, if littering can be identified and there is sufficient evidence of a criminal offence, that evidence can be used to prosecute the alleged litterer. However, the draft regulations do exactly what councils have asked for: they grant civil enforcement powers, and it is up to councils whether to use them. The origin of the legislation for London was the London Local Authorities Act 2007; we had to make some corrections to that Act in 2012, because it was not working as it should, but London already has the necessary powers. I know that the hon. Member for Hornsey and Wood Green is a former council leader. It will be for local councils to decide to apply their many statutory powers, including those on littering and fly-tipping. I know that some councils are keen to get on with this, and it will be their choice to do so.

Catherine West: I thank the Minister for mentioning local authorities. As my hon. Friend the Member for Manchester Central said, enforcement depends on funding. It would be wonderful to have a special environment fund for boroughs to really tackle the issue, because there is huge public support. There has been a culture change—the Minister may remember that I did some press work on that when I was chair of London Councils' transport and environment committee in 2007.

Dr Coffey: I have to admit that I do not recall the work from 2007, but I am sure that the hon. Lady will encourage her local borough to think again about how its spending on littering issues balances against the potential for recouping its costs through enforcement. Again, that is a decision for councils.

The reason for citing Plymouth in the regulations relates to the definition of licensed private hire vehicles. Like London, Plymouth licenses its own private hire vehicles, and we wish to ensure that it can continue to do so.

The appeals process is fairly standard. There is a PATROL—parking and traffic regulations outside London—adjudication joint committee of councils that considers traffic regulations. The adjudication process can happen through traffic tribunals. The process is straightforward and akin to the process for parking tickets.

Hon. Members raised hire cars. There are exemptions in cases when it is clear that the registered keeper was not using the car, because it had been hired out to someone else or stolen. I expect that councils will not enforce the measures against hire companies, but as happens when other offences are committed by people who hire cars, it may be possible for the hire car company to provide evidence to the enforcement authorities so that they can pursue the matter.

Andrew Bridgen: I have two quick points for the Minister to consider. First, the main enforcement tool for the draft regulations, which I support wholeheartedly, will probably be automatic number plate recognition cameras. Does she have any concerns that an unintended consequence of the regulations might be to push the problem out of urban areas and into rural areas not covered by cameras? Secondly, has she any sympathy

for a registered keeper who faces vicarious liability when they may not have been the litterer or even have been in the car when the offence occurred?

Dr Coffey: Of course, the registered keeper of a car has to give permission to whoever drives it. There are other matters, such as the use of seatbelts, for which the person in charge of the vehicle—perhaps the registered keeper—is responsible. In essence, they have to be accountable. As we are making clear to the owners of cars, we are giving councils the power to say that they will be held liable. I think that is reasonable.

As the hon. Member for Stroud pointed out, this is a problem. Councils have asked us for these powers because of the challenges in bringing prosecutions. The powers we are giving to councils are sensible and straightforward, and there are appeal processes. There has to be a reasonable balance of belief and proof that the offence has happened. This is sensible legislation that I think our constituents will welcome. My #dontbeatosser tweet, in which I identified the number plate of a litterer's vehicle, is possibly the most popular I have ever posted. I did not name the driver, because I did not know who they were.

I genuinely hope that councils will take advantage of these powers. Once Parliament agrees to the regulations, it will be down to councils to decide whether they wish to do so. The powers will come into effect on 1 April.

Question put and agreed to.

Resolved,

That the Committee has considered the draft Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

9.36 am

Committee rose.

