

Independent Press Standards Organisation

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13/08/2015

Dear Sirs,

I write with regard to the *Daily Mail* article by Richard Littlejohn dated 5th August 2015, under the headline "Rubbish! Mad bureaucracy, petty rules and vindictive fines". The article can be found here:

<http://www.dailymail.co.uk/debate/article-3185590/Rubbish-Mad-bureaucracy-Petty-rules-Vindictive-fines-RICHARD-LITTLEJOHN-bin-collection-perversion-public-service-dustmen-masters-servants.html>

While clearly an opinion piece, the article makes or relies upon many factual claims, a significant proportion of which are inaccurate and in breach of Article 1 of the Editors' Code. I apologise for the fact that, since the mistakes are many, this is quite a lengthy piece of correspondence.

I am requesting that the article be corrected in respect of the factual errors identified. It is of course then up to Mr Littlejohn and the *Daily Mail* to decide whether, in light of these amendments, their opinions change.

1. There is advice regarding what citizens of Leeds should do with excess waste

In respect of the recycling system in Leeds, the *Daily Mail* states: "There's no advice regarding what to do with your 'excess waste'." This is not correct, as the council's website makes clear.

The article indicates that the aggrieved local resident Miss Campbell's bins "contained rotting food and opened cans".

- It is widely understood that cans are able to go in the recycling bin. If cans were a substantial share of the material in the refuse bin, the recycling bin would have been an appropriate solution to deal with this "excess waste". Perhaps the refuse bin also contained some other bulky recyclable materials such as cardboard or plastic bottles, for which the recycling bin would again have been a clear alternative solution:

<http://www.leeds.gov.uk/residents/Pages/How-to-use-your-green-recycling-bin.aspx>

- The council also makes clear that if residents have excess recycling, this will be collected if bagged and left beside the bin.
- For residents in certain areas of Leeds, a food waste collection service is available. If Miss Campbell is in one of these areas, 'excess waste' of this type could also have been put in a different container, which is collected weekly.

<http://www.leeds.gov.uk/residents/Pages/What-goes-in-your-food-waste-bin.aspx> If she is not resident in one of these areas, perhaps she and the *Mail* might consider asking Leeds Council to extend the food waste service so that all local households can benefit from it, again helping to provide an alternative and more frequently collected alternative to the residual waste bin.

There are therefore clear alternatives provided by the council for individuals with excess waste. It only requires that they take the minimal action necessary to separate recyclables from other waste. Any excess waste that is not recyclable can be taken to the local tip.

Since there is advice about what to do with excess waste, the *Mail* should remove or clarify this factual claim.

2. The ozone hole exists

The article refers to the “non-existent ozone hole”. This reference is both inaccurate and irrelevant.

- NASA monitors the levels of ozone in the upper atmosphere, and reports that the ozone hole, though somewhat reduced from its peak in the mid-2000s, still very much exists.¹
- Ozone depletion was primarily caused by chlorofluorocarbons used as aerosol propellants and as heat exchange fluids in refrigerators and air conditioners. I am aware of no suggestion that recycling household waste has any bearing on the ozone layer.

This factual claim is both incorrect and redundant, and should be removed from the article.

3. There is no evidence that the polar bear population is “burgeoning”

The article also makes reference to the “burgeoning polar bear population”. According to Polar Bears International, there is no reliable historical data on polar bear numbers.² There is a useful survey of the history of the “growing polar bear population” claim in the 2008 *SE Journal*, which shows how oft-repeated and ill-founded the claim is.³

¹ http://ozonewatch.gsfc.nasa.gov/facts/history_SH.html

² <http://www.polarbearsinternational.org/about-polar-bears/what-scientists-say/are-polar-bear-populations-booming>

³ http://www.sejarchive.org/pub/SEJournal_Excerpts_Su08.htm

However, this issue is at least relevant: Polar Bears International highlights the importance of ice floe habitat to polar bears for hunting, and that global warming and the associated decline in sea ice are a threat. Recycling saves CO₂ emissions by reducing the need for primary raw materials, as illustrated in the Recycling Carbon Index produced by waste consultants Eunomia.⁴ Recycling could therefore, rather indirectly, help to protect the habitat of polar bears, and perhaps give them the opportunity to burgeon – whether or not they are doing so now.

This factual claim regarding polar bear populations is unsupported by evidence and should be removed from the article.

4. Susan Le Poidevin is not being prosecuted for using a ‘non-regulation’ bag

The facts of the case of “the Birmingham beauty salon owner” are reported in a very misleading way, regardless of whether one regards the council’s response to her case as proportionate.

The issue is not that the salon’s waste was placed “in a ‘non-regulation’ bin bag” – this implies that she has fallen foul of some sort of petty-minded regulation governing the type of bag that can be used.

In fact, commercial waste collections are a charged-for service, provided by some councils and a host of private sector operators. They are not paid for by business rates. Birmingham City Council sells businesses sacks, which they can then fill and set out when required. Apparently, Ms Le Poidevin last purchased a roll of sacks (typically 50) from the council in 2012; so apparently her business produces less than one bag of waste per fortnight. This is not an especially plausible claim.

By setting out commercial waste in a standard black bag she was making use of a service supplied by the council without making the proper payment. We are told that this was inadvertent, although since all trade waste on her premises should have been disposed of using the council bags, one might ask how there came to be any standard black bin bags on the premises at all. Would the *Mail* have an equally unquestioning attitude towards someone who made an “honest mistake” in making a claim for Housing Benefit, for example?

The *Mail* should make clear that Ms Le Poidevin did not simply use a bag of the wrong colour or thickness – she was, perhaps inadvertently, attempting to avoid paying the council for the service it was providing.

5. There is no new £1,000 penalty relating to bins in England or Wales

The *Mail* states that £1,000 is “the new maximum penalty recently introduced nationwide to force all house-holders and businesses to comply with even tighter recycling rules”. No

⁴⁴ <http://www.eunomia.co.uk/carbonindex/>

such fine applies under any circumstance in relation to household waste in England and Wales.

It is true that a £1,000 penalty is available in certain circumstances to local authorities in Scotland, as recent *Dundee Courier* stories have noted.⁵ However, that newspaper has also told readers that the typical fine would be around £60, escalating if there is non-payment or continuing problems and the matter has to be referred to the courts.

The *Daily Mail* might have troubled itself to check that waste is a devolved matter. The law in Scotland is not the same as in England, and local authorities in England have not been given any such powers. The penalty does not apply “nationwide” – unless the nation being referred to is Scotland.

The Mail should amend or remove this claim.

6. Three weekly collections do not have “alarming insanitary implications for infestation and decay”

The *Mail* states that three weekly collections mean that if “you miss one collection because, say, you’re on holiday, it will be six weeks before your dustbins are emptied, with all the alarming insanitary implications for infestation and decay.”

Neither of the authorities in England and Wales that have introduced three weekly collections has done so without providing food waste collections on a more frequent basis. In Bury, food and garden waste are collected fortnightly; in Gwynedd, food waste is collected weekly.

Therefore, if a resident goes on holiday and misses a collection then, provided that they separate their food waste, the material that is likely to have “insanitary implications for infestation and decay” will be able to be collected shortly after their return from their break.

The *Mail* should either remove or clarify this claim.

7. There are not “an assortment of ever-more vindictive penalties” in relation to waste

In England and Wales, no new powers to penalties for non-compliance with household waste schemes have been introduced since the Climate Change Act 2008. These powers were promptly repealed through the Localism Act 2011.

The *Mail* should amend or remove this claim.

8. David Miliband did not propose that “every household should buy a ‘kitchen caddy’ for food waste”

⁵ <http://www.thecourier.co.uk/news/local/dundee/dundee-residents-running-scared-of-bin-penalties-1.892995>

No source is provided by the *Mail* for this bizarre claim, but I assume this is a reference to the 2007 Waste Strategy for England,⁶ produced whilst David Miliband was the Environment Secretary. This said :

“There are strong arguments for encouraging more separate collection of food waste, especially since it can help achieve environmental gains more cost-effectively, including through the use of anaerobic digestion to provide energy... Separate collection of food waste has so far been introduced by a small number of authorities, all on a weekly basis and WRAP research suggests this can lead to higher tonnage and participation rates. The Government welcomes the fact that many local authorities are promoting home composting of organic waste....”

It also stated:

“The Government does not believe it is right to prescribe from the centre how collection is done in different parts of the country. That is a matter for local authorities.”

I am aware of no proposal by David Miliband that all households should be required to have separate food waste collections, far less that they should individually be required to pay for the new containers.

Unless it can evidence that Mr Miliband made such a call, the *Mail* should amend or remove this claim.

9. The 1975 Waste Framework Directive drives modern waste practice and was “intended to tackle the problem of a lack of landfill sites in the Netherlands and Belgium.”

Mr Littlejohn appears very confused regarding European waste legislation. The paragraphs regarding the 1975 Waste Framework Directive⁷ are strewn with errors, which should be corrected.

- He describes the Directive as a “report” when it is in fact a piece of legislation. This should be corrected.
- Whatever influence academic reports may have had in shaping its content, it was prepared by European civil servants for the European Council, as any piece of legislation would be. The claim that it was written by German academics should be corrected.
- I can find no evidence that it was “intended to tackle the problem of a lack of landfill sites in the Netherlands and Belgium”. The legislation contains no provisions that regulate landfill. Article 5 requires member states to take action to make sure they (collectively, and where possible individually) are self-sufficient in capacity for waste disposal, whether that be landfill or incinerators. Other articles require member states to take action to prevent uncontrolled dumping and fly-tipping of waste and

⁶ See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228536/7086.pdf

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1975L0442:20031120:EN:PDF>

to develop waste management plans. There are no binding targets for recycling. The Netherlands still has significant landfill capacity, which it is struggling to fill.⁸

- The 1975 Directive was amended in 1991 and replaced in 2005 by a new Waste Framework Directive, further revised in 2008. The 1975 Directive therefore has no bearing on current UK law.
- None of the Waste Framework Directives make any mention of “pay-as-you-throw taxes and microchips in wheelie bins”. In any case, pay as you throw is expressly prohibited in England and Wales by section 45 of the Environmental Protection Act 1990.
- The 1975 Directive was not “gold plated” by the UK. The UK took no action to implement it until the 1990 Environmental Protection Act. More recent Waste Framework Directives have been incorporated practically verbatim into English law, with minor omissions and the insertion of some qualifications. There is practically no enforcement of such transposing regulations as the Waste (England and Wales) Regulations 2011.
- It is untrue to say that the Waste Framework Directive does not “seem to apply in mainland Europe.” It is clear that all Directives apply to all Member States. It is up to each member state to demonstrate that it has implemented measures necessary in order to achieve those parts of the Directives that are binding. Reporting requirements are clearly specified, and available on the Commission’s website.⁹
- It is neither true nor relevant to state that “In France, Portugal and Spain, bins are emptied daily” as evidence that the Waste Framework Directive is not being applied in these countries. (1) The Directive does not make any stipulation regarding collection frequencies: it sets targets for recycling. Reducing the amount of residual waste that can be disposed of is widely accepted to be an effective way to encourage recycling, and is therefore such restrictions are applied by many countries. (2) Daily collections of waste may be available in some parts of France, Portugal and Spain, but certainly not in all; and many of these countries operate “bring” based systems, where residents have to take their waste to a communal location for collection, rather than have it collected from the doorstep. These bring banks may in some cases be emptied daily, but the case is far from analogous to UK household collections. (3) It is equally true that in some parts of the UK (e.g. certain estates in the City of London) daily residual waste collections are provided. Does that mean that the Directive seems not to apply in the UK?

10. Councils did not “simply ignore” Eric Pickles Weekly Collection Support Scheme

It is untrue and misleading to say that Eric Pickles was ignored. Many local authorities looked very closely at the support that was on offer, and whether they could afford to return to weekly collections. However, the terms of the support scheme made payments available to cover collections for three years, while requiring that weekly collections would

⁸ <http://www.waste-management-world.com/articles/print/volume-14/issue-5/features/landfill-a-victim-of-dutch-success.html>

⁹ <http://ec.europa.eu/environment/waste/reporting/index.htm>

have to be retained for five years. Authorities widely concluded that implementing weekly collections would leave them with a funding gap.

At the same time, local authority spending (largely controlled by Eric Pickles' then Department) was cut by a third between 2010 and 2015.¹⁰ Weekly collections are more expensive to operate than fortnightly, both in terms of vehicles and crew, and in terms of the tendency for this to result in more residual waste and less recycling being collected.

Far from ignoring Eric Pickles, councils took note of the real message of his cuts sent, and made services more efficient. In this context, many recognised that it was simply unaffordable to continue to offer a frequency of service that the vast majority of householders, who make use of the recycling collections that are available, do not require.

The assertion that councils ignored Eric Pickles should be corrected.

I would be grateful if the many and varied factual errors in this article could be amended as quickly as possible before they mislead any more readers than it may have done already.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Peter Jones', written in a cursive style.

Peter Jones

¹⁰ <http://www.publicfinance.co.uk/news/2014/08/council-spending-%E2%80%99cut-nearly-one-third-2010%E2%80%99>