

Briefing Note: Engagement with Keep Britain Tidy and Compliance with Article 5.3 of the FCTC

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1. Purpose of this briefing

1.1 This briefing outlines the compliance risks associated with partnerships between local authorities and Keep Britain Tidy (KBT), in light of revelations about KBT's funding and in the context of the Local Government Association (LGA) guidance on engagement with the tobacco industry. It also sets out recommended actions local authorities can take to mitigate these risks.

2. Background

2.1 Local authorities have a duty to comply with the requirements of [WHO Framework Convention on Tobacco Control](#), a global health treaty designed to help countries work to eliminate the harm caused by tobacco. [Article 5.3](#) is a key element of the treaty. It is intended to protect public health policy from the influence of the tobacco industry. It reads: *"In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law."*

2.2 The LGA has produced [guidance](#) to support local authorities to comply with Article 5.3, informed by [national guidance produced by UK Government](#). ASH has also developed a [toolkit](#) to support public health bodies to implement Article 5.3.

2.3 [Recent evidence](#) indicates that Keep Britain Tidy (KBT) has received substantial funding originating from tobacco companies via a third-party body (CleanStreets CIC). This creates potential compliance risks for councils working with KBT on litter and behaviour change programmes.

2.4 Keep Britain Tidy have issued a statement stating that the funding does not constitute a conflict of interest and councils engaging with them will not breach Article 5.3. However, this is not their judgement to make but that of local councils and

government. Tobacco industry funding via a third party is specifically covered by the [LGA guidance](#): “Voluntary or non-binding funding to support the work of the council should not be accepted directly **or indirectly** from the tobacco industry, under any circumstances. Payments, gifts and services, monetary or **in-kind**, offered by the tobacco industry can create conflicts of interest.”

2.5 The guidance also states that:

- “Projects, activities or work funded directly or indirectly by the tobacco industry should not be endorsed and care should be taken to avoid creating the impression that any such endorsement exists.”
- “Organisations should not endorse, support, form partnerships with, or take part in activities of the tobacco industry that could be described as ‘socially responsible’.”

2.6 The guidance is clear that organisations in receipt of funding from tobacco companies are defined as part of the *tobacco industry* and are covered by Article 5.3.

2.7 A detailed note on how the relationship between KBT and local authorities breaches Article 5.3 is in the appendix.

3. Why This Matters

3.1 Tobacco companies (including BAT, Imperial, and JTI) have provided funding through an intermediary (CleanStreets CIC) to Keep Britain Tidy. This constitutes indirect tobacco industry involvement. Under LGA guidance, such interactions with tobacco-funded organisations should be avoided.

3.2 The rationale for this is that tobacco industry-funded programmes are at higher risk of conflict of interest and may not operate in the interests of public health, for example emphasise litter behaviour rather than reducing tobacco use and align with industry narratives that shift responsibility away from producers and on to consumers.

3.3 In some cases, the link to tobacco funding does not appear to have been clearly disclosed to local authorities.

4. Compliance Risks

4.1 Engagement with KBT places local authorities at risk of breaching obligations under the FCTC. Examples of engagement which could be a breach include:

- Co-delivery of campaigns
- Acceptance of funding or resources
- Endorsement or promotion of programmes

5. Recommended Actions

Immediate

- Review existing and planned partnerships
- Pause engagement where necessary

Medium Term

- Strengthen due diligence processes: Include checks for indirect tobacco industry funding in all partnerships linked to tobacco
- Update procurement and partnership policies and consider explicitly exclude organisations receiving funding from the tobacco industry (directly or indirectly)

- Build awareness: provide training for officers and elected members on Article 5.3 requirements
- Where a continued relationship is deemed necessary, ensure that it complies with Article 5.3 rules on transparency as with any tobacco industry-funded organisation (e.g. publishing correspondence and minutes from meetings).

Strategic

- Prioritise public health approaches and avoid initiatives that address symptoms (e.g. litter) without tackling tobacco use
- Support regulatory solutions: Advocate for Extended Producer Responsibility (EPR) for tobacco products to reduce reliance on voluntary, industry-funded schemes

6. Conclusion

6.1 Local authorities should exercise caution when engaging with organisations that receive funding from the tobacco industry, even indirectly.

6.2 Partnerships with Keep Britain Tidy may create:

- Conflicts of interest
- Risks of non-compliance with national guidance
- Reputational concerns

6.3 Taking proactive steps now will help ensure compliance with LGA guidance and protect the integrity of local public health policy.

Guidance on implementing Article 5.3:

- LGA guidance: *Engagement with the Tobacco Industry – Guidance for Local Government*: <https://www.local.gov.uk/publications/engagement-tobacco-industry-guidance-local-government>
- DHSC guidance for government engagement with the tobacco industry: <https://www.gov.uk/government/publications/protocol-for-engagement-with-stakeholders-with-links-to-the-tobacco-industry/guidance-for-government-engagement-with-the-tobacco-industry>
- ASH, Local Government Article 5.3 Toolkit: <https://ash.org.uk/for-professionals/local-toolkit/article-5-3-toolkit>

Appendix 1: Potential Breach of Article 5.3 in Relationships Between Keep Britain Tidy and Local Authorities

1. Summary

1.1 [Recent reporting](#) indicates that tobacco industry funding, channelled via the [Tobacco Manufacturers' Association](#) (TMA) through CleanStreets Community Interest Company, has supported activities delivered by Keep Britain Tidy in partnership with local authorities.

1.2 There is a strong case that such arrangements are inconsistent with the UK's obligations under Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), as well as [UK government](#) and [Local Government Association \(LGA\) guidance](#).

2. Purpose of Article 5.3

- 2.1 Article 5.3 of the FCTC is designed to protect public health policymaking from the vested interests of the tobacco industry. The WHO Article 5.3 implementation guidelines make clear that:
- There is a “fundamental and irreconcilable conflict” between the tobacco industry’s interests and public health policy
 - Governments must act to limit interactions with the tobacco industry to those that are strictly necessary for regulation
 - Public bodies should avoid partnerships, voluntary agreements, and non-essential engagement with the industry or those acting on its behalf
- 2.2 The overarching aim is to prevent the industry from:
- Gaining legitimacy or credibility through association with public institutions
 - Influencing policy directly or indirectly
 - Embedding itself within decision-making structures through relationships, funding, or collaborative initiatives
- 2.3 The relationship between tobacco-funded entities, Keep Britain Tidy, and local authorities runs counter to these principles by:
- Creating ongoing relationships between public authorities and actors funded by the tobacco industry
 - Normalising engagement and collaboration, rather than restricting it
 - Providing reputational benefit to the industry through association with environmental initiatives
 - Opening indirect channels of influence within the policy environment
- 2.4 This goes beyond the “strictly necessary” interactions permitted under Article 5.3 and risks undermining the integrity of public policymaking.

3. Scope of Article 5.3: Inclusion of Indirect Actors

- 3.1 Article 5.3 protections extend beyond tobacco companies themselves to include third parties acting on their behalf or funded by them. The [WHO Article 5.3 implementation guidelines](#) state that protections apply not only to the tobacco industry but also to: *“organizations and individuals that work to further the interests of the tobacco industry.”* The guidelines also explicitly recognise industry tactics involving intermediaries: *“the tobacco industry’s practice of using individuals, front groups and affiliated organizations to act... on their behalf.”*
- 3.2 [UK Government \(DHSC\) guidance](#) reinforces this broad definition, including: *“those that receive funding from the tobacco industry”* and *“those that work to further the interests of the tobacco industry”*
- 3.3 Even where funding is routed through intermediaries (e.g. TMA → CleanStreets → Keep Britain Tidy → Local Authorities), the connection to the tobacco industry remains within scope of Article 5.3. The use of a “middleman” does not mitigate the risk, it is explicitly anticipated in the guidance.

4. Relevance of Article 5.3 Beyond Narrow Public Health Policy

- 4.1 The remit of the WHO FCTC is broader than health and explicitly includes ‘Protection of the Environment’. Therefore, Article 5.3 is concerned with protecting policymaking from tobacco industry influence, not just health-specific interventions. Furthermore, the guidelines emphasise that engagement should be limited to interactions that are strictly necessary for regulation.

4.2 Funding arrangements enable ongoing relationships between local authorities and tobacco-funded actors. These relationships can normalise industry involvement, create channels of influence and undermine the intent of Article 5.3 protections.

4.3 Article 5.3 is engaged because of the relationship created, regardless of whether the funded activity (e.g. litter reduction) is explicitly health-related.

5. Tobacco Industry CSR and Prohibited Partnerships

5.1 The CleanStreets model can reasonably be characterised as a tobacco industry corporate social responsibility (CSR) initiative. The Article 5.3 guidelines are explicit:

- Governments should: *“Denormalize... activities described as ‘socially responsible’ by the tobacco industry”*
- Governments should not: *“accept, support or endorse partnerships... with the tobacco industry or any entity... working to further its interests”*
- Further, they state: *“Parties should not allow acceptance by any branch of government... of... financial... or community contributions from the tobacco industry or from those working to further its interests”*

5.2 Local authority participation in programmes funded via CleanStreets is de facto acceptance of tobacco-linked funding, endorsement of a tobacco industry CSR initiative and a form of partnership or cooperation prohibited under Article 5.3.

6. UK Guidance for Government and Local Authorities

6.1 UK Government guidance strengthens this interpretation and the reported arrangements appear inconsistent with both national and local-level guidance implementing Article 5.3:

- [DHSC guidance](#) states that government bodies should not:
 - Accept funding “directly or indirectly” from the tobacco industry
 - Enter into voluntary arrangements with the tobacco industry or its proxies
- [LGA guidance](#) advises councils to:
 - Avoid accepting direct or indirect tobacco funding
 - Not endorse projects funded by the tobacco industry
 - Avoid activities that conflict with FCTC obligations

7. Consistency with Previous Government Position on Tobacco Litter

7.1 The UK Government has previously recognised the risks of tobacco industry involvement in litter policy. In 2021, [Defra and DHSC stated that](#): *“a regulatory approach may be required... to ensure that the industry takes sufficient financial responsibility... and to prevent them from undermining public health policy.” and agreed to explore setting up an extended producer responsibility scheme under powers in environment legislation.”*

7.2 Government has already acknowledged that tobacco industry-led litter initiatives may be insufficiently robust, risk undermining wider public health objectives, serve strategic industry interests

8. Conclusion

8.1 There is a credible and well-supported argument that the relationship between Keep Britain Tidy, CleanStreets, and local authorities represents a likely breach of Article 5.3 obligations. This is based on:

- The inclusion of indirectly funded actors within the definition of the tobacco industry
- Explicit recognition of front groups and intermediaries in Article 5.3 guidance
- Prohibitions on accepting funding and partnerships with tobacco-linked entities
- The classification of such initiatives as tobacco industry CSR
- Clear alignment with UK government and LGA guidance discouraging such arrangements

9. Counterarguments and Responses

Counterargument	Response
CleanStreets and Keep Britain Tidy are independent entities, not tobacco companies	Article 5.3 explicitly extends beyond the tobacco industry to include “organizations and individuals that work to further its interests.” UK guidance also includes “those that receive funding from the tobacco industry.” Independence in governance does not remove 5.3 applicability where funding links exist.
Funding is indirect and administered at arm’s length	The guidelines explicitly recognise the use of “front groups and affiliated organizations” acting on behalf of the industry. Indirect funding via intermediaries is anticipated and does not mitigate risk, indeed, it is a known tactic addressed by 5.3.
No direct interaction between tobacco companies and local authorities	Article 5.3 is concerned not only with direct interaction but also indirect influence and relationship-building. Funding arrangements that create ongoing relationships with tobacco-funded bodies can still undermine the objective of limiting engagement to what is strictly necessary.
This is an environmental issue (litter), not public health policy	Article 5.3 applies broadly to protect policymaking from industry influence, not just health-specific decisions. The key issue is the creation of relationships and influence channels, not the subject matter of the funding.
The arrangement delivers clear public benefit (reducing litter)	Article 5.3 guidelines explicitly warn against accepting tobacco industry contributions, even where framed as beneficial. They recommend that governments should not accept financial or community contributions from the industry or those working to further its interests, except in very limited circumstances.
This reflects a ‘polluter pays’ approach	The UK Government has indicated that regulatory approaches are preferable to voluntary industry-led schemes, partly to avoid industry influence. Voluntary funding schemes risk being used to shape policy and avoid stronger regulation.
CSR activities are not strictly prohibited in all cases	The guidelines are clear that governments should “denormalize” tobacco industry CSR and should not “accept, support or endorse” such activities. Participation by public bodies risks being interpreted as endorsement, even without explicit promotion.
There is no evidence of policy influence or interference	Article 5.3 operates on a precautionary basis. It aims to prevent the risk of influence, not just respond to proven interference. The creation of relationships and financial links is itself sufficient to raise concerns.

Funding is used without branding or promotional benefit	Even without visible branding, the guidelines highlight that CSR activities are intended to improve the industry’s reputation and access. The absence of branding does not eliminate reputational or relational benefits.
Supports emerging Extended Producer Responsibility (EPR) principles	While EPR is a legitimate policy approach, Article 5.3 guidance suggests such mechanisms should be regulated and government-led, not delivered through voluntary partnerships with the industry or its proxies.

Appendix 2: Evidence of the link between Keep Britain Tidy, Clean Streets and the Tobacco Manufacturers Association

From the KBT 2024 annual report: "Since 2022, CleanStreets Community Interest Company (CIC) has provided us with a grant, enabling us to undertake an intensive programme of work aimed at tackling cigarette-related litter, including a national behaviour change campaign underpinned by research and supported through practical interventions."

CleanStreets CIC is a community interest company that was set up in 2021. Their [website](#) states that they are funded by the "member companies of the Tobacco Manufacturers' Association (TMA) for three years to fund campaigns to reduce cigarette littering." CleanStreets do not disclose any sources of funding other than the TMA, or any grants other than the one awarded to KBT.

The funding is detailed in this article in Third Sector from 2024: [Large grant causes Keep Britain Tidy's income to more than triple](#). This sets out how KBT's "income from charitable activities rose from £4.4m in 2021/22 to £15.9m in 2022/23, with smoking-related litter funds accounting for £11.4m of this. The increase was largely due to a large smoking-related litter grant totalling more than £11m from the community interest company CleanStreets, which is funded by member companies of the Tobacco Manufacturers' Association."

KBT's funding and annual reports are available on the Charity Commission [website](#). The chart below shows their income tripling in 2022 following the CleanStreets grant.

