

DEFRA

Fly-tipping Strategy consultation

Northgate Information Solutions' response

**May 2004**

# Fly-tipping strategy

## Introduction

1. Northgate welcomes the consultation on the Department's fly-tipping strategy.
2. Our submission focuses on the use of penalty notices as an additional means of tackling the problem. The response provides some suggestions for the effective use of penalty notices, including training, enforcement and effective information management.

## Rights and responsibilities

3. The right to live free from environmental and social nuisance should be enjoyed and respected by all. It is fundamental to the quality of life and community well-being. This requires a strong and robust system of community justice built on two equal pillars – help and enforcement.
4. For Northgate, an effective system of community justice is about both help and punishment. A healthy society promotes social inclusion and a strong sense of solidarity and social responsibility within communities. But it must also enforce the administration of civil and criminal justice.
5. Demoralised communities living in run-down or neglected environments need to know that broader social issues – inequality and social deprivation – will be tackled at the same time as their day to day concerns, such as poor street lighting and the fear of crime. And when social nuisance or crimes are reported, but nothing done, then the community becomes a victim too.
6. Community well-being is founded on trust. Where there is perceived inactivity on the part of public authorities to deal with citizens' day to day concerns, people are less likely to trust their ability to deliver fair and efficient public services. A proactive approach to community well-being, backed up by fair enforcement systems could help to enhance public trust and improve service delivery.

## Penalty notices

7. Northgate welcomes the proposal to extend the range of fly-tipping enforcement measures available to authorities through the use of penalty notices. Prosecution must remain an option in more serious cases, but can be unsuitable and time consuming for lower-level offending.

8. The government's strategy for fly-tipping gives local authorities the lead role for tackling low-level offences, and it is essential that they are given the correct tools to ensure effective enforcement. There must also be clear lines of responsibility between the Environment Agency and local authorities to prevent the emergence of an enforcement gap.
9. In recent years there has been a discernible trend of applying civil and administrative penalties as part of, or to supplement, the criminal law in the UK. The penalty notice system can provide administrative convenience, particularly in dealing with high-volume low-level nuisance and crime which may otherwise continue unabated. Penalty notices give authorities with limited resources an additional means of dealing efficiently with minor offences.
10. Penalty notices can be grouped into four main areas: public disorder offences; minor "environmental" offences such as litter and dog fouling; traffic and parking offences; and those linked with public administration.
11. As a useful tool to deal with administrative offences, we would like to see a review of the application of penalty notices to a wider range of minor offences such as health and safety, as in Australia and other countries. Currently the Health & Safety Executive and environmental health officers with health and safety duties have no powers to issue penalty notices for low-level offences, yet arguably these could be a powerful tool in preventing escalation, for example if they were issued at the time of a warning to show clear enforcement intent, or after a warning when an infringement has occurred.

## Effective enforcement

12. The consultation notes that as waste management legislation is tightened, cases of fly-tipping are expected to increase. Effective enforcement is essential to ensure prevention, and the methods chosen must consistently reflect the severity of the offence.
13. The consultation notes that the use of penalty notices against domestic householders has been discounted at this stage, pending a review of the provisions for household waste under the Waste Framework Directive.
14. When minor offences are committed, but nothing done, citizens' faith in the enforcement powers of public authorities is diminished. Northgate welcomes the intention to review the duty of care legislation further, and looks forward to the publication of the research report and good practice guide.
15. We would like to see further consideration given to the possibility of issuing penalty notices to householders through duty of care provisions, following a

review of their impact covering issues such as fairness, proportionality and the ability to pay.

## Monitoring adverse impact

16. The impact of enforcement systems on both individuals and levels of public confidence must be adequately monitored. If penalty notices are used inappropriately, questions can be raised about their power as a deterrent and whether they violate human rights principles, due process and fairness.
17. Any extended use of penalty notices should be accompanied by guidelines providing that public authorities review the use of such systems and put in place practices to measure and prevent adverse impacts. This will help to send out a strong message to the public that systems will be tested to ensure that there is no underlying bias which would lead to disproportionate, unequal or unfair treatment on account of such factors as gender, disability, special needs and religion.
18. Unlike court fines, penalty notices are not related to the ability to pay. This means that problems can occur if individuals are allowed to accrue large amounts of unpaid fines. Enforcement systems should monitor their use.

## Preparing the public

19. It is important to ensure that enforcement measures, in so far as it is possible, are directed at organisations and individuals who knowingly infringe environmental, social and other low-level criminal or civil offences. This means taking measures to inform the general public and businesses about their responsibilities and rights. They should be prepared for new changes in law so that they understand the implications of continuing their actions.
20. Any enforcement measures should be used as part of a co-ordinated policy mix of education, the promotion of rights and law enforcement. Community engagement and inclusion in developing effective policies is crucial. Citizens are not only users and consumers, they are deliverers and they should be collaborators. So whilst the content of policy is important, so too is the context in which it is delivered. Any effective strategy must involve the community both in problem-solving and change management.
21. Northgate would like to see a national awareness-raising programme developed to educate householders and businesses about their rights and responsibilities. Consideration should be given to raising awareness of fly-tipping as part of a national communications strategy focused on the broader subject of environmental crime.

## Training of enforcers

22. Whilst penalty notices may provide an efficient and cost-effective means of dealing with minor offences, the penalty notice system is only as fair as it is operated. This means that particular attention should be paid to the training and resources of all staff who will operate the system. Staff should be adequately equipped to understand how human rights and diversity issues impact on service delivery, and be able to deal with the public in a courteous, fair, equitable and consistent fashion.

## Effective information management

23. Accurate information should be the basis on which effective preventative strategies are built. The consultation highlights the dearth of information available to policy makers and practitioners on both the extent of fly-tipping and level of success to date.
24. The Environment Agency is working with local authorities to develop a fly-tipping database. This is a welcome step towards obtaining a national 'picture' of the problem but, as noted by the Environmental Audit Committee's recent inquiry into environmental crime, there is a need to ensure that information on all environmental crime and its enforcement is equally available.
25. The sharing of information between local authorities, the Environment Agency and partner organisations is crucial to delivering a joined-up approach to the problem of fly-tipping. All too often citizens are let down by public authorities' failure to share information properly. Any new system should address this issue as a matter of priority, both for statutory bodies and voluntary organisations working in this area.
26. Initial findings from research Northgate has commissioned into the use of penalty notices has found a raft of different processes and practices in relation to environmental crime, both within and between local authorities. A range of enforcement databases are in use, with varying degrees of effectiveness. We would like to see a review of the current operation of the penalty notice enforcement system, both at a national and local level, so that any technology developed is employed as a means to an end, rather than an end in itself.

## Hypothecation

27. The Anti-social Behaviour Act 2003 brought forward provisions for local authorities to retain the receipts from penalty notices issued for fly-posting, graffiti and noise nuisance. Previous legislation allowed the receipts from penalty notices issued for litter and dog fouling to be retained.
28. Allowing councils to retain the revenue from penalty notices issued for fly-tipping will help to offset their cost, enable excess funds to be ploughed back into environmental improvement and provide an incentive to tackle such offences. Given that fly-tipping is such a big issue in local communities, the government would demonstrate consistency by allowing local authorities and the Environment Agency to retain the receipts from penalty notices issued for related offences.

## Further information

29. For further information please contact Kathy Sutton, 0207 849 3403.

## About Northgate

Northgate is a technology company with a difference. We are committed to high quality public services. And we understand the public sector. We know how it works, some of its problems and most of its challenges. That knowledge is core to our business.

At Northgate we are sensitive to the internal requirements of our public sector customers, the process of public service delivery and the wider policy agenda surrounding public services. We develop solutions that take all three into account and understand the relationship between them.

Northgate supplies innovative technology solutions to the public sector. Our clear customer focus and collaborative approach has helped us to work with all 52 police authorities and nearly a third of local authorities. Our task is to enhance public sector value through the intelligent use of information technology and to share in the economic and social benefits that this brings.

Northgate helps communities to achieve a safer, cleaner and healthier environment by tackling the issues that are most important to local people, from anti-social behaviour to urban congestion. We believe that citizens should be at the heart of public services and be active participants in the delivery of local solutions.

New powers often create new headaches for public authorities, pressed for time and resources. With over thirty years of experience, Northgate's no-nonsense approach helps our partners meet changing demands with the minimum of fuss. We give public authorities the support to innovate and experiment, developing new responses to long-standing problems and anticipating problems that may arise in the future.

### Northgate public services:

- works with fire and rescue, police and ambulance services, helping them to reassure local people by improving response times and co-ordinating services. We work in partnership with a number of UK fire brigades to develop innovative approaches to managing risk and promoting community safety.
- assists local authorities, the police and the emergency services to raise local standards by helping them provide citizens with accessible and responsive one-stop services. Our clients at Halton and Swale Borough Councils have won awards in recognition of their contribution to e-government.
- works in partnership with the government and police to give forces and local authorities the tools they need to deal effectively with anti-social behaviour. We

are the government's chosen provider of penalty notice enforcement systems to the police.

- provides national management information systems to the police and the Department of Health
- provides managed services across numerous sectors, including the first fully managed service for Devon & Cornwall Police Authority.
- supports national road safety and local traffic management strategies. We are the UK's leading provider of vehicle penalty and fixed penalty enforcement systems.
- helps deliver solutions to high-profile environmental problems. We provide enforcement systems for Transport for London's congestion charging scheme, reducing delays and pollution in the capital.
- works with local agencies to deliver integrated services for vulnerable people by identifying those at risk and developing a holistic approach through unified support systems.
- manages benefit systems for local authorities such as Camden, streamlining the benefits process and allowing citizens easier access to the support that they need.
- works in close partnership with many public sector organisations such as the GLA, helping them focus on the delivery of their core services by managing a wide range of human resource tasks, such as payroll, that require high levels of administration.

Northgate's services allow public authorities to focus on public service delivery, reducing the administrative burden. By using our systems, public authorities spend less time chasing the paper trail and more time improving the quality of life for local communities and their citizens. Northgate helps public authorities to implement national policy through local delivery. When public authorities benefit, the community does too.