

# London Assembly – protecting the city environment

## Introduction

Northgate warmly welcomes the Environment Committee's investigation into protecting the city environment. Graffiti, fly-posting, fly-tipping, abandoned vehicles, dog fouling and litter are major factors affecting the quality of life of London's citizens, its employees and the millions of tourists who visit the capital. Protection is in the interest of our well-being – for individuals, employers, community groups and government. It should be the responsibility of us all.

Our response covers some general matters but also focuses in on the use of penalty notices or on the spot fines to tackle environmental nuisance. Our main premise is that penalty notices can be an additional administrative tool for tackling offending behaviour so long as the systems in place have the necessary safeguards to ensure their appropriate use.

## Law and education

Some governments provide a legislative framework in which such responsibilities can be framed. It is important that any strategy consists of a two-pronged approach designed to influence both organisational and individual behaviour in the short and long term. The fundamental objective must be to ensure a community-wide understanding that violations of this nature will not be tolerated by individuals, organisations and government.

*In Queensland, Australia, the Environmental Protection Act 1994 provides for "ecological sustainable development." Its purpose is to protect Queensland's environment while allowing for development that improves the quality of life, now and in the future. One of its key features is to place a general environmental duty on all Queenslanders. Individuals undertaking any activity must take all reasonable and practicable measures to prevent or minimise environmental harm.*

Any abatement strategy should address a range of mechanisms designed to reduce these forms of social and environmental nuisance, including education, enforcement and extended producer and corporate responsibility. Irrespective of whether there is a legislative framework, education is a crucial tool in helping to prevent nuisance of this nature and to achieve long term cultural change. Extended producer responsibility can take a range forms including container deposit laws, reductions in unnecessary packaging, product labeling, industry programmes and support and industry waste reduction plans.

## Enforcement

There is, in our view, a clear need to address issues of enforcement in dealing with social and environmental nuisance. It is clear that the current measures are ineffective for dealing with individual citizen concerns and place stress on the resources of hard-pressed public servants such as the police and environmental health officers. The test of the most appropriate form of enforcement is that which promotes the maximum compliance and prevents offending behaviour.

If Londoners are to realise their responsibilities for tackling and preventing environmental nuisance, they need to have faith that their well-founded concerns will be dealt with quickly and appropriately. Where there is perceived inactivity by public authorities to act on citizens' day to day concerns, local citizens are less likely to trust their ability to deliver fair and efficient public services.

Used appropriately, penalty notices, or more colloquially on the spot fines, can be an effective way of dealing with high-volume low-level environmental nuisance and other forms of minor infringements of the law which are currently either processed through the courts or where no action is currently undertaken. Penalty notices give authorities with limited resources an additional means of dealing efficiently with minor offences. They should not be used as a substitute for other forms of enforcement but as an additional means of tackling offending behaviour swiftly thereby acting as a short term deterrent for potential offenders.

There has been some controversy concerning penalty notices in the UK. But in other countries such as New Zealand, Canada and Australia, they have been widely used as a tool to strengthen law enforcement, for example in health and safety law and under Australian environmental legislation where breaches of the law are minor; where the facts are apparently indisputable; where there is one-off breach and where a penalty notice could act as a deterrent.

*In Canberra there is a wide range of on the spot fines for offences under domestic animals legislation. These include \$150 dollar fines for a female dog in heat in a public place, an unmuzzled greyhound in a public place with or without a carer, four or more leashed greyhounds in a public place, keeping an unregistered dog; \$75 dollar fines for dog not wearing registration tag, taking dog into grounds of childcare centre, high school or sporting field and \$50 dollar fines for not carrying equipment for removal of faeces, failing to change the address of where the registered dog is kept.*

*In Ireland, the number of penalty notices issued by local authorities for litter increased by 8 times between the years 1997-2001. Under Irish legislation, both companies and individuals can be found guilty of littering offences and owners or people responsible for a place to which the public have access are responsible for keeping the place litter free, irrespective of how the litter got there.*

Penalty notices are not an appropriate tool for dealing with serious and consistently repeated crime, where the evidence does not meet the relevant standards for criminal and civil infringements of the law, or where the penalty does not meet the seriousness of the offence.

## **Preparing the public**

The public should be prepared for new changes in law so that they understand the implications of continuing their actions.

*In the Australian state of Queensland a moratorium of two months preceded the introduction of penalty notices for new offences relating to environmental nuisance, giving the public a chance to understand the new system and make any modifications to their behaviour.*

## **Ability to pay**

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, and enforcement systems should monitor their use. In addition, local authorities should consider providing time to pay arrangements, particularly where ability to pay is under question, as this will help to increase compliance. Care must be taken to ensure that individuals are not allowed to build up huge debts which act as an incentive to re-offending. This means that local authorities who establish such systems should also have clear systems for the monitoring of their application to prevent any negative effects from the use of such enforcement mechanisms.

## **Ensuring equitable systems**

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 staff that will operate the system – from front line staff who issue the tickets to enforcement managers. 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, respectful and consistent fashion. This is particularly important for staff who may not be used to tackling enforcement issues.

Enforcement systems must be responsive, transparent, accountable, equitable and audited. Authorities should make particular provision for ensuring that enforcement does not undermine public education and promotion of community well-being and quality of life issues. This means ensuring that enforcement staff use proportionate methods in issuing penalty notices, so that they issue advice or an informal caution where appropriate. Careful consideration should be given to human resources when considering the respective educative and enforcement role of authorities. In particular, whether there is a need to establish borough or London wide enforcement teams.

*In Rochdale an environmental management enforcement policy has been drawn up which sets up the standards and guidance for officers involved in enforcement including the need to ensure that standards are in line with the Human Rights Act. Complaints about enforcement officers can be raised through the council's complaints procedure and citizen panels and surveys are used to test out the citizens' perceptions of enforcement.*

## **Co-ordinating action**

Environmental nuisance does not respect local authority boundaries. It is essential that the causes of this form of nuisance are addressed by the capital as a whole and by individual boroughs on a strategic basis. Until this is done it is possible that displacement will occur with the problem being transferred from one place to another and the responsibility transferred from one borough to another. In this way London's poorer boroughs with fewer resources could suffer disadvantage.

Collaborative action and the sharing of information between as many agencies as are responsible for community well-being in London is crucial. Crime and Disorder Reduction or Community Safety partnerships could be a useful forum for the development of an holistic approach to enforcing both environmental quality and tackling other forms of low-level crime.

*In London, Capital Standards has proved to be an innovative scheme assisting in keeping the streets clean. The street enforcement manual and its training programme have provided a means of ensuring fair and confident enforcement by participating London authorities..*

Authorities will need to consider what systems they have in place to track, enforce and evaluate any enforcement scheme they introduce. Working with neighbouring authorities or with regional crime reduction teams could be one way of ensuring an effective system is place, as well as securing the benefit of economies of scale.

## **Working with the voluntary sector**

In the future, the lines of responsibility and accountability for community justice and well-being will become increasingly blurred and require even greater levels of collaboration between local authorities, the criminal justice system and the community and voluntary sector.

Citizens are both users and deliverers, and they should be collaborators. Involving the local community in developing practical solutions to problems is critical. So too is enabling citizens to be active participants in regaining control over their communities – in problem-solving and change management. And it is here that the diversity and range of community and voluntary sector projects, with their close links to the community, have a clear role to play.

## **Environmental nuisance and noise**

Noise, too, is a highly significant issue for many Londoners. The current Anti-social Behaviour bill tackles some of the issues relating to noise. We note that the committee has not included this in its terms of reference.

However, we believe that low-level noise problems can be prevented in the community by using a combination of legislation, public education and a range of enforcement measures.

The current bill gives local authorities greater powers to enforce environmental quality through the use of penalty notices for offences such as graffiti and fly-posting. In all cases apart from noise local authorities will be able to retain the receipts from penalty notices which will be hypothecated for local environmental improvement. This includes graffiti, fly-posting, litter and noise. Noise is a significant problem for local people, and allowing councils to retain the receipts from penalty notices issued for noise would bring additional funding and a greater incentive to tackle this nuisance – particularly when the existing powers to issue penalty notices have been so rarely used.

## **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. Our task is to enhance public sector value through the intelligent deployment of people and information technology systems and to share in the economic and social benefits that this brings.

Our clear customer focus and collaborative approach has helped us to work with London boroughs such as Haringey, Hackney and Camden, and with the Greater London Authority, Transport for London and the Metropolitan authority for the police. We work with nearly a quarter of local authorities and all of the police authorities in the country.

Northgate assists local authorities and the police to promote community well-being by helping them provide citizens with accessible and responsive one-stop services and enforcement systems. Our local authority clients have won awards in recognition of their contribution to e-government. We manage benefits system for local authorities, streamlining the benefits process and allowing citizens easier access to the support that they need. We provide and manage enforcement systems for London's congestion charging scheme; are the national penalty notice enforcement systems provider for vehicle procedures and are the country's leading provider of penalty notice systems for the police.