



Enforcement for littering and dog fouling

Keep Wales Tidy



cadwch keep
gymru'n wales
daclus tidy

A holistic approach to LEQ – how to enforce for littering and dog fouling

Keep Wales Tidy is an independent charity with a mission is to encourage local action to protect and enhance our environment, contributing towards a sustainable future. We deliver:

- Programmes which improve the quality and sustainability of the environment
- Advice and technical expertise to government and partners
- A means of translating strategic policy into effective local action
- Campaigns on a range of environmental issues.

Keep Wales Tidy operate at international, national, regional and local levels. We aim to influence behaviour change through policy development and campaigns, environmental education and community engagement.

Keep Wales Tidy reaches in to the heart of communities throughout Wales. We deliver programmes which are specifically tailored to support the people of Wales and improve the quality and sustainability of the environment in which we live and work. The local environment is central to our wellbeing and has implications for everything from our health, through to our economy and our cultural values.

We have developed a holistic approach to Local Environment Quality which is based on prevention, behavioural insights, collaboration and partnership. Part of this approach includes the application of enforcement powers, but we know from our experience in communities and our work with frontline enforcement staff across Wales that enforcement cannot work in isolation and must be part of a wider engagement and prevention strategy. This is particularly relevant in a time of significant cuts to local authority budgets.

Many local authorities have preventative strategies in place although many of these tend to focus on top-down carrot and or stick approaches. For example, programmes typically inform people of the impact of their behaviour on the environment, or try and incentivise or dis-incentivise behaviours through things such as points-based rewards schemes for recycling or fines/enforcement for anti-social behaviours.

Enforcement in particular appears to remain a popular strategy to prevent behaviours. APSE's 2015 State of the Market surveyⁱ found that '56% of respondents thought that there will be an increase in enforcement/notices issued in the next 2-3 years' and 'felt that enforcement has become more publicly and politically acceptable in recent years'. Furthermore, it is assumed by councillors to be an effective way of changing behaviour and a popular way of demonstrating that they are taking a 'strong stance' on tackling an issue.ⁱⁱ As one council officer mentioned in relation to dog fouling, *"for the past six months it has been a very high priority, we've had a lot of councillor complaints and input, and there is a pressure to 'do something about dog fouling' and particularly to do more enforcement."*ⁱⁱⁱ

However, strategies such as this are not always the most effective, let alone cost-effective, way of bringing about sustained change for many behaviours, especially when used alone.^{iv}

Research suggests that there is no direct correlation between increased enforcement and happier, or cleaner, communities.^v Therefore, when applying enforcement to LEQ issues it is important to review the purpose of enforcement and to design 'intelligent' enforcement strategies which specifically address local issues for the purpose of behaviour change. This is not just so that enforcement remains focused and effective but also serves to support the work of frontline enforcement staff, many of whom have dual roles either in education, engagement or broader environmental health portfolios. It should be noted that this document refers to littering and dog fouling enforcement procedures only, not fly-tipping (which we cover separately).

Keep Wales Tidy believes that the purpose of enforcement should be to:

- Deter potential offenders
- Punish offenders
- To raise awareness that a particular action is unlawful
- To address, along with other strategies, persistent LEQ issues for which other interventions have had a limited effect.
- To promote positive behaviour change in the long term

It should be noted that issuing a large (or increasing) number of FPN's does not mean that enforcement has 'succeeded' as the crime is still taking place. If any intervention (i.e.; not just enforcement) is to be considered as successful, the number of instances should decrease over time.

For this reason, we believe that it is critical that enforcement strategies should be reviewed on a regular basis so that they can adapt to the problem particular to that area, rather than the general approach taken currently which focuses on the area of most dense population. One way to better target enforcement resources could be through the identification of persistent issues or problem areas through LEAMS data or through other forms of local knowledge so that enforcement practice becomes intelligence led.

Private contracts for enforcement staff to issue FPN's for dog fouling and/ or littering has attracted media attention and controversy in recent years. Enforcement staff have reported advantages and disadvantages of both private and public enforcement and this issue should be considered carefully by local authorities and in close consultation with relevant frontline staff who have the experience, knowledge and skills required to deliver this effectively 'on the ground'. Any enforcement decision or strategy should also consider the potential for unintended consequences and the inadvertent creation of structural barriers which dis-incentivise prevention. For example: 'outsourcing of contracts meant that some contractors "*have no incentive to decrease demand or innovate*".^{vi} Similarly given the delineation of officer roles very much linked to particular sorts of activities, for example 'enforcement officers' and 'education officers'. There is often not an incentive for these officers to focus on more holistic preventative strategies which are outside their specified roles or outputs.^{vii}

Ideally, private contractors used for enforcement for these issues would be trained in engagement and conflict management amongst the many other skills, which would normally be present in a local authority team.

Input from our officers on the ground have suggested that there may still be a lack of awareness of the issues involved and recommend a 'soft approach with an education focus carried out by local

authority (or appropriately trained staff) to engage in the short term'. PCSO's could have a more active role in delivering this as it fits with their role and they also have the enforcement powers.

Enforcement, whether delivered through the public or private sector, requires resources and skilled staff, legal resources and court time and administration to see that the process is concluded. It is not a practice which will raise significant funds and enforcement as a means of revenue is unlikely to succeed or be sustainable in the long term. Furthermore, a survey on FPN's by Keep Wales Tidy in 2015 revealed that the many agencies which have the power to enforce environmental crime rarely do in practice, this includes PCSO's who are often in the communities where LEQ issues are more of a problem. We believe that greater engagement with the police across Wales on the impact of environmental crime will support enforcement and engagement efforts and serve to raise awareness in hard to reach communities. Training magistrates on the impact of environmental crime has also been identified by enforcement staff as a requirement going forward so that court processes take this into account when ordering payment of fines.

This relates to the view that fines for environmental crime are actually too low and renders some enforcement efforts ineffective as FPN's should be much higher to reflect the impact of the crime and the cost of clearance to the public purse. Across the world, where the legislation allows, fines for littering range from £50 in some regions of the UK to an equivalent of around £1120 in Singapore. In the US their fines vary depending on the number of convictions and often include some element of community service on the second conviction. In some states this can lead to up to 6 months imprisonment.

In the long term, with the caveat that all efforts to raise awareness and to engage, particularly the most deprived communities, consideration could be given for raising the cost of FPN's and/ or other penalties to truly reflect the cost to society. However, this should not be seen as an avenue for increasing income or instead of continued education efforts.

The power of communities to 'self-police' irresponsible behaviours should also not be underestimated, effective engagement which promotes the 'social norm' and captures the power of 'peer pressure' may be a long-term strategy but is likely to be an effective one.

Ultimately, Keep Wales Tidy believes that if enforcement is to work to tackle litter and dog fouling, it needs to be part of a wider strategy for prevention and behaviour change and must be done 'smarter', and in a more targeted way in order to maximise the effectiveness of the deterrent. Rural areas provide a challenge for enforcement and present different issues to those in urban authorities. Here, perhaps the most effective way of utilising enforcement resources could be to focus on tackling/ investigating only fly tipping or a focus on FPN's on main through roads may be considered a priority. Each authority should weigh up the challenges specific to their area and develop solutions accordingly.

By analysing public complaints or mapping LEAMS data, it is possible for local authorities to identify problem areas or issues in their region. This may not be the town and city centres but could be fringe regions or industrial estates, parks or out of town shopping areas. In order to make a real difference, efforts should be focused on these problem areas and reviewed regularly to ensure that the problem hasn't moved – in which case, enforcement should 'follow any persistent problem until the problem no longer persists'.

ⁱ APSE, 2015, 'State of the Market Report – Local Authority Parks & Green Space Services': <http://apse.org.uk/apse/index.cfm/members-area/briefings/2015/15-28-local-authority-parks-and-green-space-services-state-of-the-market-survey-report-2015/>

ⁱⁱ APSE, 2017, 'Park Life: Street Life: Managing demand in the public realm' [http://www.apse.org.uk/apse/assets/File/Documents/Park%20Life%20\(web\).pdf](http://www.apse.org.uk/apse/assets/File/Documents/Park%20Life%20(web).pdf)

ⁱⁱⁱ APSE, 2017, *Ibid*

^{iv} Ipsos Mori (2011) 'The Effectiveness of Enforcement on Behaviour Change' <https://www.ipsos-mori.com/Assets/Docs/Publications/sri-manchestereffectiveness-of-enforcement-kbt-2011.pdf>

^v Ipsos Mori (2011), *Ibid*

^{vi} APSE, 2017, *Ibid*

^{vii} APSE, 2017, *Ibid*



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