

The Effectiveness of Enforcement on Behaviour Change

Fixed penalty notices from both sides of the line

insight



research

Summary of findings

Keep Britain Tidy has carried out research with the general public, enviro-crime offenders and local authority enforcement officers to investigate how effective fixed penalty notices (FPNs) are as a tool for encouraging people to adopt more positive environmental behaviours. Our key findings are as follows:

- Issuing fixed penalty notices is not a shortcut to happier communities. Indeed, we found that in areas where fixed penalty notices are more frequently issued, satisfaction with levels of cleanliness is often low.
- 75% of the general public are aware that they can be issued with a fixed penalty notice for committing an environmental offence.
- However, there are some significant differences among certain social groups - for example just 51% of BME groups show any level of awareness.
- Just 49% of the general public believe that fixed penalty notices are an effective behaviour change tool.
- People who have seen or heard about fixed penalty notices being issued via (local and national) newspaper reports are significantly more likely to think they are effective.
- Attitudes to enforcement are greatly shaped by the degree to which an individual sees them as a threat – and many do not think it is likely they will be fined for environmental offences.
- For the general public there are certainly more or less contentious environmental crimes when it comes to issuing fixed penalty notices – smoking-related litter in particular was considered the most controversial with many arguing that the built environment regularly failed to provide alternative routes to disposal.

What is this publication about?

Keep Britain Tidy's latest research explores the effectiveness of using enforcement as a way of preventing environmental crime. In particular, we look at how fixed penalty notices¹ can be used to support a wider environmental enforcement strategy. We ask whether using fixed penalty notices really is an effective way of bringing about *meaningful* behaviour change which, in turn, leads to real, lasting improvements in the quality of the local environment.

Who will find this publication useful?

This publication will be useful for anyone with the power to issue fixed penalty notices or working in enforcement. However, it is likely that the findings shared here will be of particular interest to those practitioners currently using fixed penalty notices as part of a wider environmental enforcement strategy.

Environmental crime or 'enviro-crime' is a serious issue and at Keep Britain Tidy we understand that dealing with it effectively is an ongoing challenge. This publication aims to help all those involved by providing primary and secondary research on the topic as well as practical evidence to inform your approach.



¹Fixed penalty notices or 'FPNs' can provide enforcement agencies with a way to deal with low-level environmental crimes (like dog fouling, littering and graffiti). FPNs may be issued when an enforcement officer believes that an offence has been committed and gives the offender an opportunity to avoid prosecution by payment of a penalty which is, on average around £75 but that varies according to the offence. FPNs can be issued by anyone with delegated power from the local authority. This list can and does include police, police community support officers, local authority enforcement officers, neighbourhood wardens, dog wardens and some parish council officers.

Why tackling environmental crime is important to communities and vital for our wellbeing

Keep Britain Tidy believes that by creating and sustaining surroundings which local people are proud of, communities will have the chance to thrive, and people will be proud of the places where they live, work and visit.



Everyone has the right to live in a clean, well-maintained, and attractive environment. In fact, research shows that the quality of the environment can have an impact on health and wellbeing, on rates of crime and antisocial behaviour, and the vibrancy of the local economy.²

It seems obvious to say that environmental offences have a negative impact on an area's local environmental quality³ but our research and experience of working with communities has shown us time and time again that enviro-crime doesn't just affect places – it affects people and it has a significant impact on our collective wellbeing. Because of this, at Keep Britain Tidy, we believe that the best way to tackle environmental offences in a local area is through the implementation of tailored enforcement strategies.

Of course, one way for authorities to underpin an enforcement strategy to prevent environmental offences is through the use of fixed penalty notices. Used appropriately, they provide a visible and effective way of dealing with a range of low-level environmental problems in an area. However, we believe that in order to achieve lasting behaviour change, it is essential that they are used as part of a wider enforcement strategy that also includes engagement with, and education of, the local community.

Perception, satisfaction and enforcement

How the area looks is an important feature for the public. When asked how concerned they were about a range of topical issues, 70% of the general public said they were concerned about the appearance of their local area.⁴ However, our previous research shows that in order to manage local environments effectively, it is important to not only evaluate their objective (on the ground) quality.

At Keep Britain Tidy we firmly believe that it is key that we work to understand the perceptions of local people - because, unfortunately, these do not always align with objective conditions on the ground.⁵

Don't assume that residents won't report issues that you know are not a problem on the ground. Indeed, it feels counter-intuitive but through consultation we have frequently uncovered that residents are dissatisfied with an issue our partners would have otherwise decided not to prioritise.

To explore this further, we wanted to investigate whether there is actually a link or correlation between people's satisfaction with public services and the number of fixed penalties that are issued in a given area.

In those areas where more fixed penalties are issued, satisfaction with levels of cleanliness is often low.

To do this we cross referenced data from the 2008 Place Survey⁶ with corresponding fixed penalty notice data from the Department for Environment, Food and Rural Affairs (Defra) website⁷. The results of the analysis indicate that there is indeed a correlation between the two data sets.

In particular, it appears that in areas where *more* FPNs are issued, satisfaction with how clean and green the area is, is lower, and rubbish and litter are perceived to be more problematic⁸ - a sign that these local authorities are using FPNs to tackle the issues residents are unhappy about perhaps? But what other techniques are they using? And what impact do these strategies themselves have on resident perceptions of the issues and of service providers? Addressing the latter question in particular can be really important because, of course, perceptions are very definitely a route to behaviour.

So, do fixed penalty notices really work?

To evaluate the effectiveness of fixed penalty notices in reducing and preventing low-level environmental crimes we tasked our Evidence and Research team with exploring the issue with the general public, enviro-crime offenders and local authority enforcement officers.⁹

In particular, we wanted to achieve three things:

- Identify the public's perception towards fixed penalty notices for environmental crimes
- Review how effective fixed penalty notices are as a behaviour change tool
- Understand what external factors (if any) influence the effectiveness of fixed penalty notices



²Keep Britain Tidy (2010) *This is Our Home: a manifesto for a cleaner England*

³Keep Britain Tidy defines 'local environmental quality' as being the physical condition of the local environment to which the public has access or which they can see, whether publicly or privately owned – relating to the general appearance as well as the management and maintenance standards which are evident.

⁴Keep Britain Tidy (2009) *The Word on Our Street*. Keep Britain Tidy. The research question asked 1018 respondents in England, "I'm going to read out a list of issues which people talk about. For each one please say how concerned you personally are about it."

⁵Keep Britain Tidy (2011) *Whose Reality is it Anyway? Understanding the Impact of Deprivation on Perceptions of Place*

⁶Department for Communities and Local Government, 2008. Questions cross referenced: Q6. "To what extent do you think that these statements apply to public services in your local area?", Q8. "How satisfied or dissatisfied are you with each of the following services [provided by the council]?" And Q24. "Thinking about this local area how much of a problem do you think each of the following are... Rubbish or litter lying around / Vandalism, graffiti and other deliberate damage to property or vehicles / Abandoned or burnt out cars." For the full dataset of questions see http://data.gov.uk/dataset/place_survey

⁷Numbers of fixed penalties issued for environmental offences during 2008-2009.

⁸Department for Communities and Local Government, 2008. Place Survey Q6. "To what extent do you think that these statements apply to public services in your local area? Local public services are working to make the area cleaner and greener."

⁹The research consisted of three phases – an Ipsos MORI omnibus survey with the general public in England only (Base: 1018), in-depth interviews with enforcement officials within local authorities and in-depth interviews with those who had been issued with an FPN.

What do people know about fixed penalty notices?

Our research shows that 75% of people in England are aware that environmental offences, such as dropping litter or letting your dog foul in a public place without picking it up, can result in being issued with a fixed penalty notice.

Interestingly, closer inspection of the data we collected has shown us that there are significant differences between certain sectors of the general public. Particularly interesting is the fact that levels of awareness were actually lower overall amongst respondents from the DE social grades¹⁰ and BME respondents. Just 67% of those from lower social grades¹¹ compared to 75% overall, and 51% of BME respondents¹² are aware that environmental offences could result in a fixed penalty notice.

Just 67% of those from lower social grades and 51% of BME respondents are aware that environmental offences could result in a fixed penalty notice.

Does awareness correlate with ideas about how effective fixed penalty notices are?

The short answer is - unfortunately - no.

Despite relatively high levels of awareness amongst the general public, 49% of people do not believe that they are effective in preventing people from committing environmental offences. And awareness doesn't appear to impact on the likelihood to think they are effective - 52% of those people aware of them still do not believe that they are an effective behaviour change tool.

So, what does impact on the likelihood that people will see fixed penalty notices as effective?

Individuals who had either been issued with a fixed penalty notice themselves, or knew someone who had are more likely to think that fixed penalty notices are an effective behaviour change tool.

Got to see it to believe it!

This piece of research has demonstrated that individuals who had either been issued with a fixed penalty notice themselves, or knew someone who had are more likely to think that they are an effective behaviour change tool. Our data shows that of these people, 56% think that fixed penalty notices are effective compared to 39% who do not.¹³

Here we were able to see that attitudes to enforcement were greatly shaped by the degree to which individuals thought that receiving a FPN for local environmental quality and related antisocial behaviour offences was a real threat. And, in actual fact, on the whole the threat was considered to be very low indeed.

Keep Britain Tidy – in partnership with London Councils – recently conducted some qualitative research with residents of London during which we observed precisely this phenomenon.¹⁴

Shadow of Doubt: The 'true' threat of enforcement according to our respondents

But I don't think anyone goes around fining people do they?

You see lots of signs up saying you know if you're caught, but who's watching?

How do they take your details? How do they know who you are?

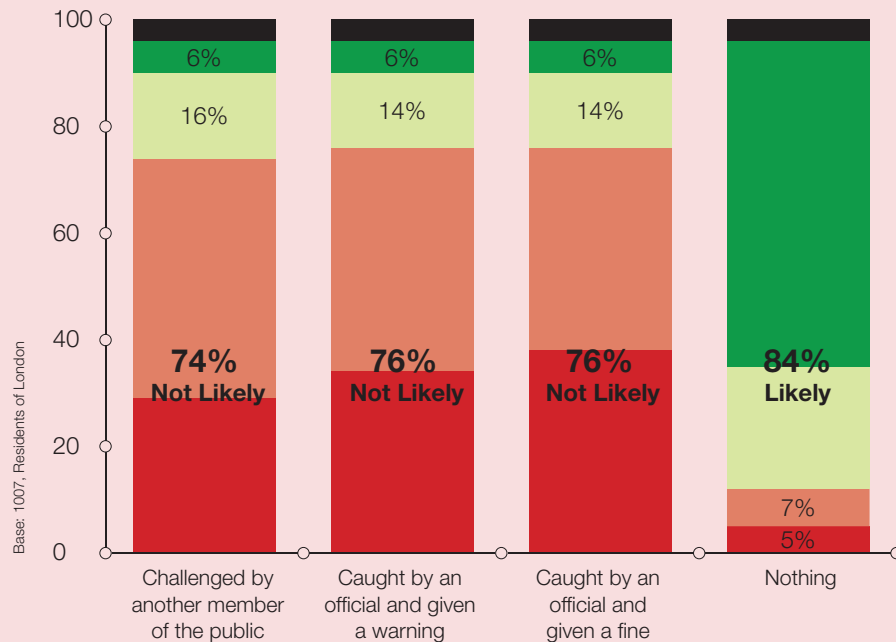
¹⁰Social grading is a system of socio-demographic classification which is based around occupation. The definition of the social grades in the UK is now maintained by the Market Research Society. Group D is defined as: "All semi-skilled and un-skilled manual workers, apprentices and trainees to skilled workers. Retired people, previously grade D, with pensions from their job. Widows, if receiving a pension from their late husband's job." Group E is defined as: "All those entirely dependent on the state long-term, through sickness, unemployment, old age or other reasons. Those unemployed for a period exceeding six months (otherwise classify on previous occupation). Casual workers and those without a regular income." For more information see www.mrs.org.uk/publications/downloads/occgroups6.pdf

With this in mind, the majority of those who participated in the research agreed that FPNs were most effective as a preventative measure *after the fact* (or after they or someone they knew had been given one for a qualifying offence). That is to say that many of the London residents we engaged with agreed that if they had been fined for an offence directly or knew someone who had been fined then they would be much less likely to (*re*)offend.

We wanted to explore this perception that the threat of being given an FPN is quite low in a little more detail. So, we asked participants of a London-wide online survey¹⁵ what they thought the likely consequences of someone dropping litter in a town centre would be. The results are displayed in Figure 1.

Figure 1: The likely consequences of dropping litter

Sam is walking through the town centre and drops some litter on the floor.
How likely do you think it is that each of the following will happen to Sam next?



In fact, 84% of Londoners think it is likely (very or fairly) that there will be no consequences to dropping litter in a public place. Equally, around three quarters of London residents think it is unlikely (very or fairly) that someone dropping litter will be challenged by another member of the public or caught by an official and given a warning or a fine.

84% of Londoners think it is likely that there will be no consequences to dropping litter in a public place.

People who know about fixed penalty notices because of newspaper reports are significantly more likely to believe that they are effective at changing a person's behaviour.

The power of media representation!

At Keep Britain Tidy we understand the powerful and illusive nature of perceptions and we understand the overwhelming impact local and national media can have on the way we formulate our views of the world.¹⁶

It would appear our views on the effectiveness of fixed penalty notices are by no means exempt from this perception shaping process. Actually, people who know about FPNs because of newspaper reports are significantly more likely to believe that they are effective at changing a person's behaviour (41% think they are effective vs. 32% who think they are not).

¹¹Base: 240 ¹²Base: 111

¹³Base77. Therefore 39 people thought they were effective (56%). This is statistically higher than 38% of people who do not know someone who has been issued with an FPN (362 people out of 941)

¹⁴Keep Britain Tidy and London Councils (2011) *Local Environmental Quality in Times of Austerity: Prioritisation and Behaviour Change*

¹⁵TNS Research International's London focused online omnibus survey, *LondonBus*. May 2011

¹⁶For more on the impact of local and national media on perceptions of place please see Keep Britain Tidy (2011) *Whose Reality is it Anyway? Understanding the Impact of Deprivation on Perceptions of Place*

When fixed penalty notices are considered an appropriate and proportionate action

During our research with London residents Keep Britain Tidy explored attitudes towards enforcement in various scenarios and for various offences. This gave us some very interesting insight regarding what activities people are most likely to consider an 'offence' and what the most likely 'excuses' for poor environmental behaviours are.

The local environmental quality and related antisocial behaviour offences that are seen to 'qualify' for fixed penalty notice appropriate vary and even those issues that people tend to label as 'FPN-appropriate' tend to provoke debate.

Contentious environmental offences, where fixed penalty notices are seen as disproportionate, include smoking-related litter.

Smoking-related litter appears to be one of the most contentious particularly amongst those who smoke. Perhaps unsurprisingly, many argue that the built environment often does not assist them in disposing of their smoking-related litter responsibly and, as a result, they protest that FPNs are a fundamentally disproportionate response to the issue overall.

Sometimes we haven't got places to put it [cigarette butt] what do you do?

I think [issuing a FPN for dropping] cigarettes is a bit much really!

Environmental offences where fixed penalty notices are seen as proportionate include dog fouling.

In our experience, dog fouling and fast food litter appear to be the exceptions with the majority of people agreeing that they would almost *expect* to pay a fine if they were caught in the act.

In fact, dog fouling is an issue that garners a very emotional response from the general public whenever we engage with them and a significant number of people we engaged during the London-based research activity agreed not only that fines were an appropriate measure, but also indicated that an increase in the amount offenders are expected to pay would be acceptable.

We find this is primarily driven by the health risks associated with dog fouling and the risks to young children in public places – specifically parks and open spaces.

However, many agree that FPNs simply might not be strict enough for offences like fly-tipping and vandalism.

I think personally there should be stricter fines [for dog fouling]

How do fixed penalty notices affect people's behaviours (and values), if at all?

During the research process, we talked in-depth to a handful of offenders in order to explore what impact, if any, getting a fixed penalty notice for an environmental offence had had on their behaviours and – perhaps more importantly – the values underpinning their approach to their local environment. The majority of those we engaged with said that although being issued with a fixed penalty notice may have altered their behaviour in the short term, in reality they conceded it wasn't really a deep-rooted or lasting change.

This corresponds with our previous research experiences. Indeed, at Keep Britain Tidy we are always keen to highlight our belief that not all behaviour change techniques work to sustain loyalty to the new behaviour. Instead, what we observe among our offenders is a propensity for short-term change or even for slight shifts in practices that often have little to no impact on the local environmental quality issues present 'on the ground'.

In short, offenders were simply more careful since receiving their FPN. This is broadly demonstrated by the three most typical and broadly representative comments depicted here.

Subtle behavioural shifts: The changing (but impermanent) attitudes of offenders after being issued with a fixed penalty notice

More Self-conscious Criminality

*I am more careful now.
I look around me &
check nobody
is looking...*



Limited Behaviour Change

*For a couple of months
I was careful, but if I
can't find a bin, I will
put it on the floor...*



Values Untouched

*I still drop litter but it's
not a regular thing; I
drop it unconsciously...*



In short, although FPNs raise awareness of environmental crimes such as littering and dog fouling as punishable offences they frequently leave an individual's underlying values untouched. In fact, receiving an FPN can often make offenders 'better' at offending – bringing a level of self-consciousness to their behaviour that makes them more proficient at hiding it.

So, while popular approaches to behaviour change like fines (or incentives and the more 'trendy' nudge approach) might encourage relatively quick changes in behaviour, it is true they might also fail to sustain loyalty to that new behaviour. This failure to sustain loyalty is highly likely to mean that, when the initiatives are withdrawn, individuals simply revert to their old behaviours again.

At Keep Britain Tidy, we believe practitioners should consider the requirements of the overall strategy for change and improvement to an issue or area before undertaking enforcement activities. Ask yourself, is the change required short-term or long-term? What are my budgetary limitations? How wide spread is the issue? What demographic am I trying to reach?

And, ultimately it should be observed that a shift in an individual's underlying values is really the only thing that will bring about a lasting and sustainable change in their behaviours.

But creating long-lasting change that really alters people's attitudes towards enviro-crime is much more challenging!

A shift in an individual's underlying values is really the only thing that will bring about a lasting and sustainable change in their behaviours.

Why is it important to engage with people's underlying values?

Lots of research has been carried out into people's values, how they are formed, and how they actually do impact on people's attitudes and behaviour. Specific work in this area first began in the 1970s by a social psychologist called Milton Rokeach who argued that our personal values are key elements which shape our actions.¹⁷

Further work on this subject tends to build on Rokeach's groundbreaking work: it suggests that an individual's personal values have a profound impact on their attitude towards 'bigger-than-self' issues such as the global poverty or the environment.¹⁸ Values therefore will

inevitably have an effect on how likely an individual is to be motivated enough about an issue to make positive changes to their behaviour.

Building on all these findings and using our own research, Keep Britain Tidy believes there is a clear need to engage with people's values and educate them on *why* their behaviour may be having a negative impact on the environment and on local communities. And we believe this can be particularly powerful in terms of tackling environmental offences.

¹⁷Milton Rokeach (1973) *The Nature of Human Values*

¹⁸WWF-UK (2010) *Common Cause: The case for working with our cultural values*. See also Good, J. (2007) *Shop 'til we drop? Television, materialism and attitudes about the natural environment*. *Mass Communication and Society*, 10, 365-383

Tackling environmental offences: The need for a broader behaviour change strategy

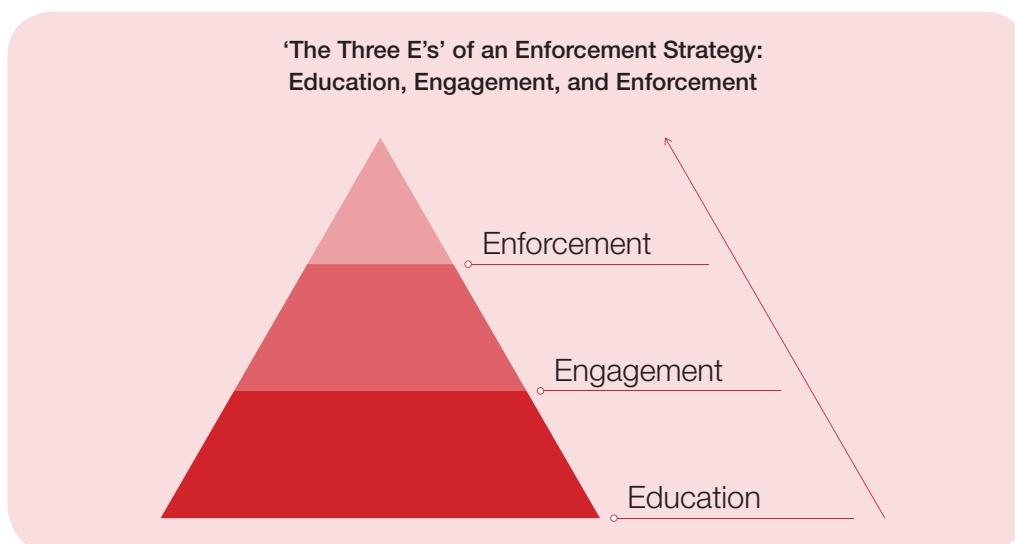
So how can practitioners ensure that their use of FPNs is effective, brings about real behaviour change, and leads to lasting improvements in the quality of the environment?

At Keep Britain Tidy, we strongly believe that any enforcement action ideally needs to be considered and tactical. To explain: our research supports our position that enforcement should only ever be used to reinforce a much wider strategy that is founded on both environmental education and engagement with the local community.

This approach can be summarised by the 'Three E's': education, engagement, and enforcement. Any enforcement or broader behaviour change strategy needs to be based on a solid foundation of education; this starts with understanding what the environmental problem(s) are in an area, and then raising local awareness through education, campaigning and targeted communications.

Engagement builds on this by working together with local people to understand the reasons why the problem(s) exist. Practitioners should also consider how this information could be used to shape service delivery and potentially alleviate any issues.

Enforcement action itself should be the final stage of an enforcement strategy. It should be used to reinforce the good work that has been done by the first two steps, and reiterate the fact that there are consequences for committing an environmental offence.



Education

Keep Britain Tidy believes that investing in education about environmental offences is essential to bring about lasting behaviour change in local communities.

If people do not understand the full impact of their negative behaviour, they will not realise there is a need for them to alter it, and you will not get to the root cause of the problem.¹⁹

*"Once we have educated 80% of the population, we hope to get the other 20% engaged by seeing how other people behave"**

Engagement

Engagement with local communities is essential if you are to establish and manage behavioural expectations and communicate effectively on behaviour change initiatives. Engagement can take the form of anything from posters, initiatives in the press, civic competitions or other community based events.

Helping people to understand that your aim is to improve their local environment will get them on board, and will encourage and reinforce positive behaviour. We already know that participatory engagement is more effective if it involves real dialogue which aids learning.²⁰

*"I don't want to punish people, I want to modify behaviour"**

¹⁹B.A. Day and W.A. Smith. (1996) *The Applied Behaviour Change (ABC) Framework: Environmental Applications*. Academy for Educational Development (AED)

²⁰*Climate Change: Engagement and Behaviour*. (2010) Parliamentary Office of Science and Technology.

*All comments taken from the enforcement officers we consulted with as part of the research process.

Enforcement

Issuing a fixed penalty notice should always be a last resort undertaken when all other proactive avenues to prevent enviro-crime have failed.

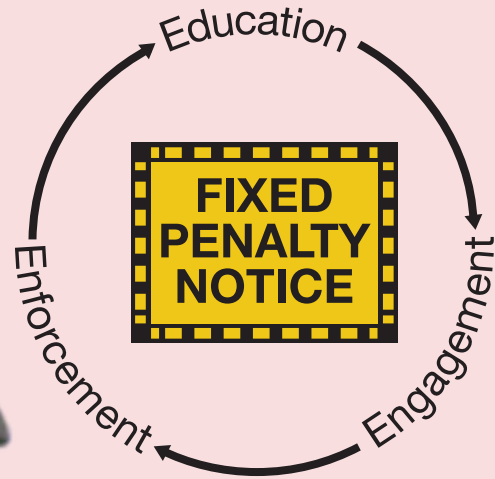
When used appropriately, enforcement will serve to reinforce targeted education and engagement initiatives that have been in a local area beforehand.

This will further embed the message that environmental offences are wrong and that the authorities are in a position to deal with poor behaviours effectively. But this activity (and the threat of getting an FPN) must be consistent.

*“Our members are very strongly in agreement that FPNs have a role in helping to enforce behaviour, but they do not solve the problem”**

Finally, it is vital to recognise that these are not just three simple steps: implementing the education-engagement-enforcement process as a one-off event will not solve the environmental problems that an area faces. Rather, an enforcement strategy is a cyclical process where each of the three steps is repeated to reinforce the message of good environmental behaviour. Authorities need to monitor the impact of their enforcement strategy, adjust it as necessary and repeat it again – this is a constant process which requires ongoing input, and taking this approach can bring about long-term changes in behaviour.

Keep It Moving: The cyclical process of an enforcement strategy



An enforcement strategy: Things to consider...

It is important that any enforcement strategy uses your resources effectively by focusing on environmental issues that are a priority in a given area – either for your residents or in respect of the degree to which issues are a problem in reality. And it is important to note that our research frequently tells us that these two perspectives do not always neatly align.²¹

Why is this important to note? Because understanding local priorities is becoming increasingly important. Powers are increasingly being devolved to local communities, and engagement with local people is being prioritised by government through initiatives such as Big Society and new legal avenues such as the Localism Bill. With all this in mind, it is important to consider the difference between priorities identified by your local residents and changes in actual (on-the-ground) standards and to manage expectations accordingly.

Are there efficiencies to be made in tackling perceptions first? Will tackling the perceptions shift the priorities and enable authority bodies to focus on the right things with real endorsement and backing from the communities you represent?

Strategies for enforcement practices should also consider the following:

- An enforcement strategy should be designed to deal with all types of environmental crime, from low-level offences to more serious criminal activity such as fly-tipping
- The non-payment of FPNs needs consideration in an enforcement strategy. A successful strategy will strike the right balance between resources being used on issuing fixed penalties and time spent on prosecutions
- A fixed penalty notice should only be issued where there is enough evidence to support a prosecution, so in the event that it is not paid, an authority will be able to follow it up in court

Hard Times: Innovating to make the most of your resources

Local authorities are currently facing unprecedented levels of budget cuts, and are being challenged to use resources more effectively. There are several ways that you can innovate to make the most of existing resources and put in place an effective enforcement strategy to tackle enviro-crime.

Eyes and ears of the council

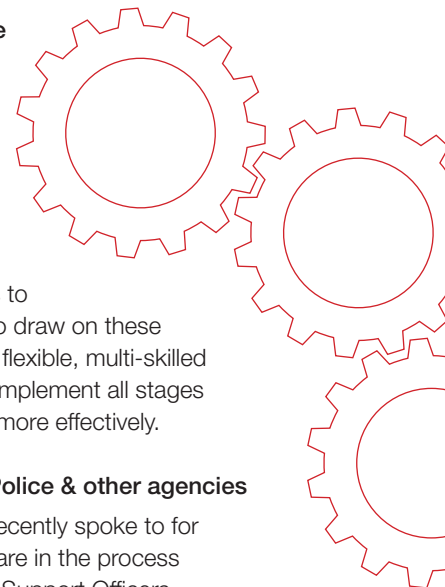
On-the-ground staff such as street cleaners, refuse collectors, and gardening teams possess a wealth of local knowledge that can be made the most of. These teams are often the 'eyes and ears' of the council, and by actively using them for environmental intelligence gathering, you can target any education campaigns and engagement initiatives to areas that have been highlighted as having particular problems.²²

Multi-skilling your workforce

By 'thinking smarter' around the way that fixed penalty notices are issued, you can minimise the impact that budget cuts have on your service delivery. For example, by training staff in different teams to issue FPNs, you will be able to draw on these skills as required. By having a flexible, multi-skilled workforce you will be able to implement all stages of your enforcement strategy more effectively.

Working together with the Police & other agencies

The local authorities that we recently spoke to for our research have trained, or are in the process of training, Police Community Support Officers to issue fixed penalty notices for environmental offences. Some are even training traffic wardens to issue notices on environmental offences.



²¹Keep Britain Tidy (2011) *Whose Reality is it Anyway? Understanding the Impact of Deprivation on Perceptions of Place* and Keep Britain Tidy and London Councils (2011) *Local Environmental Quality in Times of Austerity: Prioritisation and Behaviour Change*

²²Keep Britain Tidy's Evidence and Research Team is currently carrying out a piece of research looking at the degree of motivation and understanding front line staff have in relation to their jobs and how this impacts upon streetscene performance. The report is due out early 2012.

Case study – An innovating council



Nottingham City Council has adopted a new approach to the enforcement of environmental crime. Community Protection is a nationally unique service with a simple vision, created to tackle antisocial behaviour (ASB) and environmental crime and create a safe and clean environment in every one of Nottingham's neighbourhoods.

The unique partnership is made up of Nottingham City Council and Nottinghamshire Police functions, drawing on civil tools and powers and a support network of specialists, all working towards a safer and cleaner city.



Nottingham
City Council

100 accredited Community Protection Officers work within local policing teams to provide a local presence in every neighbourhood of Nottingham, and a network of specialist teams include Enviro-crime and Environmental Health Officers, so whatever the ASB or enviro-crime issue the team is equipped to help. This way of working has led to a massive 6,900 FPNs being issued in 2010/2011.

Although education sits outside the remit of the enforcement team, colleagues work to ensure programmes are targeted and effective. Nottingham accepts that education is key and is always the first thing to be explored when tackling environmental issues and weekly meetings chaired by the Council Leader or the relevant Portfolio Holder are held across the environment division to pull together issues and to share intelligence.

Case study – Working with the courts successfully



City of York Council has a well established approach to environmental enforcement which has been commended by the local judicial system.

The council ties education and enforcement in together, with one underpinning the other. Awareness-raising is carried out in the area to prevent environmental crime from occurring, and offenders are also offered every opportunity to remedy their actions before any enforcement action is taken.



As a result, the courts believe that residents are given ample information as to how they are expected to behave, and are more than happy to prosecute offenders. The issues are taken seriously and the courts understand that environmental offences are not minor incidents. In fact, the courts have given the issue such high status, that if offenders try to mislead the council or court by giving false information or requesting a trial and then pulling out at the last minute, the court may – after considering the individual circumstances and means of the individual – impose a higher fine.

Working together: Engaging more effectively with magistrates

Our experience working with local authorities has shown us that the assistance and support of the Courts are very important for dealing with enviro-crime effectively in cases where a fixed penalty notice is not paid. But we also know what a challenging experience this can be.

Engaging with the courts and communicating with magistrates on the importance of dealing effectively with low-level environmental offences and more serious crimes such as fly-tipping is therefore a key part of any enforcement strategy. In particular, raising awareness about the full impact that enviro-crime can have – including the serious detrimental impacts on the physical environment, on people's health, wellbeing and overall quality of life, and even the potential negative impacts on the strength local economy – are vital points to communicate fully the seriousness of this issue to the courts.

Working more effectively with the courts on enviro-crime and fly-tipping: Top tips from a magistrate

Consider your expectations on fines

The courts are trying to impose a just and fair punishment in all circumstances. A wealthy individual will pay a bigger fine than somebody on benefits. Therefore, do not be disappointed if you prosecute an individual of limited means and the court imposes a fine proportionate to the offender's income.

Give the court all the information it needs

If you think the offender is actually running a profitable business based on criminal activity such as fly-tipping, tell the court about the scale of it, so that it has some other evidence on which to assess the offender's income.

Include details in your evidence

Tell the court everything which makes the offence more serious in your eyes. For example fly-tipped builder's rubble may contain asbestos or garden refuse may contain Japanese Knotweed. Provide photographs where possible.

Show the impact on communities

Prepare a community impact statement, to document the blight which illegal activity causes to your community. It could include both financial and criminal implications. This need not be a one-off document, but can be generic enough to resubmit for all similar cases.

Serious enviro-crime offences

Remind the court that it has power to disqualify an individual from driving, and that if a vehicle was used to commit a crime it can be very appropriate to include a driving disqualification as part of the sentence.

Recovering your costs

Tell the court what your costs were for investigation and clearing up.

Top Tips kindly provided by Peter Chapman, Magistrate on the Wycombe and Beaconsfield Bench in Buckinghamshire and Chair of the Magistrates' Association Sentencing Committee.

Closing remarks

Fixed penalty notices are an essential part of an environmental enforcement strategy. Our research has shown that although they themselves are not a shortcut to improving the quality of local environments, they are powerful tools when they are underpinned by the education and engagement stages of a strategy. It would seem that Central Government agrees as they move to encourage local authorities to make full use of FPNs to tackle environmental offences and develop new legislation that includes new powers for authorities to help maximise their use.²³

Although awareness of fixed penalty notices amongst the general public is relatively high, there is still a vital need for authorities to engage with local communities to ensure that this awareness translates into long-lasting behaviour change. In fact, it is important for an authority to celebrate their FPN successes – for example through the local media – because we now know this a key driver among those residents who believe FPNs are an effective behaviour change tool.

That said, at Keep Britain Tidy we recommend that the best approach to improve the quality of the environment and prevent enviro-crime is to engage with communities, understand their values, educate them on the impact that their behaviour has on the environment, and use fixed penalty notices to simply reinforce positive environmental behaviour.

²³The 2007 London Local Authorities Act sought to give authorities in the capital the power to serve a Penalty Charge Notice on the registered keeper of a vehicle if any passenger should throw litter from it. Although this power has not yet been fully introduced, the new London Local Authorities Bill 2011 will seek to remedy this, and the forthcoming Localism Bill aims to give further powers for authorities to deal with enviro-crime. Importantly, the receipts from Penalty Charge Notices and Fixed Penalty Notices may be used by a local authority for the purposes of improving certain specified functions that are related to the Notice. For further information, see <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/fixpenaltynotices.pdf>

The Effectiveness of Enforcement on Behaviour Change

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