

**STATEMENT TO BE MADE BY THE CHAIRMAN OF THE POLICING OF  
BEACHES AND PARKS SCRUTINY SUB PANEL  
ON TUESDAY 19th JULY 2011**

Members will by now have received their copy of the Education and Home Affairs Scrutiny Panel's report *Policing of Beaches and Parks*. The report follows a Review undertaken by the *Policing of Beaches and Parks* Sub-Panel on the issue, during which particular consideration was given to examining the promotion of public awareness in relation to littering and drinking in public spaces; the enforcement and policing of anti-social and littering laws and regulations; and the consumption of alcohol in public spaces

I would like to begin by thanking the other Members of the Sub-Panel, my Vice-Chair the Constable of St Helier, Deputy Tadier and Deputy De Sousa, for their hard work, considered opinions and the experience that they brought to the Scrutiny review.

Members will see that the Sub-Panel found that the existing Policing of Beaches (Jersey) Regulations 1959 and the Policing of Parks (Jersey) Regulations 2005 represent a sound legislative framework and do not, in our judgement, require amendment. Nevertheless, with littering given lower social priority than crimes such as vandalism or theft, and consequently given lower policing priority, our evidence highlighted that there are a significant portion of the public who object to continued antisocial behaviour and want action taken to remedy those problems.

One such method in which the Sub-Panel found considerable merit is the use of fixed penalties (on-the-spot fines). In other jurisdictions these have proved an effective way of dealing with minor offences, and the Sub-Panel has recommended that the Minister for Home Affairs considers introducing fixed penalties for littering (including dog fouling). However, we believe that such a scheme should only be introduced after a lead in period of media awareness and public warning of the change in enforcement. The Sub-Panel has suggested that an allocation of the proceeds from fixed penalties would be usefully reinvested into ongoing education and awareness campaigns.

Additionally, we have identified a number of initiatives that we recommend should be pursued by the relevant Ministers, including that the Minister for Home Affairs should work with the Police and Parishes to establish a Dog Warden role and that the Minister for Planning and Environment, together with the Minister for Transport and Technical Services, looks to installing multi compartment bins in public areas to target 'on the go' recycling

Such new initiatives would complement some of the laudable existing schemes that States Departments are presently engaged in, notably the Youth Service initiatives aimed at reducing, preventing and responding to anti-social behaviour, and the Eco-Active program being developed in schools and other organisations.

Ultimately however, whilst education about the adverse effects of antisocial behaviour is important, it is not enough on its own. A multi-pronged approach is key with specific community initiatives and continued, even increased, enforcement of the legislation required.

Finally, and crucially, the Sub-Panel recognises that if people were more conscious of their environment and felt greater ownership of their community, they would be less likely to litter and indulge in other anti-social behaviour. As such, there is further work to be done to engage with the wider public as a whole in order to develop a community focussed approach.

We thank all those who have contributed to this Review and commend our report to the Assembly.

**The Deputy Bailiff:**

The chairman of the Policing of Beaches and Parks Scrutiny Sub-Panel has given notice that he wishes to make a statement in relation to the recent report and it would seem this might be a convenient time to do it.

**5. The Chairman of the Policing of Beaches and Parks Scrutiny Sub-Panel will make a statement on the Education and Home Affairs Scrutiny Panel's Policing of Beaches and Parks report**

**5.1 Deputy J.M. Maçon (Chairman, Policing of Beaches and Parks Scrutiny Sub-Panel):**

Members will by now have received their copy of the Education and Home Affairs Scrutiny Panel's report *Policing of Beaches and Parks*. The report follows a review undertaken by the Policing of Beaches and Parks Sub-Panel on the issue, during which particular consideration was given to examining the promotion of public awareness in relation to littering and drinking in public spaces, the enforcement and policing of anti-social and littering laws and regulations and the consumption of alcohol in public spaces. I would like to begin by thanking other members of the sub-panel, my vice-chair, the Constable of St. Helier, Deputy Tadier and Deputy De Sousa, for their hard work, considered opinions and the experience that they brought to the Scrutiny review. **[Approbation]** Members will see that the sub-panel found that the existing Policing of Beaches (Jersey) Regulations 1959 and the Policing of Parks (Jersey) Regulations 2005 represent a sound legislative framework and do not, in our judgment, require amendment. Nevertheless, with littering given lower social priority than crimes such as vandalism or theft and consequently given lower policing priority, our evidence highlighted that there were a significant proportion of the public who object to continued anti-social behaviour and want action taken to remedy those problems. One such method in which the sub-panel found considerable merit is the use of fixed penalties, on-the-spot fines. In other jurisdictions these have proved an effective way of dealing with minor offences and the sub-panel has recommended that the Minister for Home Affairs consider introducing fixed penalties for littering, including dog fouling. However, we believe that such a scheme should only be introduced after a lead-in period of media awareness and public warning of the change in enforcement. The sub-panel has suggested that an allocation of the proceeds from fixed penalties would be usefully reinvested into ongoing education and awareness campaigns. Additionally, we have identified a number of initiatives that we recommend should be pursued by the relevant Ministers, including that the Minister for Home Affairs should work with the police and Parishes to establish a dog warden role and that the Minister for Planning and Environment, together with the Minister for Transport and Technical Services, looks into installing multi-compartment bins in public areas to target "on the go" recycling. Such new initiatives would complement some of the laudable schemes that the States departments are presently engaged in, notably the Youth Service initiatives aimed at reducing, preventing and responding to anti-social behaviour and the Eco-Active programme being developed in schools and other organisations. Ultimately, however, while education about the adverse effects of anti-social behaviour is important, it is not enough on its own. A multi-pronged approach is key, with specific community initiatives and continued, even increased, enforcement of the legislation required. Finally and crucially, the sub-panel recognises that if people were more conscious of their environment and felt greater ownership of their community they would be less likely to litter and indulge in anti-social behaviour. As such, there is further work to be done to engage with the wider public as a whole in order to develop a community-focused approach. We thank all those who have contributed to this review and commend our report to the Assembly. **[Approbation]**

**The Deputy Bailiff:**

The statement being made, it is now open to questions.

**5.1.1 The Connétable of St. Mary:**

The rapporteur has highlighted the report's focus on anti-social behaviour, including littering, especially dog fouling, and the report details the health concerns concerning this latter incidence. Will the rapporteur advise me whether he would put as much emphasis on another anti-social aspect, namely spitting in public places, and whether he considers that this should be dealt with just as severely?

**Deputy J.M. Maçon:**

The panel would advise that all elements of anti-social behaviour be taken seriously, whatever they are.

**5.1.2 Deputy P.V.F. Le Claire:**

I would like to congratulate the panel on an excellent piece of work. Can I ask the chairman, in relation to the penultimate sentence it says: "There is further work to be done to engage with the wider public." I have concerns about dogs off leads in town, which is illegal, and also dogs off leads around the reservoirs and the dogs around the reservoirs going into the water. Obviously these are not necessarily policing of parks and beaches but I am wondering ...

**The Deputy Bailiff:**

The sub-panel is not therefore responsible for this.

**Deputy P.V.F. Le Claire:**

No, Sir, so I am wondering whether or not further work might look into these areas.

**Deputy J.M. Maçon:**

Indeed, further work might look into these areas.

**5.1.3 Deputy T.M. Pitman:**

Can I congratulate the chairman on his panel, which I did not participate in. Did the panel investigate whether Deputy Le Claire's previous interest in dog mess might be worth developing, so a Member might have special interest, special responsibility for such matters?

**Deputy J.M. Maçon:**

While the panel did not recommend that a specific Member should have a responsibility for such things, the issue of dog fouling was brought up within our review. It was a concern to members of the public for the health issues which we have touched on. This is why the panel is recommending possibly the establishment of a dog warden role, who would be able to consider the implications of such things.

**5.1.4 Deputy J.B. Fox:**

The Parish of St. Helier, and probably other Parishes as well in popular areas, had a very successful park warden scheme, which was very effective in law and order and covering many of the things that are covered in this report. Was this discussed at the sub-panel with a view to reintroducing such a scheme which could incorporate many of the things that are being suggested at the moment here?

**Deputy J.M. Maçon:**

Under the existing legislation there are provisions where authorised persons within parks can be given certain powers to deal with such things. In fact, our report does discuss the way in which such roles could implement further powers such as the fixed penalties. So, yes, they were discussed at the panel and there are subsequent recommendations.

**5.1.5 Senator F. du H. Le Gresley:**

I would like to congratulate the chairman and the panel on their report. I am a little bit disappointed though that they did not go further with their discussions around the idea of designating beaches specifically for dogs, along the Guernsey model, and I would like to ask the chairman why they did not take that any further.

**Deputy J.M. Maçon:**

That issue was discussed by the panel and in fact we received many public submissions on this matter, although we received contrasting views in that some people wanted to go down the Guernsey model, others did not. We asked the relevant authorities and the issue that we always came back to was what is the most practical way in order to enforce things, and the issue we always came across was, while that might be effective for responsible dog owners, the issue we always deal with is how do we react and respond to irresponsible dog owners and the panel did not have enough evidence to be able to make that recommendation.

**5.1.6 Deputy T.M. Pitman:**

Taking on from Senator Le Gresley, as someone who has taken in a dog since the death of a friend, it just seems bizarre to me that with rain beating down heavily anyone who wants to exercise their dog and not annoying anyone is breaking the law. Did those discussions get enlarged upon to see whether this could be a more practical approach if we cannot go the Guernsey route? Were there views expressed on can we have a practical solution. We do not all want to break the law but who are you hurting if you are walking a dog on a beach with no one else there?

**Deputy J.M. Maçon:**

Yes, I believe this was briefly touched on by the panel, the issue of the restriction on dog beaches and things like that. However, the panel received no evidence to provide any further recommendation.

**5.1.7 Deputy K.C. Lewis:**

I am a dog owner and a particular bugbear of mine is people who do not pick up after their dogs. It is completely unfair to children, senior citizens, wheelchair users and people who may be partially sighted. Does the chairman think that a dog warden would be a step too far? I am in favour of heavy fines but is a dog warden a step too far?

**Deputy J.M. Maçon:**

It is, of course, a recommendation and a consideration which would have to go out to consultation. I would agree with the points made by Deputy Lewis, the discomfort that such behaviour does leave many within our community. However, is the dog warden role too far? The issues that we found were that, given the level of responsibility and priority that this was given, the States of Jersey Police did not rank it very highly and the panel thought that possibly by introducing a new role or extending existing roles through other officers that that might be a way in order to combat this particular area and that is why we have made that recommendation.

**5.1.8 The Connétable of St. Brelade:**

Given that in the 1771 Code, I noted that the Connétables or the Centeniers could issue a fine *sur-le-champ* on the spot for those who languished in cemeteries during the time of Divine Service, [Laughter] could the Chairman just indicate to me how practical he thinks it would be to issue on the spot fines these days?

**Deputy J.M. Maçon:**

We did not decide to go down on-the-spot fines as such. We decided to extend the existing fixed penalty regime because we have found on surveying various jurisdictions such as England and Singapore that because those jurisdictions had a programme of different initiatives that they used, in particular fixed penalties or on-the-spot fines, that is why we brought that recommendation forward as it seemed to prove effective in other jurisdictions and it could possibly be used here.

**5.1.9 The Connétable of Grouville:**

On reading your report, which I did, I noticed that you advocated bringing in a £50 fine for dog infractions. Are you aware there is already a fine in place under the Dogs (Jersey) Law for £500?

**Deputy J.M. Maçon:**

Yes, again it is down to the whole issue of how can we do this proportionally and more practically because the evidence that the panel received was asking different questions about how many times the police and the States had brought these charges forward and the response that we got back was none in living memory and therefore we thought that if we had a more standardised approach, it might be more effective.

**5.1.10 Senator F. du H. Le Gresley:**

I would like to ask the chairman if he or his panel were surprised when they learned from the police that since 2004, they had only received 4 calls from the public concerning littering during that time. Does he perhaps think that the reason people do not report it is because nothing is ever done about it?

**Deputy J.M. Maçon:**

I thank the Senator for his question; he has been most helpful in asking it. Indeed, he is quite right. Many of the public submissions that we received were based on that level of apathy in that when they do report things, either, yes, they do not feel that action has been taken or it is not being taken seriously enough, and that indeed was verified by the information received from the States of Jersey Police. Nevertheless, because we received so many submissions, the panel is able to state that we do believe it is an issue which the community takes seriously.

**5.1.11 Connétable J.L.S. Gallichan of Trinity:**

On dog wardens, did the panel consider using the countryside rangers that we have employed to police the paths along the coast?

**Deputy J.M. Maçon:**

No, we did not specifically look at that particular role. However, in discussion, we do make the point that these powers could be introduced to other roles and there would be nothing barring that.

**The Deputy Bailiff:**

Well, Chairman, that brings the dogged questioning to an end. [Laughter]